



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 16

#### ADVERTISING

#### **328 Regulations**

- (1) The Secretary of State may make regulations controlling the advertising of gambling.
- (2) The regulations may, in particular, make provision about—
  - (a) the form of advertisements;
  - (b) the content of advertisements;
  - (c) timing;
  - (d) location.
- (3) Regulations by virtue of subsection (2)(b) may, in particular, require specified words to be included in advertisements.
- (4) In making regulations under this section the Secretary of State shall, in particular, have regard to the need to protect children and other vulnerable persons from being harmed or exploited by gambling.
- (5) A person commits an offence if he contravenes a requirement of regulations under this section.
- (6) Regulations under this section may provide defences (whether similar to those provided by section 330 or otherwise).
- (7) A person guilty of an offence under subsection (5) shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.

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*Status: This is the original version (as it was originally enacted).*

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- (8) Where a person commits an offence under this section by causing an advertisement to be displayed or made accessible, he shall be treated as committing the offence on each day during any part of which the advertisement is displayed or made accessible.
- (9) Regulations under this section may, in particular, make provision generally or by reference to—
- (a) specified classes of gambling,
  - (b) specified classes of advertisement, or
  - (c) activity undertaken in or in connection with specified places.
- (10) In the application of subsection (7) to Scotland the reference to 51 weeks shall have effect as a reference to six months.