



# Betting, Gaming and Lotteries Act 1963

## 1963 CHAPTER 2

### PART II

#### GAMING

#### **32 General provisions as to gaming**

- (1) Subject to the provisions of this Act, any gaming shall be lawful if, but only if, it is conducted in accordance with the following conditions, that is to say—
- (a) that either—
    - (i) the chances in the game are equally favourable to all the players ; or
    - (ii) the gaming is so conducted that the chances therein are equally favourable to all the players: and
  - (b) that no money or money's worth which any of the players puts down as stakes, or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than by payment to a player as winnings; and
  - (c) that no other payment in money or money's worth is required for a person to take part in the gaming.
- (2) If in any proceedings under 'this section evidence is adduced that gaming took place on any premises and either—
- (a) that the game was, or was a variant of or of a similar nature to, a game which is capable of being played in accordance with the ordinary rules thereof in such a manner that the chances therein are not equally favourable to all the players, and that ten or more persons were present at the gaming; or
  - (b) that a payment of money or money's worth was required in order to obtain access to the premises,

then, subject to section 36 of this Act, it shall be held that the gaming was unlawful gaming unless it is proved that the gaming was conducted in accordance with the conditions set out in subsection (1) of this section.

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- (3) Subject to the provisions of this Act, no gaming shall take place at which any person under the age of eighteen years is included among the players, except where both the following conditions are satisfied, that is to say—
- (a) that the gaming takes place in a private dwelling-house or in the presence of a parent or guardian of that person; and
  - (b) that any such person taking part in the gaming does so with the permission, whether general or special, of a parent or guardian of that person.
- (4) If any gaming takes place on any premises—
- (a) which is by virtue of subsection (1) of this section, or is held in pursuance of subsection (2) of this section to have been, unlawful gaming; or
  - (b) which contravenes subsection (3) of this section,
- any person concerned in the organisation or management of the gaming, and any other person who, knowing or having reasonable cause to suspect that unlawful gaming or gaming in contravention of the said subsection (3) would take place on those premises—
- (i) allowed the premises to be used for the purposes of gaming; or
  - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the gaming has been committed,
- shall be guilty of an offence; and for the purposes of this subsection any person who took part in procuring the assembly of the players shall be deemed to have been concerned in the organisation of the gaming.
- (5) Any person who is present at any gaming such as is mentioned in subsection (4) (a) or (b) of this section for the purposes of taking part therein shall be liable on summary conviction to a fine not exceeding fifty pounds:
- Provided that, for the purposes of any proceedings under this subsection in respect of gaming such as is mentioned in the said subsection (4)(a), subsection (1)(c) of this section shall be deemed to be omitted if the person charged proves that he was not required to make, or to undertake to make, any payment such as is mentioned in the said subsection (1)(c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.
- (6) For the purposes of the last foregoing subsection, proof that any person was present at any gaming shall be evidence that he was present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gaming, operating any instrument or other thing whatsoever used in connection with the gaming, or making bets with respect to the gaming.
- (7) In any proceedings in respect of a contravention of subsection (3) of this section in the case of any gaming, it shall be a defence to prove that the person charged neither knew nor had reasonable cause to suspect that any of the players was under the age of eighteen years.
- (8) In the application of this section to Scotland—
- (a) in subsection (2), for the words " evidence is adduced " there shall be substituted the words " it is proved ";
  - (b) subsection (6) shall not apply, but, in any proceedings in Scotland under subsection (5), if any person is proved to have been present at the gaming to which the proceedings relate, that person shall be held to have been present

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for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gaming, operating any instrument or other thing whatsoever used in connection with the gaming, or making bets with respect to the gaming.