



# Gaming Act 1968 (repealed)

## 1968 CHAPTER 65

### Textual Amendments applied to the whole legislation

- F1** Act repealed (1.10.2005 for purposes of the repeal of s. 10, Sch. 1) by [Gambling Act 2005 \(c. 19\)](#), ss. 356(3), 358(1), [Sch. 17](#) (with ss. 352, 354); S.I. 2005/2455, art. 2(1), Sch.

## PART I

### GAMING ELSEWHERE THAN ON PREMISES LICENSED OR REGISTERED UNDER PART II OF THIS ACT

#### 1 Gaming to which Part I applies.

- (1) Except as provided by the next following subsection, this Part of this Act applies to all gaming which takes place elsewhere than on premises in respect of which either—
- (a) a licence under this Act is for the time being in force, or
  - (b) a club or a miners' welfare institute is for the time being registered under Part II of this Act.
- (2) This Part of this Act does not apply to—
- (a) gaming by means of any machine to which Part III of this Act applies, or
  - (b) gaming to which section 41 of this Act applies, or
  - (c) gaming which constitutes the provision of amusements with prizes [<sup>F1</sup>as mentioned in section 15(1) or 16(1) of the <sup>M1</sup>Lotteries and Amusements Act 1976].

### Textual Amendments

- F1** Words substituted by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 4 para. 1](#)

### Marginal Citations

- M1** 1976 c. 32.

*Status: Point in time view as at 24/11/2005.*

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## 2 Nature of game.

- (1) Subject to the following provisions of this section, no gaming to which this Part of this Act applies shall take place where any one or more of the following conditions are fulfilled, that is to say—
- (a) the game involves playing or staking against a bank, whether the bank is held by one of the players or not;
  - (b) the nature of the game is such that the chances in the game are not equally favourable to all the players;
  - (c) the nature of the game is such that the chances in it lie between the player and some other person, or (if there are two or more players) lie wholly or partly between the players and some other person, and those chances are not as favourable to the player or players as they are to that other person.
- (2) The preceding subsection shall not have effect in relation to gaming which takes place on a domestic occasion in a private dwelling, and shall not have effect in relation to any gaming where the gaming takes place in a hostel, hall of residence or similar establishment which is not carried on by way of a trade or business and the players consist exclusively or mainly of persons who are residents or inmates in that establishment.

## 3 No charge for taking part in gaming.

- (1) Subject to the following provisions of this section, no gaming to which this Part of this Act applies shall take place in circumstances where (apart from any stakes hazarded) a charge, in money or money's worth, is made in respect of that gaming.
- (2) Subject to the next following subsection, any admission charge shall, unless the contrary is proved, be taken to be a charge made as mentioned in subsection (1) of this section.
- (3) For the purposes of this section a payment which constitutes payment of, or of a quarterly or half-yearly instalment of, an annual subscription to a club, or which constitutes payment of an entrance subscription for membership of a club, shall not be taken to be a charge made as mentioned in subsection (1) of this section:
- Provided that this subsection shall not apply to a club unless it is shown that the club is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character, and, in relation to an entrance subscription, shall not apply unless it is shown that the payment is not made in respect of temporary membership of the club.
- (4) The preceding provisions of this section shall have effect subject to section 40 of this Act.

### Modifications etc. (not altering text)

- C1** S. 3 excluded by (E.W.) S.I. 1984/248, regs. 5(1), 6(1) and (S.) S.I. 1984/470, regs. 5(1), 6(1) (as those S.Is. are amended (26.4.2000) by S.I. 2000/899, reg. 3)

*Status: Point in time view as at 24/11/2005.**Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)***4 No levy on stakes or winnings.**

Without prejudice to the generality of section 3 of this Act, no gaming to which this Part of this Act applies shall take place where a levy is charged on any of the stakes or on the winnings of any of the players, whether by way of direct payment or deduction, or by the exchange of tokens at a lower rate than the rate at which they were issued, or by any other means.

**5 Gaming in public places.**

- (1) No person shall take part in gaming to which this Part of this Act applies—
- (a) in any street, or
  - (b) (subject to the next following section) in any other place to which, whether on payment or otherwise, the public have access.

[<sup>F2</sup>(2) A constable may arrest without warrant anyone whom he finds in a street, or in any such place as is mentioned in paragraph (b) of the preceding subsection, and whom he suspects, with reasonable cause, to be taking part in gaming there in contravention of that subsection.]

- (3) For the purposes of this section—
- (a) “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public, and, in the application of this section to Scotland, includes also any common close or common stair; and
  - (b) the doorways and entrances of premises abutting upon, and any ground adjoining and open to, a street shall be treated as forming part of the street.

**Textual Amendments**

**F2** S. 5(2) repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. I](#)

**6 General provisions as to gaming on premises licensed for retail sale of liquor.**

- (1) The restriction imposed by section 5(1) of this Act does not apply—
- (a) to the playing of dominoes or cribbage on any premises to which this section applies, or
  - (b) in the case of any particular premises to which this section applies, to the playing of any other game which is authorised to be played on those premises by an order under subsection (3) of this section which is for the time being in force.

[<sup>F3</sup>(2) [<sup>F4</sup>This section applies to any premises in England and Wales—

- (a) in respect of which a premises licence under Part 3 of the Licensing Act 2003 (c. 17) has effect,
- (b) which contain a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food), and
- (c) at a time when alcohol may be supplied in reliance on the premises licence under Part 3 of the Licensing Act 2003.]

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- (2A) This section also applies to any premises in Scotland in respect of which a hotel licence or public house licence under the Licensing (Scotland) Act 1976 is in force.]
- (3) On the application—
- [<sup>F5</sup>(a) of the holder of the licence which has effect in respect of any premises to which this section applies,]
- (b) ..... <sup>F6</sup>
- [<sup>F7</sup>the relevant licensing authority, or, in Scotland, the licensing board for the licensing area in which the premises are situated,] may by order authorise the playing on those premises of a game specified in the order, other than dominoes and cribbage.
- (4) In respect of any premises to which this section applies [<sup>F8</sup>the relevant licensing authority, or, in Scotland, the licensing board for the licensing area in which the premises are situated,] may by order impose such requirements or restrictions with respect to gaming by the playing of dominoes or cribbage, or of any game authorised by virtue of subsection (3) of this section, in a part of those premises to which the public have access as [<sup>F9</sup>the authority] or [<sup>F10</sup>board] may consider necessary to secure that any such gaming in that part of the premises does not take place—
- (a) for high stakes, or
- (b) in such circumstances as to constitute an inducement to persons to resort to the premises primarily for the purpose of taking part in any such gaming.
- (5) Where an order under subsection (3) or subsection (4) of this section has been made by [<sup>F11</sup>a licensing authority or a licensing board, the authority or board] may at any time revoke or vary the order by a subsequent order.
- (6) On making any order under this section [<sup>F12</sup>the relevant licensing authority or the] licensing [<sup>F10</sup>board] shall give notice of the making of the order—
- [<sup>F13</sup>(a) to the holder of the licence,]
- (b) ..... <sup>F14</sup>
- and shall send a copy of the notice to the chief officer of police, or, in Scotland, the chief constable, for [<sup>F15</sup>each police area] in which the premises are situated; and any such order shall come into force on the giving of the notice to the holder of the licence . . . <sup>F16</sup>, . . . <sup>F17</sup>, and, subject to any subsequent order revoking or varying it, shall continue in force so long as the premises continue to be premises to which this section applies.
- (7) Nothing in this section, or in any order made under this section, shall be construed as affecting the operation of sections 2 to 4 of this Act in relation to gaming on any premises to which this section applies.
- [<sup>F18</sup>(7A) A function conferred by this section on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.]
- [<sup>F19</sup>(8) In this section—
- “licensing area” has the same meaning as in the Licensing (Scotland) Act 1976,
- “licensing authority” and “premises licence” have the same meaning as in the Licensing Act 2003,

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“relevant licensing authority”, in relation to premises in respect of which a premises licence has effect, means the authority determined in relation to those premises in accordance with section 12 of that Act, and

“supply of alcohol” has the meaning given in section 14 of that Act.]

**Textual Amendments**

- F3** S. 6(2)(2A) substituted for s. 6(2) (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(2)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F4** S. 6(2) substituted (24.11.2005) by **Gambling Act 2005** (c. 19), s. 358(1), **Sch. 16 para. 3(2)** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(2)
- F5** S. 6(3)(a) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(3)(a)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F6** S. 6(3)(b) and the preceding “or” repealed by **Statute Law (Repeals) Act 1986** (c. 12), s. 1(1), **Sch. 1 Pt. XIII**
- F7** Words in s. 6(3) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(3)(b)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F8** Words in s. 6(4) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(4)(a)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F9** Words in s. 6(4) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(4)(b)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F10** Word substituted (S.) by **Licensing (Scotland) Act 1976** (c. 66) Sch. 7 para. 9(b)-(e)
- F11** Words in s. 6(5) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(5)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F12** Words in s. 6(6) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(6)(a)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F13** S. 6(6)(a) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(6)(b)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F14** Paragraph(b) and the preceding “or” repealed by **Statute Law (Repeals) Act 1986** (c. 12), s. 1(1), **Sch. 1 Pt. XIII**
- F15** Words in s. 6(6) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(6)(c)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F16** Words repealed (S.) by **Licensing (Scotland) Act 1976** (c. 66), **Sch. 8**
- F17** Words repealed by **Statute Law (Repeals) Act 1986** (c. 12), s. 1(1), **Sch. 1 Pt. XIII**
- F18** S. 6(7A) inserted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(7)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)
- F19** S. 6(8) substituted (24.11.2005) by **Licensing Act 2003** (c. 17), s. 201(2), **Sch. 6 para. 49(8)** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2) (with art. 3, Sch.)

**7 Special provisions as to persons under 18.**

- (1) No person under eighteen shall take part in gaming to which this Part of this Act applies on any premises to which section 6 of this Act applies.
- [<sup>F20</sup>(2) Neither the holder of the licence which has effect in respect of premises to which section 6 applies, nor anybody employed by him, may knowingly allow a person under 18 to take part on those premises in gaming to which this Part applies.]
- (3) ..... **F21**
- (4) ..... **F21**

*Status: Point in time view as at 24/11/2005.*

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#### Textual Amendments

- F20** S. 7(2) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 50](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)
- F21** S. 7(3)(4) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. XIII](#)

## 8 Offences under Part I.

- (1) If any gaming takes place in contravention of any of the provisions of sections 2 to 4 of this Act, every person concerned in the organisation or management of the gaming shall be guilty of an offence.
- (2) For the purposes of the preceding subsection any person who takes part in procuring the assembly of the players shall be taken to be concerned in the organisation of the gaming.
- (3) Without prejudice to the preceding provisions of this section, where any gaming takes place on any premises, or in any vessel or vehicle, in contravention of any of the provisions of sections 2 to 4 of this Act, any person who, knowing or having reasonable cause to suspect that the premises, vessel or vehicle would be used for gaming in contravention of any of those provisions,—
  - (a) allowed the premises, vessel or vehicle to be used for the purposes of gaming to which this Part of this Act applies, or
  - (b) let, or let on hire, the premises, vessel or vehicle, or otherwise made the premises, vessel or vehicle available, to any person by whom an offence under subsection (1) of this section is committed in connection with the gaming,
 shall be guilty of an offence.
- (4) Any person guilty of an offence under subsection (1) or subsection (3) of this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding £400;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (5) Any person who contravenes section 5(1) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F22</sup>level 4 on the standard scale].
- (6) Any person who contravenes section 7(1) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F23</sup>level 1 on the standard scale].
- [<sup>F24</sup>(7) Any person who contravenes section 7(2) is guilty of an offence and—
  - (a) where the offence is committed in England and Wales, the person is liable on summary conviction to a fine not exceeding level 5 on the standard scale, and
  - (b) where the offence is committed in Scotland, the provisions of Schedule 5 to the Licensing (Scotland) Act 1976 are to have effect as they have effect in relation to a contravention of section 68(1) of that Act.]

#### Textual Amendments

- F22** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#) and by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 3\(1\), Sch. 2 Pt. II](#) it is provided (S.) (1.4.1996) that s. 8(5) shall have effect as if the maximum

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fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50.

- F23** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G
- F24** S. 8(7) substituted (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), Sch. 6 para. 51 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

## PART II

### GAMING ON PREMISES LICENSED OR REGISTERED UNDER THIS PART OF THIS ACT

#### 9 Gaming to which Part II applies.

This Part of this Act applies to all gaming which takes place on premises in respect of which either—

- (a) a licence under this Act is for the time being in force, or
- (b) a club or a miners' welfare institute is for the time being registered under this Part of this Act,

and which is not gaming by means of any machine to which Part III of this Act applies.

#### <sup>F25</sup>10 Gaming Board for Great Britain.

.....

#### Textual Amendments

- F25** S. 10 repealed (1.10.2005) by Gambling Act 2005 (c. 19), ss. 21(1), 358(1), Sch. 17 (with ss. 352, 354); S.I. 2005/2455, art. 2(1), Sch.

#### 11 Provisions as to licensing and registration.

- (1) The provisions of Schedule 2 to this Act shall have effect with respect to the licensing of premises under this Act.
- (2) The provisions of Schedule 3 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in England and Wales, and the provisions of Schedule 4 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in Scotland.

#### 12 Who may participate in gaming to which Part II applies.

- (1) Where gaming to which this Part of this Act applies takes place on any premises, then, subject to the following provisions of this section, no person shall participate in the gaming—
  - (a) if he is not present on the premises at the time when the gaming takes place there, or
  - (b) on behalf of another person who is not present on the premises at that time.

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(2) Where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, then, subject to the following provisions of this section, no person shall participate in the gaming unless either—

- (a) he is a member of the club specified in the licence who, at the time when he begins to take part in the gaming, is eligible to take part in it, or
- (b) he is a bona fide guest of a person who is a member of that club and who, at the time when the guest begins to take part in the gaming, is eligible to take part in it,

and neither the holder of the licence nor any person acting on his behalf or employed on the premises in question shall participate in the gaming.

[<sup>F26</sup>(3) For the purposes of subsection (2) of this section a member of the club specified in the licence is eligible to take part in the gaming at any particular time if—

- (a) he was admitted to membership of the club in pursuance of an application in writing—
  - (i) made by him in person on the premises, or
  - (ii) sent by him to those premises,

<sup>F27</sup> ...

- (b) since becoming a member, he has given notice in writing in person on the premises of his intention to take part in gaming on the premises—
  - (i) to the holder of the licence, or
  - (ii) to a person acting on behalf of the holder of the licence,

<sup>F28</sup> ...

- (c) since becoming a member, he has sent notice in writing of his intention to take part in gaming on those premises to the holder of the licence, <sup>F29</sup> ...]

(4) Where gaming takes place on premises in respect of which a licence under this Act is for the time being in force, and consists of a game which involves playing or staking against a bank, nothing in subsection (1) or subsection (2) of this section shall prevent the holder of the licence or a person acting on his behalf from holding the bank or having a share or interest in it.

(5) For the purposes of subsection (2) of this section a person shall not be precluded from being a bona fide guest as mentioned in paragraph (b) of that subsection by reason only that he makes a payment which is lawfully required in accordance with section 14 of this Act.

(6) Where gaming to which this Part of this Act applies takes place on premises in respect of which a club or miners' welfare institute is for the time being registered under this Part of this Act, no person shall participate in the gaming unless either—

- (a) he is a member of the club or institute and there has been an interval of at least forty-eight hours between the time when he applied or was nominated for membership of the club or institute and the time when he begins to take part in the gaming, or
- (b) he is a bona fide guest of a person who is a member of the club or institute and there has been an interval of at least forty-eight hours between the time when that person applied or was nominated for membership of the club or institute and the time when the guest begins to take part in the gaming;

and for the purposes of paragraph (b) of this subsection a person shall be taken not to be a bona fide guest if he himself makes any payment required for enabling him



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to obtain access to the premises, or to a part of them which is a part in which the gaming takes place, or if (apart from any stakes hazarded and the payment of any losses incurred by him in the gaming) he makes any payment in money or money's worth in respect of the gaming.

- (7) For the purposes of this section a person participates in the gaming if—
- (a) he takes part in the gaming as a player, or
  - (b) where the game involves playing or staking against a bank, he holds the bank or has a share or interest in it.
- (8) The preceding provisions of this section shall have effect subject to section 20 of this Act.

#### Textual Amendments

- F26** S. 12(3) substituted (24.8.1999) by S.I. 1999/2136, **art. 3**
- F27** Words in s. 12(3)(a) repealed (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), Sch. 16 para. 3(3) (a), **Sch. 17** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.
- F28** Words in s. 12(3)(b) repealed (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), Sch. 16 para. 3(3) (b), **Sch. 17** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.
- F29** Words in s. 12(3)(c) repealed (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), Sch. 16 para. 3(3) (c), **Sch. 17** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.

#### Modifications etc. (not altering text)

- C2** S. 12 modified by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 2(1)**

### 13 Restrictions on games to be played.

- (1) Subject to the next following subsection, no gaming to which this Part of this Act applies shall take place where any one or more of the conditions specified in section 2(1) of this Act are fulfilled.
- (2) Regulations made under this section may provide that the preceding subsection shall not have effect in relation to any gaming if the game played is of a kind specified in the regulations and is so played as to comply with such conditions (if any) as may be prescribed by the regulations in relation to that kind of game.

#### Modifications etc. (not altering text)

- C3** S. 13(1) excluded (13.5.2002) by The Gaming Clubs (Bankers' Games) Regulations 1994 (S.I. 1994/2899), reg. 11(1) (as inserted by The Gaming Clubs (Bankers' Games) (Amendment) Regulations 2002 (S.I. 2002/1130), **reg. 2(7)**)
- S. 13(1) excluded (13.5.2002) by The Gaming Clubs (Bankers' Games) Regulations 1994 (S.I. 1994/2899), reg. 12(1) (as inserted by The Gaming Clubs (Bankers' Games) (Amendment) Regulations 2002 (S.I. 2002/1130), **reg. 2(7)**)
- S. 13(1) excluded (13.5.2002) by The Gaming Clubs (Bankers' Games) Regulations 1994 (S.I. 1994/2899), reg. 13(2) (as inserted by The Gaming Clubs (Bankers' Games) (Amendment) Regulations 2002 (S.I. 2002/1130), **reg. 2(7)**)

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## 14 Charges for taking part in gaming.

- (1) Subject to the following provisions of this section, section 3 of this Act shall have effect in relation to gaming to which this Part of this Act applies as it has effect in relation to gaming to which Part I of this Act applies.
- (2) Regulations made under this section may provide that charges which, apart from the regulations, would be prohibited by section 3 of this Act as applied by the preceding subsection may be made as follows, that is to say—
  - (a) where the gaming takes place on premises in respect of which a licence under this Act is for the time being in force, such charges may, in such circumstances as may be prescribed by the regulations, be made if they comply with such conditions as are so prescribed;
  - (b) where the gaming takes place on premises in respect of which a club or a miners' welfare institute is for the time being registered under this Part of this Act, such charges may, in such circumstances as may be prescribed by the regulations, be made at a rate not exceeding the rate so prescribed.
- (3) Without prejudice to the application of section 51(3) of this Act, regulations made for the purposes of subsection (2)(a) of this section may enable different charges to be made in respect of different facilities (whether provided in different parts of the same premises or by way of different games or of the same game played at different tables or otherwise) or in respect of gaming facilities provided on any premises during different sessions of play.
- (4) No charge shall be made in accordance with subsection (2)(a) of this section unless particulars of the charges and of the circumstances in which they are chargeable—
  - (a) are displayed on the premises, <sup>F30</sup> . . .
  - (b) <sup>F30</sup> . . . . .
 and, if the regulations so provide, those particulars comprise such matters as the regulations prescribe and are displayed on the premises in a manner, and in positions, determined in accordance with the regulations.

### Textual Amendments

**F30** S. 14(4)(b) and the word "and" preceding it omitted (29.3.2002) by virtue of [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 2](#)

## 15 Levy on stakes or winnings.

- (1) Subject to the next following subsection, section 4 of this Act shall have effect in relation to gaming to which this Part of this Act applies as it has effect in relation to gaming to which Part I of this Act applies.
- (2) Regulations made under this section may provide that, where any gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, a levy, of such amount or calculated in such manner as may be prescribed, may in prescribed circumstances be charged on the stakes or on the winnings of the players.

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## 16 Provision of credit for gaming.

- (1) Subject to [<sup>F31</sup>subsections [<sup>F32</sup>(2) to (2A)] of this section], where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall make any loan or otherwise provide or allow to any person any credit, or release, or discharge on another person's behalf, the whole or part of any debt,—
- (a) for enabling any person to take part in the gaming, or
  - (b) in respect of any losses incurred by any person in the gaming.
- (2) Neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall accept a cheque and give in exchange for it cash or tokens for enabling any person to take part in the gaming unless the following conditions are fulfilled, that is to say—
- (a) the cheque is not a post-dated cheque, and
  - (b) it is exchanged for cash to an amount equal to the amount for which it is drawn, or is exchanged for tokens at the same rate as would apply if cash, to the amount for which the cheque is drawn, were given in exchange for them;
- but, where those conditions are fulfilled, the giving of cash or tokens in exchange for a cheque shall not be taken to contravene subsection (1) of this section.
- [<sup>F33</sup>(2ZA) Neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall accept a debit card payment and give in exchange for it cash or tokens for enabling any person to take part in the gaming unless the following conditions are fulfilled, that is to say—
- (a) the payment is exchanged for cash to an amount equal to the amount of the payment, or is exchanged for tokens at the same rate as would apply if cash, to the amount of the payment, were given in exchange for them, and
  - (b) the payment has been authorised by the holder of the card and by or on behalf of the issuer of the card;
- but where those conditions are fulfilled, the giving of cash or tokens in exchange for a debit card payment shall not be taken to contravene subsection (1) above.]
- [<sup>F34</sup>(2A) Neither the holder of a licence under this Act nor any person acting on his behalf or under any arrangement with him shall permit to be redeemed any cheque (not being a cheque which has been dishonoured) accepted in exchange for cash or tokens for enabling any person to take part in gaming to which this Part of this Act applies unless the following conditions are fulfilled, that is to say—
- (a) the cheque is redeemed by the person from whom it was accepted giving in exchange for it cash, or tokens, or a substitute cheque, [<sup>F35</sup>or a debit card payment,] or any combination of these, to an amount equal to the amount of the redeemed cheque or (where two or more cheques are redeemed) the aggregate amount of the redeemed cheques;
  - (b) it is redeemed during the playing session in which it was accepted, or within thirty minutes after the end of the session;
  - (c) where a substitute cheque is given in whole or in part exchange for the redeemed cheque the substitute cheque is not a post-dated cheque; <sup>F36</sup> . . .
  - (d) where tokens are given in whole or in part exchange for the redeemed cheque, the value of each token is equal to the amount originally given in exchange for it or, if the token was won in the gaming, the value it represented when won; [<sup>F37</sup> and

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- (e) where a debit card payment is given in whole or in part exchange for the redeemed cheque, the payment has been authorised by the holder of the card and by or on behalf of the issuer of the card;]

but, where those conditions are fulfilled, the return of a redeemed cheque in exchange for cash, or tokens, or a substitute cheque, [<sup>F35</sup>or a debit card payment,] or any combination of these, shall not be taken to contravene subsection (1) of this section.]

- (3) Where the holder of a licence under this Act, or a person acting on behalf of or under any arrangement with the holder of such a licence, accepts a cheque in exchange for cash or tokens to be used by a player in gaming to which this Part of this Act applies [<sup>F38</sup>or a substitute cheque], he shall not more than two banking days later cause the cheque to be delivered to a bank for payment or collection.

[<sup>F39</sup>(3A) Subsection (3) of this section shall not apply to a redeemed cheque.]

[<sup>F40</sup>(3B) Where the holder of a licence under this Act, or a person acting on behalf of or under any arrangement with the holder of such a licence, accepts a debit card payment in exchange for cash or tokens to be used by a player in gaming to which this Part of this Act applies, or a substitute debit card payment, he shall not more than two banking days later do whatever is required under his arrangements with the issuer of the card to secure that he is credited with the amount of the payment.]

- (4) Nothing in the <sup>M2</sup>Gaming Act 1710, the <sup>M3</sup>Gaming Act 1835, the <sup>M4</sup>Gaming Act 1845 or the <sup>M5</sup>Gaming Act 1892 shall affect the validity of, or any remedy in respect of, any cheque [<sup>F41</sup>or debit card payment] which is accepted in exchange for cash or tokens to be used by a player in gaming to which this Part of this Act applies [<sup>F42</sup>or any substitute cheque [<sup>F43</sup>or substitute debit card payment].]

- (5) In this section “banking day” means a day which is a business day in accordance with section 92 of the <sup>M6</sup>Bills of Exchange Act 1882

[<sup>F44</sup>“debit card” means a card which may be used as a means of payment under arrangements which do not provide for the extension of credit to the cardholder, but provide for amounts paid by means of the card to be debited to a specified account in his name (or in his name jointly with one or more others);

“debit card payment” means a payment by means of a debit card;]

[<sup>F45</sup>“playing session” means a continuous period during one day, or two consecutive days, throughout which gaming is permitted by or under this Act to take place on premises in respect of which a licence under this Act is for the time being in force;

“redeemed cheque” means a cheque accepted in fulfilment of the conditions specified in subsection (2) of this section and returned to the person from whom it was accepted in fulfilment of the conditions specified in subsection (2A) of this section;

“substitute cheque” means a cheque accepted in accordance with subsection (2A) of this section by either the holder of a licence under this Act or a person acting on behalf of or under any arrangement with the holder of such a licence.]

[<sup>F46</sup>“substitute debit card payment” means a debit card payment accepted in accordance with subsection (2A) of this section by either the holder of a licence under this Act or a person acting on behalf of or under any arrangement with the holder of such a licence]

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**Textual Amendments**

- F31** Words inserted by [Gaming \(Amendment\) Act 1986](#) (c. 11, SIF 12:1), **s. 1(2)**
- F32** Words in [s. 16\(1\)](#) substituted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(2)**
- F33** [S. 16\(2ZA\)](#) inserted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(3)**
- F34** [S. 16\(2A\)](#) inserted by [Gaming \(Amendment\) Act 1986](#) (c. 11, SIF 12:1), **s. 1(3)**
- F35** [S. 16](#): words in para. (a) and in the words following para. (d) in subsection (2A) inserted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(4)(a)**
- F36** Word at the end of para. (c) in [s. 16\(2A\)](#) omitted (19.4.1997) by virtue of [S.I. 1997/1075](#), **art. 3(4)(b)**
- F37** [S. 16\(2A\)\(e\)](#) and the word "and" preceding it inserted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(4)(c)**
- F38** Words inserted by [Gaming \(Amendment\) Act 1986](#) (c. 11, SIF 12:1), **s. 1(4)**
- F39** [S. 16\(3A\)](#) inserted by [Gaming \(Amendment\) Act 1986](#) (c. 11, SIF 12:1), **s. 1(5)**
- F40** [S. 16\(3B\)](#) inserted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(5)**
- F41** Words in [s. 16\(4\)](#) inserted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(6)(a)**
- F42** Words inserted by [Gaming \(Amendment\) Act 1986](#) (c. 11, SIF 12:1), **s. 1(6)**
- F43** Words in [s. 16\(4\)](#) inserted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(6)(b)**
- F44** Definitions in [s. 16\(5\)](#) inserted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(7)(a)**
- F45** Words inserted by [Gaming \(Amendment\) Act 1986](#) (c. 11, SIF 12:1), **s. 1(7)**
- F46** Definition in [s. 16\(5\)](#) inserted (19.4.1997) by [S.I. 1997/1075](#), **art. 3(7)(b)**

**Marginal Citations**

- M2** 1710 c. 19.
- M3** 1835 c. 41.
- M4** 1845 c. 109.
- M5** 1892 c. 9.
- M6** 1882 c. 61.

**17 Exclusion of persons under 18.**

Except as provided by section 20 or section 21 of this Act, no person under eighteen shall be present in any room while gaming to which this Part of this Act applies takes place in that room.

**18 Gaming on Sundays.**

[<sup>F47</sup>(1) <sup>F48</sup> . . . no gaming shall take place on any Sunday between the hours of four in the morning and two in the afternoon on any premises in respect of which a licence under this Act is for the time being in force]

<sup>F49</sup>(2) . . . . .  
(3) . . . . . <sup>F50</sup>

**Textual Amendments**

- F47** [S. 18\(1\)](#) substituted by [Gaming \(Amendment\) Act 1987](#) (c. 11, SIF 12:1), **s. 1(2)**
- F48** Words in [s. 18\(1\)](#) repealed (15.4.1997) by [S.I. 1997/941](#), **art. 2(1)(a)**
- F49** [S. 18\(2\)](#) repealed (15.4.1997) by [S.I. 1997/941](#), **art. 2(1)(b)**
- F50** [S. 18\(3\)](#) repealed by [Gaming \(Amendment\) Act 1987](#) (c. 11, SIF 12:1), **s. 1(4)**

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## **19 Approval by Board of certain persons connected with gaming.**

- (1) Where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, no person shall in pursuance of any service agreement perform any function to which this subsection applies unless a certificate has been issued by the Board, and is for the time being in force, certifying that he has been approved by the Board under this section in respect of the performance of that function on those premises.
- (2) Subsection (1) of this section applies to any function which is performed on the premises in question and consists of—
  - (a) taking part in the gaming as a player, or
  - (b) assisting the gaming by operating or handling any apparatus, cards, tokens or other articles used in the gaming, or
  - (c) issuing, receiving or recording cash or tokens used in the gaming or cheques given in respect of any such cash or tokens or in respect of sums won or lost in the gaming, or
  - (d) watching (otherwise than as manager, organiser or supervisor) the gaming or the performance by any person in pursuance of any service agreement of any function falling within paragraphs (a) to (c) of this subsection.
- (3) In the case of any premises in respect of which a licence under this Act is for the time being in force, the Board may serve a notice under this subsection on any person (whether the holder of the licence or not) appearing to the Board to be acting in any capacity as manager, organiser or supervisor in relation to the gaming or in relation to persons who in pursuance of service agreements perform any functions to which subsection (1) of this section applies.
- (4) A notice served under the last preceding subsection in the case of any premises shall require the person on whom it is served, before the end of such period (not being less than twenty-one days from the date of service of the notice) as may be specified in the notice, to obtain the approval of the Board to his acting in relation to those premises in any such capacity as is mentioned in the last preceding subsection; and, after the end of that period, the person on whom the notice is served shall not act in any such capacity in relation to those premises unless a certificate has been issued by the Board, and is for the time being in force, certifying that he has been approved by the Board under this section for acting in that capacity in relation to those premises.
- (5) The provisions of Part I of Schedule 5 to this Act shall have effect with respect to applications to the Board for certificates of approval under this section and with respect to the issue and revocation of such certificates.
- (6) An application made to the Board for the issue of a certificate of approval shall, in such circumstances and to such extent as is provided by Part II of Schedule 5 to this Act, have effect for the purposes of this section as if it were a certificate of approval issued by the Board, and for the time being in force, under this section.
- (7) In this section “service agreement” means any contract of service or of apprenticeship and any contract or arrangement for the rendering of services which is not a contract of service or of apprenticeship.

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## **20 Special provisions as to bingo clubs.**

- (1) This section applies to any club specified in a licence under this Act where, by virtue of any restrictions which, on the grant or renewal of the licence, were imposed under paragraph 25 of Schedule 2 to this Act and are for the time being in force, gaming to which Part II of this Act applies is limited to the playing of bingo; and in this Part of this Act “bingo club premises” means premises in respect of which a licence under this Act is for the time being in force, where the club specified in the licence is one to which this section applies.
- (2) Where a game of bingo is played simultaneously on different bingo club premises in circumstances where—
  - (a) all the players take part in the same game at the same time and all are present at that time on one or other of those premises, and
  - (b) the draw takes place on one or other of those premises while the game is being played, and
  - (c) any claim of one of the players to have won is indicated to all the other players before the next number is called,then, if the conditions specified in the next following subsection are fulfilled, section 12(1) of this Act shall have effect in relation to that game as if those different premises were the same premises.
- (3) The conditions referred to in subsection (2) of this section, in relation to a game of bingo played simultaneously on different premises, are that—
  - (a) the aggregate amount paid to players as winnings in respect of that game does not exceed the aggregate amount of the stakes hazarded by the players in playing that game, and
  - (b) the aggregate amount paid to players as winnings in respect of that game, together with the aggregate amount paid to players as winnings in respect of all games of bingo which, in the circumstances specified in that subsection, have previously been played in the same week and have been so played on premises consisting of, or including any of, those premises, does not exceed £1,000

[<sup>F51</sup>Provided that the Secretary of State may by order provide that this subsection shall have effect with the substitution, for the reference to £1,000, of a reference to such other sum as may be specified in the order.]

- (4) Where subsection (2) of this section has effect in relation to a game of bingo played simultaneously on different premises, then, for the purposes of the application of subsections (2) and (3) of section 12 of this Act in relation to each of those premises, regard shall be had only to such of the players as are present on those particular premises.

[<sup>F52</sup>(5) Section 12(3) shall not apply in relation to any club to which this section applies.]

- (6) In relation to gaming which takes place on bingo club premises section 17 of this Act shall not have effect so as to prevent persons under eighteen from being present in any room while a game of bingo is played there, if they do not take part in the game as players.
- (7) In relation to any bingo club premises, section 19 of this Act shall have effect as if, in subsection (2) of that section, for the words from “and consists of” to the end of the

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*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

subsection, there were substituted the words “and is a function of a kind prescribed by regulations made for the purposes of this subsection”.

- (8) Without prejudice to the operation (where applicable) of subsections (2) to (4) of this section, the aggregate amount paid to players as winnings in respect of all games of bingo played in any one week on any particular bingo club premises shall not exceed the aggregate amount of the stakes hazarded by the players in playing those games by more than £250:

Provided that the Secretary of State may by order provide that this subsection shall have effect with the substitution, for the reference to £250, of a reference to such other sum as may be specified in the order.

- (9) In this section “week” means a period of seven days beginning with Monday, any reference to an aggregate amount shall be construed as including a reference to an aggregate value in money’s worth, and any reference to an aggregate amount paid shall be construed accordingly.

#### **Textual Amendments**

**F51** Proviso added by [Gaming \(Amendment\) Act 1980 \(c. 8, SIF 12:1\), s. 1\(2\)](#)

**F52** [S. 20\(5\)](#) substituted (1.10.2005) by [Gambling Act 2005 \(c. 19\), s. 358\(1\), Sch. 16 para. 3\(4\)](#) (with [ss. 352, 354, Sch. 16 para. 21](#)); [S.I. 2005/2455, art. 2\(1\), Sch.](#)

#### **Modifications etc. (not altering text)**

**C4** [S. 20\(3\)](#) has effect (12.8.2002) with the substitution, for the reference to the sum specified, of a reference to the sum of £500,000 by virtue of [S.I. 2002/1904, art. 2\(1\)](#)

**C5** [S. 20\(8\)](#) excluded by [Gaming \(Bingo\) Act 1985 \(c. 35, SIF 12:1\), s. 2\(3\)](#)

**C6** [S. 20\(8\)](#) has effect (12.8.2002) with the substitution, for the reference to the sum specified, of a reference to the sum of £20,000 by virtue of [S.I. 2002/1904, art. 2\(2\)](#)

## **21 special provisions as to gaming for prizes.**

- (1) This section applies to any gaming which (being gaming to which this Part of this Act applies) is gaming for prizes in respect of which the conditions specified in the next following subsection are fulfilled.

- (2) Those conditions are that—

- (a) the amount paid by any person for any one chance to win a prize does not exceed one shilling;
- (b) the aggregate amount taken by way of the sale of chances in any one determination of winners (if any) of prizes does not exceed fifty shillings, and the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and at the time when, the game is played;
- (c) no money prize exceeding one shilling is distributed or offered;
- (d) the winning of, or the purchase of a chance to win, a prize does not entitle any person (whether subject to a further payment by him or not) to any further opportunity to win money or money’s worth by taking part in any other gaming or in any lottery; and
- (e) the aggregate amount or value of the prizes on any one determination of winners does not exceed fifty shillings.



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- (3) Section 13 of this Act shall not have effect in relation to any gaming to which this section applies which takes place on premises in respect of which a licence under this Act is for the time being in force and, in relation to any such gaming, section 3 of this Act, as applied by section 14 of this Act, shall not be taken to be contravened by reason only that a person pays for a chance to win a prize.
- (4) Where any gaming to which this section applies takes place on any bingo club premises, section 17 of this Act shall not have effect so as to prevent persons under eighteen from being present in any room on those premises while any such gaming takes place there, if they do not take part in the gaming as players.
- (5) Where on the grant or renewal of a licence under this Act in respect of any premises the licensing authority impose restrictions under paragraph 25 of Schedule 2 to this Act whereby gaming on those premises is limited to a particular game or games, those restrictions, in so far as they so limit the gaming, shall not have effect in relation to any gaming to which this section applies.
- (6) Where a game of bingo is played for prizes on any bingo club premises, and constitutes gaming to which this section applies, the prizes won in that game shall be disregarded for the purposes of section 20(8) of this Act.
- (7) No account shall be taken of subsection (5) of this section for the purpose of determining—
- (a) whether a club is one to which section 20 of this Act applies, or
  - (b) whether any premises are bingo club premises, or
  - (c) whether, for the purposes of Schedule 2 to this Act, a licence under this Act is a bingo club licence.
- (8) The Secretary of State may by order direct that any paragraph of subsection (2) of this section which is specified in the order and which specifies a sum shall have effect as if, for that sum, there were substituted such other sum as may be specified in the order.

#### **Modifications etc. (not altering text)**

- C7** S. 21(2)(a) has effect (28.5.1999) as if, for the sum specified, there were substituted the sum of 50p by virtue of S.I. 1999/1260, **art. 4(a)**
- C8** S. 21(2)(b) has effect (12.8.2002) as if, for the sum specified, there were substituted the sum of £500 by virtue of S.I. 2002/1904, **art. 3(a)**
- C9** S. 21(2)(c) has effect (14.1.2002) as if, for the sum specified, there were substituted the sum of £25 by virtue of S.I. 2001/4035, **art. 2**
- C10** S. 21(2)(e) has effect (12.8.2002) as if, for the sum specified, there were substituted the sum of £500 by virtue of S.I. 2002/1904, {art. 3(b)}

## **22 Further power to regulate licensed club premises.**

- (1) The Secretary of State may make regulations requiring the holder of a licence under this Act in respect of any premises—
- (a) to display, in such manner and in such position on those premises as may be prescribed by the regulations, the rules in accordance with which any game is to be played on the premises, either generally or in any particular circumstances;

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- (b) to make, and to retain during such period as may be prescribed by the regulations, such records as may be so prescribed with respect to cheques [F53 and debit card payments (within the meaning of section 16 of this Act)] given in exchange for cash or tokens to be used by players in gaming on those premises [F54 and with respect to redeemed cheques [F55 substitute cheques and substitute debit card payments] within the meaning of [F56 that section]], and to provide such verification of those records as may be so prescribed.
- [F57(c) during such period as may be so prescribed—
- (i) to keep those records or (if the regulations so provide) copies of them on the premises; or
  - (ii) where those records are kept by means of a computer, to secure that the records are accessible from the premises and that the information comprised in those records can readily be produced in a form in which it can be taken away and in which it is visible and legible.]
- (2) The Secretary of State may make regulations imposing such prohibitions, restrictions or other requirements (in addition to those imposed by or under the preceding provisions of this Part of this Act) as may appear to the Secretary of State to be requisite—
- (a) for securing that gaming on any premises in respect of which a licence under this Act is for the time being in force is fairly and properly conducted, or
  - (b) for preventing the use of any indirect means for doing anything which, if done directly, would be a contravention of this Part of this Act or of any regulations made thereunder.
- (3) The Secretary of State may by regulations provide that a licensing authority—
- (a) shall refuse to grant or renew a licence under this Act in such circumstances as may be prescribed by the regulations, or
  - (b) may refuse to grant or renew such a licence in such circumstances as may be so prescribed, without prejudice to any other grounds on which the grant or renewal could be refused apart from the regulations, or
  - (c) shall, in such circumstances as may be so prescribed, impose such restrictions under paragraph 25 of Schedule 2 to this Act as the regulations may require.
- (4) Without prejudice to section 18 of this Act or to any powers exercisable by virtue of the preceding provisions of this section or by virtue of Schedule 2 to this Act, the Secretary of State may by regulations impose restrictions with respect to the hours during which gaming will be permitted to take place on premises in respect of which a licence under this Act is for the time being in force.

#### **Textual Amendments**

**F53** Words in s. 22(1)(b) inserted (19.4.1997) by S.I. 1997/1075, art. 4(a)

**F54** Words inserted by Gaming (Amendment) Act 1986 (c. 11, SIF 12:1), s. 2

**F55** Words in s. 22(1)(b) substituted (19.4.1997) by S.I. 1997/1075, art. 4(b)

**F56** Words in s. 22(1)(b) substituted (19.4.1997) by S.I. 1997/1075, art. 4(c)

**F57** S. 22(1)(c) inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, Sch. para. 1

#### **Modifications etc. (not altering text)**

**C11** S. 22(3)(4): functions transferred (1.7.1999) to Scottish ministers so far as exercisable in or as regards Scotland by S.I. 1999/1750, arts. 1(1), 2, Sch. 1

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

## 23 Offences under Part II.

- (1) Subject to the following provisions of this section, if any of the provisions of sections 12 to 20 of this Act, or of any regulations made under subsection (1), subsection (2) or subsection (4) of section 22 of this Act, are contravened in relation to any premises,—
- (a) the holder of the licence, if they are premises in respect of which a licence under this Act is for the time being in force, or
  - (b) every officer of the club or institute, if they are premises in respect of which a club or a miners' welfare institute is for the time being registered under this Part of this Act,
- shall be guilty of an offence.
- (2) Without prejudice to the preceding subsection, but subject to subsection (3) of this section, if any such provisions as are mentioned in the preceding subsection are contravened in relation to any gaming (or, in the case of the provisions of section 16(3) of this Act, are contravened in relation to a cheque accepted in exchange for cash or tokens to be used by a player in any gaming), every person concerned in the organisation or management of the gaming shall be guilty of an offence.
- (3) Where a person is charged with an offence under either of the preceding subsections in respect of a contravention of any such provisions as are mentioned in subsection (1) of this section, it shall be a defence for him to prove—
- (a) that the contravention occurred without his knowledge, and
  - (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.
- (4) Any person guilty of an offence under subsection (1) or subsection (2) of this section shall be liable—
- (a) on summary conviction to a fine not exceeding £400,
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (5) Where, on the grant or renewal of a licence under this Act in respect of any premises, or on registering or renewing the registration of a club or a miners' welfare institute under this Part of this Act, the licensing authority or sheriff imposed any restrictions under paragraph 24 or paragraph 25 of Schedule 2, under paragraph 11 of Schedule 3 or under paragraph 13 of Schedule 4 to this Act, subsections (1) to (3) of this section shall have effect in relation to any contravention of those restrictions as they have effect in relation to any contravention of the provisions of sections 12 to 20 of this Act.
- (6) If any person, for the purpose of obtaining, for himself or for any other person, a certificate of approval under section 19 of this Act, or the reinstatement of such a certificate after it has been revoked by the Board,—
- (a) makes a statement which he knows to be false in a material particular, or
  - (b) recklessly makes a statement which is false in a material particular,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F58</sup>level 4 on the standard scale].

### Textual Amendments

**F58** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

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*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

**Modifications etc. (not altering text)**

**C12** S. 23 extended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), s. 4(2)

**C13** S. 23(6) amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), s. 4(2)

**24 Power of court to make disqualification order on conviction of certain offences.**

- (1) Where a person is convicted of an offence committed in respect of any premises under subsection (1) or subsection (2) of section 23 of this Act (including either of those subsections as applied by subsection (5) of that section), the court by which he is convicted may make a disqualification order under this section prohibiting a licence under this Act from being held in respect of those premises during a period specified in the order.
- (2) The period specified in a disqualification order under this section shall not exceed five years from the date on which the order comes into force.
- (3) Where a disqualification order under this section is made, any licence within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be cancelled as from the time when the order takes effect, and any such licence obtained after the order takes effect shall be null and void.

**25 Supplementary provisions as to disqualification orders.**

- (1) A disqualification order made under section 24 of this Act by a court in England or Wales—
  - (a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the conviction or against the making of the order, and
  - (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- (2) The person on whose conviction a disqualification order was made under section 24 of this Act by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order as against the conviction; and the disqualification order—
  - (a) shall not take effect until the end of the period of fourteen days commencing with the date on which the order was made; and
  - (b) if an appeal against the order or the said conviction is taken within the said period, shall not take effect until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (3) A court shall not make an order under that section prohibiting the holding of a licence in respect of premises specified in the order, unless an opportunity has been given to any person interested in the premises and applying to be heard by the court to show cause why the order should not be made.
- (4) At any time while such a disqualification order is in force, the court by which the order was made, on an application made by any person affected by the order, may revoke the order or vary it by reducing any period of prohibition specified in the order.
- (5) Where on an application made under subsection (4) of this section the relief asked for is or includes the revocation or variation of a prohibition imposed by the order on the holding of a licence in respect of any premises, a copy of the application shall be

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served on the chief officer of police, or, in Scotland, the chief constable, for the police area in which the premises are situated.

- (6) For the purposes of subsection (4) of this section, a disqualification order under section 24 of this Act made by a court of quarter sessions on appeal from the decision of a magistrates' court shall be treated as having been made by that magistrates' court.

## PART III

### GAMING BY MEANS OF MACHINES

#### *Introductory*

#### 26 Scope of Part III.

- (1) This Part of this Act applies to any machine which—
- (a) is constructed or adapted for playing a game of chance by means of the machine, and
  - (b) has a slot or other aperture for the insertion of money or money's worth<sup>F59</sup>...
- (2) In the preceding subsection the reference to playing a game of chance by means of a machine includes playing a game of chance partly by means of a machine and partly by other means if (but only if) the element of chance in the game is provided by means of the machine.
- (3) In this Part of this Act "charge for play" means an amount paid in money or money's worth by or on behalf of a player in order to play one or more games by means of a machine to which this Part of this Act applies.

#### **Textual Amendments**

**F59** Words in s. 26(1)(b) omitted (16.12.2003) by virtue of [The Regulatory Reform \(Gaming Machines\) Order 2003 \(S.I. 2003/3275\)](#), arts. 1(1), 2(2)

#### *Sale, supply and maintenance of machines*

#### 27 General restrictions.

- (1) Except as provided by subsections (2) to (4) of this section, no person shall, whether as principal or as a servant or agent, sell or supply a machine to which this Part of this Act applies unless—
- (a) he is the holder of a certificate issued for the purposes of this subsection by the Board which is for the time being in force, or of a permit in respect of that machine which has been granted for the purposes of this subsection by the Board and is for the time being in force, or
  - (b) where he sells or supplies the machine as the servant or agent of another person, that other person is the holder of such a certificate or permit.
- (2) The preceding subsection does not apply—

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- (a) to the sale of machines of any description to a person who carries on a business which consists of or includes selling or supplying machines of that description;
  - (b) to the sale or supply of a machine to a person buying or agreeing or proposing to buy it under a credit-sale agreement, or to the supply of a machine to a person as being a person hiring or agreeing or proposing to hire it under a hire-purchase agreement, where (in any such case) the person who is or is to be the seller or owner in relation to the agreement has at no time had possession of the machine and became or becomes the owner of it only for the purpose of entering into the agreement;
  - (c) to the sale or supply of a machine as scrap; or
  - (d) to any transaction whereby the premises in which a machine to which this Part of this Act applies is installed are sold or let and the machine is sold or supplied to the purchaser or tenant as part of the fixtures and fittings of the premises.
- (3) Subject to the next following subsection, subsection (1) of this section does not apply to the sale or supply of a machine for use exclusively at a travelling showmen's pleasure fair or for use exclusively on premises used or to be used—
- (a) wholly or mainly for the provision of amusements by means of machines to which this Part of this Act applies, or
  - (b) wholly or mainly for the purposes of a pleasure fair consisting wholly or mainly of amusements, or
  - (c) as a pleasure pier.
- (4) The Secretary of State may by order direct that subsection (3) of this section shall cease to have effect, or shall have effect subject to such exceptions as may be specified in the order.
- (5) No person acting as principal shall—
- (a) undertake for valuable consideration to maintain the mechanism of a machine to which this Part of this Act applies, or
  - (b) cause or permit another person to enter into such an undertaking on his behalf, unless the person so acting as principal is the holder of a certificate issued for the purposes of this subsection by the Board which is for the time being in force, or of a permit in respect of that machine which has been granted for the purposes of this subsection by the Board and is for the time being in force.
- (6) The provisions of Schedule 6 to this Act shall have effect with respect to the issue of certificates, and the grant of permits, for the purposes of subsections (1) and (5) of this section.
- (7) In this section “credit-sale agreement” means an agreement for the sale of goods under which the whole or part of the purchase price is payable by instalments, and “hire-purchase agreement” has the meaning assigned to it by section 1 of the <sup>M7</sup>Hire-Purchase Act 1965, or, in the application of this section to Scotland, by section 1 of the <sup>M8</sup>Hire-Purchase (Scotland) Act 1965.

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**Marginal Citations**

**M7** 1965 c. 66.

**M8** 1965 c. 67.

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*Status: Point in time view as at 24/11/2005.*

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## **28 Restrictions as to terms and conditions.**

- (1) The Secretary of State may by regulations impose such restrictions as he may consider necessary or expedient with respect to the terms and conditions on which machines to which this Part of this Act applies may be sold or supplied or undertaken to be maintained.
- (2) Without prejudice to any restrictions imposed by regulations under the preceding subsection, but subject to subsection (3) of this section, no person shall sell or supply, or shall undertake to maintain, a machine to which this Part of this Act applies on terms and conditions which are in any way dependent upon, or provide for any calculation by reference to, the extent to which, or the manner in which, that machine, or any other machine or equipment (whether a machine to which this Part of this Act applies or not), is used.
- (3) Subsection (2) of this section shall not have effect in relation to the sale or supply of a machine for use exclusively at a travelling showmen's pleasure fair or for use exclusively on premises used or to be used as mentioned in paragraph (a), paragraph (b) or paragraph (c) of section 27(3) of this Act, or in relation to an undertaking to maintain a machine at any such pleasure fair or on any such premises:  
  
Provided that the Secretary of State may by order direct that this subsection shall cease to have effect, or shall have effect subject to such exceptions as may be specified in the order.
- (4) In this section "terms and conditions" includes any terms and conditions as to price, rent or any other payment.

## **29 Application of ss. 27 and 28 to concessionaires.**

For the purposes of sections 27 and 28 of this Act a person (other than a travelling showman) who, in pursuance of any concession, licence or other right granted to him, places a machine, or causes a machine to be placed, on premises which are not in his occupation shall be treated as supplying the machine at the time when it is placed on those premises.

*Use of machines for gaming on premises licensed or registered under this Act*

## **30 Registration under Part III.**

The provisions of Schedule 7 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in England and Wales, and the provisions of Schedule 8 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in Scotland.

## **31 Use of machines by virtue of licence or registration.**

- (1) Subject to any direction given under section 32 of this Act, the following provisions of this section shall have effect where any machine to which this Part of this Act applies is used for gaming on any premises in respect of which—
  - (a) a licence under this Act is for the time being in force, or

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*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- (b) a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act.
- [<sup>F60</sup>(2) The maximum number of machines to which this Part of this Act applies which may be made available for gaming shall be—
- (a) in the case of premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act, three,
  - (b) in the case of bingo club premises (as defined by section 20 of this Act), four, and
  - (c) in the case of any other premises in respect of which a licence under this Act is for the time being in force, [<sup>F61</sup>twenty] .]
- (3) The charge for play for playing a game once by means of any such machine on the premises [<sup>F62</sup>shall not exceed] one shilling or such other sum as may be specified in an order made by the Secretary of State for the purposes of this subsection.
- [<sup>F63</sup>(3A) Where any such machine on the premises is able to accept payment of the charge for play in any form other than cash, any object capable of being inserted into the machine to pay for a game or games must be redeemable in accordance with subsection (3B) of this section.
- (3B) Any such object is redeemable in accordance with this subsection if—
- (a) it is redeemable on demand at the premises where the machine is used for gaming at any time when a machine to which this Part of this Act applies is available for use for gaming at those premises;
  - (b) a payment for redeeming it must be made in cash or by cheque (or partly in cash and partly by cheque);
  - (c) any such payment must be of the appropriate amount.
- (3C) The appropriate amount is—
- $$(A + B) - C$$
- $$(A+B)C$$
- where—
- A is the amount paid by or on behalf of the player for the use of the object;
- B is the amount of any prize credited to the object in accordance with subsection (5B) of this section;
- C is the amount charged for one or more services, where the object has been used to pay for the services.
- (3D) Subsections (3E) to (3H) of this section apply if—
- (a) a player inserts into any such machine on the premises something which is recognised by the machine as having a value exceeding the highest coin value;
  - (b) the machine immediately holds to the player's credit an amount in respect of the thing ("the initial amount") for the purpose of paying the charge for play for playing games by means of the machine.
- [<sup>F64</sup>(3E) The initial amount must not exceed the higher of—
- (a) the highest coin value, or
  - (b) the charge for playing a game once by means of the machine.]
- (3F) The machine must not hold any further amount to the player's credit for the purpose of paying the charge for play for playing games by means of the machine unless the



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player takes action in respect of the machine to indicate that he wishes to play, or continue to play, games by means of the machine.

(3G) The further amount held to the player's credit by virtue of subsection (3F) of this section must not exceed [<sup>F65</sup>the higher of—

- (a) the highest coin value, or
- (b) the charge for playing a game once by means of the machine.]

(3H) The highest coin value is the value of the highest denomination coin which, when the games are played—

- (a) is legal tender in the part of the United Kingdom in which the premises are situated, and
- (b) is in general circulation in that part of the United Kingdom.]

[<sup>F66</sup>(4) In respect of any one game played by means of such a machine on the premises no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than—

- (a) a prize delivered in the form of cash, or
- (b) a prize delivered in a form specified in subsection (4A) of this section.

(4A) The form referred to in subsection (4) of this section is one which enables the person entitled to it to obtain its value—

- (a) in the form of cash or a cheque drawn in his favour (or partly in the form of cash and partly in the form of a cheque drawn in his favour), and
- (b) on demand at the premises where the machine is used for gaming at any time when a machine to which this Part of this Act applies is available for use for gaming at those premises.]

(5) If an amount is prescribed for the purposes of this subsection, [<sup>F67</sup>the value of the prize in respect of any one game played by means of the machine shall not exceed] the amount so prescribed.

[<sup>F68</sup>(5A) Subsections (5B) and (5C) of this section apply where a player or person claiming under a player is entitled to receive a prize in respect of a game played by means of such a machine.

(5B) The prize may be delivered by crediting any object which is permitted to be inserted into the machine to pay for a game or games by subsection (3A) of this section.

(5C) Despite subsection (4) of this section, the person entitled to the prize may choose to use all or part of its value to pay for one or more services at the premises at which the machine is used for gaming.]

(6) If a percentage is prescribed for the purposes of this subsection, then on any premises in respect of which a licence under this Act is for the time being in force there shall not be any such machine which, in accordance with the way in which the machine is constructed, adapted or for the time being regulated, is designed to pay out less than that percentage of the aggregate value of the charges for play inserted in the machine.

(7) There shall be displayed on any such machine on any such premises as are mentioned in subsection (1) of this section—

- (a) a statement specifying the value of the prize (or, if there are different prizes, the value of each prize) which can be won by playing a game once by means of the machine;

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- (b) if there are any special circumstances in which that prize (or, as the case may be, those prizes) cannot be won, a statement of those circumstances; and
- (c) a statement of a percentage as being the percentage or minimum percentage of the aggregate value of the charges for play inserted in the machine which the machine is designed to pay out;

and, if the manner in which those statements are to be so displayed is prescribed, they shall be displayed in that manner.

- (8) No such machine shall be used for gaming on the premises at any time when the public have access to the premises, whether on payment or otherwise.

[<sup>F69</sup>(9) In this section “services” includes a game or games on a machine to which this Part of this Act applies.]

#### Textual Amendments

- F60** S. 31(2) substituted (20.6.1996) by S.I. 1996/1359, **art. 5**
- F61** Word in s. 31(2)(c) substituted (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), **Sch. 16 para. 3(5)(a)** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.
- F62** Words in s. 31(3) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(3)**
- F63** S. 31(3A)-(3H) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(4)**
- F64** S. 31(3E) substituted (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), **Sch. 16 para. 3(5)(b)** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.
- F65** Words in s. 31(3G) substituted (1.10.2005) by Gambling Act 2005 (c. 19), s. 358(1), **Sch. 16 para. 3(5)(c)** (with ss. 352, 354, Sch. 16 para. 21); S.I. 2005/2455, art. 2(1), Sch.
- F66** S. 31(4)(4A) substituted for s. 31(4) (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(5)**
- F67** Words in s. 31(5) substituted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(6)**
- F68** S. 31(5A)-(5C) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(7)**
- F69** S. 31(9) inserted (16.12.2003) by The Regulatory Reform (Gaming Machines) Order 2003 (S.I. 2003/3275), arts. 1(1), **2(8)**

#### Modifications etc. (not altering text)

- C14** S. 31(3): sum of 50p specified (31.10.2005) for purposes of s. 31(3) by The Gaming Act 1968 (Variation of Monetary Limits) Order 2005 (S.I. 2005/2776), arts. 1(1), **2**

### 32 Power for licensing authority to authorise more than two machines.

- (1) In connection with any application for the grant or renewal of a licence under this Act the applicant may request the licensing authority to give
  - [<sup>F70</sup>(a) in the case of any premises, a direction under subsection (2);
  - (b) in the case of bingo club premises (as defined by section 20), a direction under subsection (3).]
- (2) Where [<sup>F71</sup>a request is made for a direction under this subsection] , and the licensing authority grant or renew the licence, and, on doing so, give a direction under [<sup>F72</sup>this subsection] specifying a maximum number of machines, then, in relation to any time

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when the number of machines to which this Part of this Act applies which are available for gaming on the premises does not exceed the number so specified,—

- (a) the provisions of subsections (2) to (7) of section 31 of this Act shall not have effect in relation to the premises to which the licence relates, but
- (b) the provisions of section 34 [<sup>F73</sup>(5E)] of this Act shall have effect in relation to those premises.

[<sup>F74</sup>(3) Where a request is made for a direction under this subsection, and the licensing authority grant or renew the licence, they may, on doing so, give a direction under this subsection specifying a maximum number of AWP machines.

(4) At any time when—

- (a) a direction under subsection (3) is in force, and
- (b) the number of AWP machines available for gaming on the premises does not exceed the number specified in the direction,

those machines shall be disregarded for the purposes of section 31.

(5) An “AWP” machine is a machine to which this Part of this Act applies and in respect of which either—

- (a) the conditions specified in section 34(2) and (3), or
- (b) the conditions specified in section 34(5B) and (5C),

are observed.

(6) In the case of a travelling showmen’s pleasure fair, subsection (4) does not apply to a machine which is an AWP machine by virtue of subsection (5)(a) unless the condition specified in section 34(5) is observed.]

#### Textual Amendments

- F70** S. 32(1)(a)(b) substituted for words (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(2\)](#)
- F71** Words in s. 32(2) substituted (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(3\)\(a\)](#)
- F72** Words in s. 32(2) substituted (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(3\)\(b\)](#)
- F73** Words in s. 32(2)(b) inserted (20.6.1996) by [S.I. 1996/1359](#), [art. 7\(2\)](#)
- F74** S. 32(3)-(6) inserted (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(4\)](#)

*Use of machines for gaming by way of amusement with prizes*

### 33 Use of machines at non-commercial entertainments.

(1) This section applies to any entertainment which takes place elsewhere than on premises in respect of which—

- (a) a licence under this Act is for the time being in force, or
- (b) a club or a miners’ welfare institute is for the time being registered under Part II or under this Part of this Act,

and which is an entertainment of any of the following kinds, that is to say, bazaars, sales of work, fetes, dinners, dances, sporting or athletic events and other entertainments of a similar character, whether limited to one day or extending over two or more days.

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*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- [<sup>F75</sup>(2) Where a machine to which this Part of this Act applies is used for gaming as an incident of any such entertainment, the whole proceeds of the entertainment, after deducting the expenses of the entertainment, shall be devoted to purposes other than private gain.
- (2A) Where a machine to which this Part of this Act applies is used for gaming as an incident of an entertainment to which this section applies, the opportunity to win prizes by means of the machine, or that opportunity together with any other facilities for participating in lotteries or gaming shall not be the only, or the only substantial, inducement to persons to attend the entertainment.]
- (5) The Secretary of State may by regulations impose such restrictions (in addition to those specified in subsections (2) [<sup>F76</sup>and (2A)] of this section) as he may consider necessary or expedient with respect to the use of any machine to which this Part of this Act applies for gaming as an incident of an entertainment to which this section applies.
- (6) . . . . . <sup>F77</sup>

**Textual Amendments**

**F75** S. 33(2), (2A) substituted for s. 33(2)-(4) by [Lotteries Act 1975 \(c. 58\)](#), [Sch. 4 para. 6\(1\)](#)

**F76** Word substituted by [Lotteries Act 1975 \(c. 58\)](#), [Sch. 4 para. 6\(2\)](#)

**F77** S. 33(6) repealed by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 5](#)

**34 Other uses of machines for amusement purposes.**

- (1) The conditions specified in [<sup>F78</sup>subsections (2) to (3) and (5) of this section] shall be observed where a machine to which this Part of this Act applies is used for gaming—
  - [<sup>F79</sup>(a) on any amusement machine premises in respect of which there is for the time being in force a permit under this section which—
    - (i) is granted by the authority mentioned in paragraph 1(b) or, as the case may be, (d) of Schedule 9 to this Act, and
    - (ii) is expressed to be granted for the purposes of this subsection,
  - (aa) on any premises, other than amusement machine premises, in respect of which there is for the time being in force a permit under this section which is granted as mentioned in paragraph (a)(i) of this subsection,]
  - <sup>F80</sup>(b) . . . . .
  - (c) on any premises used wholly or mainly for the purpose of a pleasure fair consisting wholly or mainly of amusements provided otherwise than by means of machines to which this Part of this Act applies, being premises in respect of which a permit granted under [<sup>F81</sup>section 16 of the <sup>M9</sup>Lotteries and Amusements Act 1976] is for the time being in force, or
  - (d) at a travelling showmen’s pleasure fair.
- (2) The charge for play for playing a game once by means of the machine shall be one or more coins or tokens inserted in the machine of an amount or value not exceeding (or, if more than one, not in the aggregate exceeding) one shilling.
- (3) Except as provided by subsections (4) and (9) of this section, in respect of any one game played by means of the machine no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than one (and only one) of the following, that is to say—

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*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

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- (a) a money prize not exceeding two shillings or a token which is, or two of more tokens which in the aggregate are, exchangeable only for such a money prize;
  - (b) a non-monetary prize or prizes of a value or aggregate value not exceeding five shillings or a token exchangeable only for such a non-monetary prize or such non-monetary prizes;
  - (c) a money prize not exceeding two shillings together with a non-monetary prize of a value which does not exceed five shillings less the amount of the money prize, or a token exchangeable only for such a combination of a money prize and a non-monetary prize;
  - (d) one or more tokens which can be used for playing one or more further games by means of the machine and, in so far as they are not so used, can be exchanged for a non-monetary prize or non-monetary prizes at the appropriate rate.
- (4) The condition specified in subsection (3) of this section shall not be taken to be contravened by reason only that a player, after inserting in the machine an amount permitted in accordance with subsection (2) of this section and playing a game successfully, is afforded by the automatic action of the machine an opportunity to play one or more further games without inserting any further coin or token in the machine, if in respect of all those games—
- (a) he does not receive, and is not entitled to receive, any article other than a money prize or money prizes of an amount or aggregate amount not exceeding two shillings, and
  - (b) he does not receive, and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.
- (5) In the case of a travelling showmen’s pleasure fair the opportunity to win prizes by means of amusements which constitute gaming (whether by the use of machines to which this Part of this Act applies or otherwise) shall not constitute the only, or the only substantial, inducement to persons to attend the fair.
- [<sup>F82</sup>(5A) The conditions specified in subsections [<sup>F83</sup>(5B) to (5C)] of this section shall be observed where a machine to which this Part of this Act applies is used for gaming on any premises in respect of which a betting office licence is for the time being in force.
- (5B) The charge for play for playing a game once by means of the machine [<sup>F84</sup>shall not exceed the amount specified in subsection (2) of this section].
- [ Payment of the charge for play shall be made in cash.
- <sup>F85</sup>(5BA)
- (5BB) Subsections (5BC) to (5BF) of this section apply if—
- (a) a player inserts into the machine something which is recognised by the machine as having a value exceeding the highest coin value;
  - (b) the machine immediately holds to the player’s credit an amount in respect of the thing (“the initial amount”) for the purpose of paying the charge for play for playing games by means of the machine.
- (5BC) The initial amount must not exceed the highest coin value.
- (5BD) The machine must not hold any further amount to the player’s credit for the purpose of paying the charge for play for playing games by means of the machine unless the player takes action in respect of the machine to indicate that he wishes to play, or continue to play, games by means of the machine.

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- (5BE) The further amount held to the player's credit by virtue of subsection (5BD) of this section must not exceed the highest coin value.
- (5BF) The highest coin value is the value of the highest denomination coin which, when the games are played—
- (a) is legal tender in the part of the United Kingdom in which the premises are situated, and
  - (b) is in general circulation in that part of the United Kingdom.]
- (5C) No player or person claiming under a player shall receive, or shall be entitled to receive, in respect of any one game played by means of the machine, any article, benefit or advantage other than a money prize not exceeding £10 delivered by the machine.
- (5D) The condition specified in subsection (5C) of this section shall not be taken to be contravened by reason only that a player, after inserting in the machine an amount permitted in accordance with subsection (5B) of this section and playing a game successfully, is afforded by the automatic action of the machine an opportunity to play one or more further games without inserting any further [<sup>F86</sup>payment] in the machine, if in respect of all those games—
- (a) he does not receive, and is not entitled to receive, any article other than a money prize of an amount or aggregate amount not exceeding £10, and
  - (b) he does not receive, and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.
- (5E) Where a machine to which this Part of this Act applies is used for gaming—
- (a) on any amusement machine premises in respect of which there is for the time being in force a permit under this section which—
    - (i) is granted by the authority mentioned in paragraph 1(b) or, as the case may be, (d) of Schedule 9 to this Act, and
    - (ii) is expressed to be granted for the purposes of this subsection,
  - (b) on any premises in respect of which there is for the time being in force a permit under this section which is granted by the authority mentioned in paragraph 1(a) or, as the case may be, (c) of Schedule 9 to this Act, or
  - (c) on any premises in respect of which a licence under this Act and a direction given under section [<sup>F87</sup>32(2)] of this Act are for the time being in force, where, by virtue of that direction, the provisions of this subsection have effect in relation to the premises,
- either the conditions specified in subsections (2) to (3) and (5) of this section or the conditions specified in subsections [<sup>F88</sup>(5B) to (5C)] of this section shall be observed.]
- (6) The provisions of Schedule 9 to this Act shall have effect with respect to the grant and renewal of permits for the purposes of this section.
- (7) No permit for the purposes of this section shall be granted in respect of any premises where a licence under this Act is for the time being in force in respect of them or where a club or a miners' welfare institute is for the time being registered in respect of them under Part II of this Act; and, where such a licence is granted or a club or a miners' welfare institute is so registered in respect of any premises, and a permit granted for the purposes of this section is then in force in respect of those premises, the permit shall thereupon cease to have effect.

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[<sup>F89</sup>(7A) In subsections (1) and (5E) of this section, references to amusement machine premises are to premises used wholly or mainly for the provision of amusements by means of machines to which this Part of this Act applies.]

- (8) In this section “non-monetary prize” means a prize which does not consist of or include any money and does not consist of or include any token which can be exchanged for money or money’s worth or used for playing a game by means of the machine; and for the purposes of subsection (3)(d) of this section a token or tokens shall be taken to be exchanged for a non-monetary prize or prizes at the appropriate rate if either—
- (a) the value or aggregate value of the prize or prizes does not exceed five shillings and the token or tokens exchanged represent the maximum number of tokens which can be won by playing a game once by means of the machine, or
  - (b) in any other case, the value or aggregate value of the prize or prizes does not exceed five shillings and bears to five shillings a proportion not exceeding that which the number of tokens exchanged bears to the maximum number of tokens which can be won by playing a game once by means of the machine.
- (9) The Secretary of State may by order direct that any provision of this section which is specified in the order and which specifies a sum shall have effect as if, for that sum, there were substituted such other sum as may be specified in the order.

#### Textual Amendments

- F78** Words in s. 34(1) substituted (20.6.1996) by [S.I. 1996/1359](#), [art. 6\(2\)\(a\)](#)
- F79** S. 34(1)(a)(aa) substituted (20.6.1996) for s. 34(1)(a) by [S.I. 1996/1359](#), [art. 6\(2\)\(b\)](#)
- F80** S. 34(1)(b) repealed (20.6.1996) by [S.I. 1996/1359](#), [art. 6\(2\)\(c\)](#)
- F81** Words substituted by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 4 para. 2](#)
- F82** S. 34(5A)-(5E) inserted (20.6.1996) by [S.I. 1996/1359](#), [art. 6\(3\)](#)
- F83** Words in s. 34(5A) substituted (16.12.2003) by [The Regulatory Reform \(Gaming Machines\) Order 2003 \(S.I. 2003/3275\)](#), [arts. 1\(1\), 2\(9\)](#)
- F84** Words in s. 34(5B) substituted (16.12.2003) by [The Regulatory Reform \(Gaming Machines\) Order 2003 \(S.I. 2003/3275\)](#), [arts. 1\(1\), 2\(10\)](#)
- F85** S. 34(5BA)-(5BF) inserted (16.12.2003) by [The Regulatory Reform \(Gaming Machines\) Order 2003 \(S.I. 2003/3275\)](#), [arts. 1\(1\), 2\(11\)](#)
- F86** Word in s. 34(5D) substituted (16.12.2003) by [The Regulatory Reform \(Gaming Machines\) Order 2003 \(S.I. 2003/3275\)](#), [arts. 1\(1\), 2\(12\)](#)
- F87** Words in s. 34(5E)(c) substituted (29.3.2002) by [The Deregulation \(Bingo and Other Gaming\) Order 2002 \(S.I. 2002/460\)](#), [art. 3\(5\)](#)
- F88** Words in s. 34(5E) substituted (16.12.2003) by [The Regulatory Reform \(Gaming Machines\) Order 2003 \(S.I. 2003/3275\)](#), [arts. 1\(1\), 2\(9\)](#)
- F89** S. 34(7A) inserted (20.6.1996) by [S.I. 1996/1359](#), [art. 6\(4\)](#)

#### Modifications etc. (not altering text)

- C15** S. 34(2) has effect (1.10.1997) as if, for the sum specified, there were substituted the sum of 30p by virtue of [S.I. 1997/2079](#), [art. 3](#), [Sch.](#)
- C16** S. 34(3)(a) has effect (1.10.1997) as if, for the sum specified, there were substituted the sum of £5 by virtue of [S.I. 1997/2079](#), [art. 3](#), [Sch.](#)
- C17** S. 34(3)(b) has effect (1.10.1995) as if, for the sum specified, there were substituted the sum of £8 by virtue of (E.W.) [S.I. 1995/2288](#), [art. 3](#), [Sch.](#) and (S.) [S.I. 1995/2360](#), [art. 3](#), [Sch.](#)
- C18** S. 34(3)(c) has effect (1.10.1997) as if, for the first sum specified, there were substituted the sum of £5 by virtue of [S.I. 1997/2079](#), [art. 3](#), [Sch.](#) and S. 34(3)(c) has effect (1.10.1995) as if, for the second sum

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*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

specified, there were substituted the sum of £8 by virtue of (E.W.) S.I. 1995/2288, art. 3, Sch. and (S.) S.I. 1995/2360, art. 3, Sch.

**C19** S. 34(4)(a) has effect (1.10.1997) as if, for the sum specified, there were substituted the sum of £5 by virtue of S.I. 1997/2079, art. 3, Sch.

**C20** S. 34(5C) has effect (1.1.2002) as if, for the reference to the sum specified, there were substituted a reference to the sum of £25 by virtue of S.I. 2001/3971, art. 2

**C21** S. 34(5D) has effect (1.1.2002) as if, for the reference to the sum specified, there were substituted a reference to the sum of £25 by virtue of S.I. 2001/3971, art. 2

**C22** S. 34(8)(a) has effect (1.10.1995) as if, for the sum specified, there were substituted the sum of £8 by virtue of (E.W.) S.I. 1995/2288, art. 3, Sch. and (S.) S.I. 1995/2360, art. 3, Sch.

**C23** S. 34(8)(b) has effect (1.10.1995) as if, for the sum specified (in two places), there were substituted the sum of £8 (in both places) by virtue of (E.W.) S.I. 1995/2288, art. 3, Sch. and (S.) S.I. 1995/2360, art. 3, Sch.

#### Marginal Citations

**M9** 1976 c. 32.

### *General restriction on other gaming by means of machines*

#### **35 Use of machines not falling within ss. 31 to 34.**

No machine to which this Part of this Act applies shall be used for gaming except—

- (a) on premises in respect of which a licence under this Act is for the time being in force, or in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act, or
- (b) as an incident of an entertainment to which section 33 of this Act applies, or
- [<sup>F90</sup>(c) as mentioned in section 34(1)(a), (aa), (c) or (d), (5A) or (5E)(a), (b) or (c) of this Act.]

#### Textual Amendments

**F90** S. 35(c) substituted (20.6.1996) by S.I. 1996/1359, art. 7(3)

### *Supplementary provisions*

#### **36 Removal of money from machines.**

- (1) Where a machine to which this Part of this Act applies is installed on premises in respect of which—

- (a) a licence under this Act is for the time being in force, or
- (b) a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act,

no person who is not an authorised person for the purposes of this section shall remove from the machine any money, other than any money delivered by the machine as, or as part of, a prize in respect of a game played by means of the machine.

- (2) For the purposes of this section the following are authorised persons in relation to a machine according to the premises on which it is installed, that is to say—



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- (a) in the case of premises in respect of which a licence under this Act is for the time being in force, the holder of the licence and any person employed by him in connection with the premises;
- (b) in the case of premises in respect of which a club is for the time being registered under Part II or under this Part of this Act, any officer or member of the club and any person employed by or on behalf of the members of the club in connection with the premises;
- (c) in the case of premises in respect of which a miners' welfare institute is for the time being so registered, any officer of the institute, any person for the time being enrolled as a member of the institute, and any person employed in connection with the premises by or on behalf of the persons so enrolled.

### **37 Regulations with respect to machines and records.**

- (1) The Secretary of State may by regulations—
  - (a) prohibit, or impose such restrictions as he may consider necessary or expedient on, the sale, supply, maintenance or use of machines to which this Part of this Act applies which are of a description specified in the regulations;
  - (b) prohibit, or impose such restrictions as he may consider necessary or expedient on, the sale or supply of tokens [<sup>F91</sup>or other objects] of a description so specified for use in machines to which this Part of this Act applies;
  - (c) impose special requirements in respect of machines to which this Part of this Act applies which are installed, or are sold or supplied for the purpose of being installed, on any such premises as are mentioned in section 36(1) of this Act.
- (2) In respect of machines to which this Part of this Act applies which are installed on any such premises, regulations made by the Secretary of State may—
  - (a) in the case of premises in respect of which a licence under this Act is for the time being in force, require the holder of the licence, or
  - (b) in the case of premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act, require the officers of the club or institute,to make, and to retain during a prescribed period, such records and accounts as may be prescribed with respect to matters to which this subsection applies, and to provide such verification of those records and accounts as may be prescribed; and the regulations may require the holder of the licence or the officers of the club or institute, as the case may be, to send to the Board and to the chief officer of police (or, in Scotland, the chief constable) for the police area in which the premises are situated an annual statement containing such particulars as may be prescribed with respect to matters to which this subsection applies.
- (3) The matters to which subsection (2) of this section applies, in relation to a machine, are—
  - (a) any payments made in respect of the machine, whether by way of rent, maintenance charges or otherwise;
  - (b) any money or tokens inserted into the machine otherwise than as charges for play; and
  - (c) any money or tokens removed from the machine, other than money or tokens delivered by the machine as prizes.

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### Textual Amendments

**F91** Words in s. 37(1)(b) inserted (16.12.2003) by [The Regulatory Reform \(Gaming Machines\) Order 2003 \(S.I. 2003/3275\)](#), arts. 1(1), **2(13)**

## 38 Offences under Part III.

- (1) Any person who contravenes subsection (1) or subsection (5) of section 27 of this Act shall be guilty of an offence.
- (2) Any person who sells, supplies or undertakes to maintain a machine in contravention of any regulations made under subsection (1) of section 28 of this Act, or who contravenes subsection (2) of that section, shall be guilty of an offence.
- (3) Subject to subsection (11) of this section, where any of the provisions of section 31 of this Act, or of any regulations made in pursuance of section 37(1) of this Act in so far as they relate to the use of machines, or of any regulations made in pursuance of section 37(2) of this Act, is contravened in relation to any premises—
  - (a) the holder of the licence, if they are premises in respect of which a licence under this Act is for the time being in force, or
  - (b) every officer of the club or institute, if they are premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or under this Part of this Act,
 shall be guilty of an offence; <sup>F92</sup>and where subsection (5E) of section 34 of this Act is contravened in relation to premises falling within paragraph (c) of that subsection], the holder of the licence in respect of the premises shall be guilty of an offence.
- (4) Without prejudice to the last preceding subsection, but subject to subsection (11) of this section, where any such provisions as are mentioned in the last preceding subsection are contravened in relation to a machine on any premises, any person who allowed the machine to be on the premises shall be guilty of an offence.
- (5) Where any of the provisions of section 33 of this Act or of any regulations made under that section is contravened in relation to an entertainment, every person concerned in the conduct of the entertainment shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (6) Subject to subsection (11) of this section, where <sup>F93</sup>subsection (1)] of section 34 of this Act is contravened <sup>F94</sup>. . . or where, in a case falling within <sup>F95</sup>paragraph (aa)] of that subsection, a condition to which the permit is subject is contravened,—
  - (a) the holder of the permit, in a case falling within paragraph (a) <sup>F96</sup>or (aa)] or paragraph (c) of that subsection, or
  - (b) the person in charge of the machine, in a case falling within paragraph (d) of that subsection,
 shall be guilty of an offence.
- <sup>F97</sup>(6A) Subject to subsection (11) of this section, where subsection (5A) of section 34 of this Act is contravened, the holder of the betting office licence in respect of the premises shall be guilty of an offence.
- (6B) Subject to subsection (11) of this section, where, in the case of any premises falling within paragraph (a) or (b) of subsection (5E) of section 34 of this Act—

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- (a) that subsection, or  
(b) a condition to which the permit is subject,  
is contravened, the holder of the permit shall be guilty of an offence.]
- (7) Where a machine to which this Part of this Act applies is used for gaming on any premises, or in any vessel or vehicle, in contravention of section 35 of this Act, any person who allowed the machine to be on the premises or in the vessel or vehicle shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (8) Any person who contravenes section 36 of this Act shall be guilty of an offence.
- (9) Any person who—
- (a) sells, supplies or maintains a machine, or sells or supplies any token [<sup>F98</sup>or other object for use in machines], in contravention of any regulations made under section 37(1) of this Act, or
  - (b) on any premises other than premises falling within paragraph (a) or paragraph (b) of subsection (3) of this section, causes or permits a machine to be used in contravention of any such regulations,
- shall be guilty of an offence.
- (10) Where any of the provisions of section 33, section 34 or section 35 of this Act is contravened in relation to a machine, then (without prejudice to any liability of any person under the preceding provisions of this section) any person who, knowing or having reasonable cause to suspect that the provisions in question would be contravened in relation to the machine, sold or supplied the machine shall—
- (a) in the case of a contravention of section 33 or section 35 of this Act, be guilty of an offence under this paragraph, or
  - (b) in the case of a contravention of section 34 of this Act, be guilty of an offence under this paragraph.
- (11) Where a person is charged with an offence under subsection (3), [<sup>F99</sup>(4), (6), (6A) or (6B)] of this section in respect of a contravention of any such provisions as are mentioned in any of those subsections, it shall be a defence for him to prove—
- (a) that the contravention occurred without his knowledge, and
  - (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.
- (12) Section 29 of this Act shall have effect for the purposes of subsections (1) and (2) of this section as it has effect for the purposes of sections 27 and 28 of this Act, and any reference in those subsections to contravening any provisions of those sections or any regulations made thereunder shall be construed accordingly.

#### Textual Amendments

- F92** Words in s. 38(3) substituted (20.6.1996) by [S.I. 1996/1359, art. 7\(4\)](#)
- F93** Words in s. 38(6) substituted (20.6.1996) by [S.I. 1996/1359, art. 7\(5\)\(a\)](#)
- F94** Words in s. 38(6) repealed (20.6.1996) by [S.I. 1996/1359, art. 7\(5\)\(b\)](#)
- F95** Words in s. 38(6) substituted (20.6.1996) by [S.I. 1996/1359, art. 7\(5\)\(c\)](#)
- F96** Words in s. 38(6) inserted (20.6.1996) by [S.I. 1996/1359, art. 7\(5\)\(d\)](#)
- F97** S. 38(6A)(6B) inserted (20.6.1996) by [S.I. 1996/1359, art. 7\(6\)](#)
- F98** Words in s. 38(9)(a) inserted (16.12.2003) by [The Regulatory Reform \(Gaming Machines\) Order 2003 \(S.I. 2003/3275\), arts. 1\(1\), 2\(14\)](#)

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**F99** Words in s. 38(11) substituted (20.6.1996) by [S.I. 1996/1359, art. 7\(7\)](#)

### **39 Penalties under Part III.**

- (1) Any person guilty of an offence under section 38 of this Act shall be liable—
  - (a) on summary conviction, to a fine not exceeding £400;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (2) Where a person is convicted of an offence under subsection (6) [<sup>F100</sup>or (6B)] of section 38 of this Act in respect of a contravention of a condition to which a permit under section 34 of this Act is subject, the court by which he is convicted may, if it thinks fit, make an order cancelling the permit.
- (3) An order under subsection (2) of this section made by a court in England or Wales—
  - (a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the conviction or against the making of the order, and
  - (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- (4) The holder of a permit in respect of which an order under subsection (2) of this section is made by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction, and a permit shall not be cancelled under an order so made—
  - (a) until the end of the period of fourteen days commencing with the date on which the order was made, nor
  - (b) if an appeal against the order or the conviction which gave rise thereto is taken within the said period, until the date when that appeal is determined or abandoned or deemed to have been abandoned.

#### **Textual Amendments**

**F100** Words in s. 39(2) inserted (20.6.1996) by [S.I. 1996/1359, art. 7\(8\)](#)

## **PART IV**

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### **40 Special charges for play at certain clubs and institutes.**

- (1) This section applies to gaming which—
  - (a) is carried on as one of the activities of a . . . <sup>F101</sup> club or a miners' welfare institute, whether the club or institute is registered under Part II or Part III of this Act or not, and
  - (b) is gaming in respect of which none of the conditions specified in section 2(1) of this Act is fulfilled.
- (2) Subject to the following provisions of this section, nothing in section 3 or section 14 of this Act shall have effect so as to prevent a charge from being made in respect of

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any person for the right to take part in gaming to which this section applies, if the charge [<sup>F102</sup>or (if more than one) the aggregate amount of the charges] made in respect of that person for the right to take part in such gaming on any one day does not exceed [<sup>F103</sup>2½p] or such other sum as may be specified in an order made by the Secretary of State for the purposes of this subsection.

[<sup>F104</sup>The power of the Secretary of State under this subsection includes power to specify—

- (a) in the case of gaming carried on as an activity of a members' club or a miners' welfare institute, a sum different from that applicable in the case of gaming carried on as an activity of any other club; and
  - (b) in the case of gaming which consists exclusively of playing bridge or whist, or bridge and whist, and takes place on a day on which the premises used therefor are not used for any other gaming, or for any other gaming except gaming by means of a machine to which Part III of this Act applies, a sum greater than that applicable in all other cases.]
- (3) Any such charge as is mentioned in subsection (2) of this section may be made in addition to—
- (a) any stakes hazarded in the gaming, and
  - (b) in the case of a club or institute registered under Part II of this Act, any charge authorised by regulations under section 14(2)(b) of this Act.
- (4) The preceding provisions of this section shall not have effect in relation to a . . . . .  
<sup>F101</sup> club unless it is shown—
- (a) . . . . .<sup>F105</sup>
  - (b) that it has not less than twenty-five members; and
  - (c) that it is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character.

**Textual Amendments**

- F101** Word repealed by [Gaming \(Amendment\) Act 1973 \(c. 12\), s. 1\(2\)](#)
- F102** Words inserted by [Gaming \(Amendment\) Act 1973 \(c. 12\), s. 1\(3\)\(a\)](#)
- F103** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- F104** Words added by [Gaming \(Amendment\) Act 1973 \(c. 12\), s. 1\(3\)\(b\)](#)
- F105** [S. 40\(4\)\(a\)](#) repealed by [Gaming \(Amendment\) Act 1973 \(c. 12\), s. 1\(2\)](#)

**41 Gaming at entertainments not held for private gain.**

- (1) The provisions of this section shall have effect in relation to gaming which—
- (a) consists of games played at an entertainment promoted otherwise than for purposes of private gain, and
  - (b) is not gaming to which Part II of this Act applies or gaming by means of a machine to which Part III of this Act applies, and
  - (c) does not constitute the provision of amusements with prizes [<sup>F106</sup>as mentioned in section 15(1) or 16(1) of the <sup>M10</sup>Lotteries and Amusements Act 1976];
- and any reference in this Act to gaming to which this section applies is a reference to gaming in respect of which the conditions specified in paragraphs (a) to (c) of this subsection are fulfilled.

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- (2) Section 2 of this Act shall have effect in relation to gaming to which this section applies as it has effect in relation to gaming to which Part I of this Act applies.
- (3) In respect of all games played at the entertainment which constitute gaming to which this section applies, not more than one payment (whether by way of entrance fee or stake or otherwise) shall be made by each player, and no such payment shall exceed ten shillings.
- (4) Subject to subsections (7) and (8) of this section, the total value of all prizes and awards distributed in respect of those games shall not exceed fifty pounds.
- (5) The whole of the proceeds of such payments as are mentioned in subsection (3) of this section, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, shall be applied for purposes other than private gain.
- (6) The sum appropriated out of those proceeds in respect of expenses shall not exceed the reasonable cost of the facilities provided for the purposes of the games.
- (7) Where two or more entertainments are promoted on the same premises by the same persons on the same day, subsections (3) to (6) of this section shall have effect in relation to those entertainments collectively as if they were a single entertainment.
- (8) Where a series of entertainments is held otherwise than as mentioned in subsection (7) of this section—
  - (a) subsections (3) to (6) of this section shall have effect separately in relation to each entertainment in the series, whether some or all of the persons taking part in any one of those entertainments are thereby qualified to take part in any other of them or not, and
  - (b) if each of the persons taking part in the games played at the final entertainment of the series is qualified to do so by reason of having taken part in the games played at another entertainment of the series held on a previous day, subsection (4) of this section shall have effect in relation to that final entertainment as if for the words “fifty pounds” there were substituted the words “one hundred pounds.”
- (9) The Secretary of State may by order provide that, in relation to entertainments held on or after the date on which the order comes into operation, this section shall have effect as if, for such one or more of the following sums as may be specified in the order, that is to say—
  - (a) the sum of ten shillings specified in subsection (3) of this section;
  - (b) the sum of fifty pounds specified in subsections (4) and (8)(b) of this section; and
  - (c) the sum of one hundred pounds specified in subsection (8)(b) of this section, there were substituted such larger sum as is specified in the order.
- (10) Subsections (1) to (4) of section 8 of this Act shall have effect as if in those subsections any reference to sections 2 to 4 or to Part I of this Act included a reference to this section.
- (11) .....

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

### Textual Amendments

**F106** Words substituted by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 4 para. 3](#)

**F107** [S. 41\(11\)](#) repealed by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 5](#)

### Modifications etc. (not altering text)

**C24** [S. 41\(3\)](#) has effect (E.W.) by virtue of [S.I. 1988/1026, art. 3, Sch.](#) ([S.I. 1988/1026, art. 3, Sch.](#) revoked 1. 12. 1992 by [S.I. 1992/2646, art. 3](#)) and (S.) by virtue of [S.I. 1988/1050, art. 3, Sch.](#) ([S.I. 1988/1050, art. 3, Sch.](#) revoked 1. 12. 1992 by [S.I. 1992/2754, art. 3](#)) as if for the reference to the sum specified in that provision there were substituted a reference to £2.50.

**C25** [S. 41\(3\)](#) has effect (E.W.) (1. 12. 1992) by virtue of [S.I. 1992/2646, art. 2, Sch.](#) as if for the reference to the sum specified in that provision there were substituted a reference to £3.

**C26** [S. 41\(3\)](#) has effect (S.) (1. 12. 1992) by virtue of [S.I. 1992/2754, art. 2, Sch.](#) as if for the reference to the sum specified in that provision there were substituted a reference to £3.

**C27** [S. 41\(4\)](#) has effect (E.W.) by virtue of [S.I. 1988/1026, art. 3, Sch.](#) ([S.I. 1988/1026, art. 3, Sch.](#) revoked 1. 12. 1992 by [S.I. 1992/2646, art. 3](#)) and (S.) by virtue of [S.I. 1988/1050, art. 3, Sch.](#) ([S.I. 1988/1050, art. 3, Sch.](#) revoked 1. 12. 1992 by [S.I. 1992/2754, art. 3](#)) as if for the reference to the sum specified in that provision there were substituted a reference to £250

**C28** [S. 41\(4\)](#) has effect (E.W.) (1. 12. 1992) by virtue of [S.I. 1992/2646, art. 2, Sch.](#) as if for the reference to the sum specified in that provision there were substituted a reference to £300.

**C29** [S. 41\(4\)](#) has effect (S.) (1. 12. 1992) by virtue of [S.I. 1992/2754, art. 2, Sch.](#) as if for the reference to the sum specified in that provision there were substituted a reference to £300.

**C30** [S. 41\(8\)](#) has effect (E.W.) by virtue of [S.I. 1988/1026, art. 3, Sch.](#) ([S.I. 1988/1026, art. 3, Sch.](#) revoked 1. 12. 1992 by [S.I. 1992/2646, art. 3](#)) and (S.) by virtue of [S.I. 1988/1050, art. 3, Sch.](#) ([S.I. 1988/1050, art. 3, Sch.](#) revoked 1. 12. 1992 by [S.I. 1992/2754, art. 3](#)) as if for the references to the sums specified in that provision there were substituted references to £250 and £500.

**C31** [S. 41\(8\)](#) has effect (E.W.) (1. 12. 1992) by virtue of [S.I. 1992/2646, art. 2, Sch.](#) as if for the references to the sums specified in that provision there were substituted references to £300 and £600.

**C32** [S. 41\(8\)](#) has effect (S.) (1. 12. 1992) by virtue of [S.I. 1992/2754, art. 2, Sch.](#) as if for the references to the sums specified in that provision there were substituted references to £300 and £600.

### Marginal Citations

**M10** [1976 c. 32](#).

## 42 Restrictions on advertisements relating to gaming.

(1) Except as provided by this section, no person shall issue, or cause to be issued, any advertisement—

- (a) informing the public that any premises in Great Britain are premises on which gaming takes place or is to take place, or
- (b) inviting the public to take part as players in any gaming which takes place, or is to take place, on any such premises, or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, in Great Britain, or
- (c) inviting the public to subscribe any money or money's worth to be used in gaming whether in Great Britain or elsewhere, or to apply for information about facilities for subscribing any money or money's worth to be so used.

**F108** (d) .....

**F108** (e) .....

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

F109(1A) .....

(2) [F110Subsection (1) of this section] does not apply to any advertisement in so far as it relates to gaming which is, or is to be,—

- (a) gaming as an incident of an entertainment to which section 33 of this Act applies, or
- (b) gaming to which section 41 of this Act applies, or
- (c) gaming on any premises to which paragraph 4 of Schedule 9 to this Act applies and in respect of which a permit under section 34 of this Act is for the time being in force, or
- (d) gaming on any premises to which paragraph [F1113 of Schedule 3 to the M111Lotteries and Amusements Act 1976 applies and in respect of which a permit under s. 16] of that Act is for the time being in force, or
- (e) gaming at any travelling showmen’s pleasure fair, [F112or
- (f) gaming in the form of playing bingo]

(3) Subsection (1) of this section does not apply to—

- (a) the display, on any premises in respect of which a licence under this Act is for the time being in force F113. . . , of a sign or notice indicating that gaming takes place, or is to take place, on those premises, whether the sign or notice is displayed inside or outside the premises, or
- (b) the publication or display of a notice, where the notice is required to be published or displayed by any provision of Schedules 2 to 4 to this Act and the publication or display is so made as to comply with the requirements of that provision, or
- (c) the publication in any newspaper of a notice stating that a licence under this Act has been granted, if the notice is published not later than fourteen days from the date on which the licence was granted or from such later date as may be appointed by the licensing authority by whom the licence was granted, and the notice is in a form approved by the licensing authority; F114. . .

- F114(d) .....
- F114(e) .....
- F114(f) .....
- F114(g) .....

and, in the case of any premises in respect of which a club is for the time being registered under Part II or Part III of this Act, subsection (1) of this section shall not apply to any advertisement by reason only that it contains the name of the club.

F115(3A) .....

F115(3B) .....

F115(3C) .....

[F116(3D) Subsection (1) of this section does not apply to the publication of an advertisement relating to premises, other than bingo club premises, in respect of which a licence under this Act is for the time being in force if—

- (a) the advertisement is contained in a publication which is not published wholly or mainly for the purpose of promoting premises on which gaming takes place or is to take place; and
- (b) the advertisement contains no more than—



*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- (i) the name, logo, address, telephone and facsimile numbers of the premises; and
  - (ii) factual written information about the facilities provided on the premises, the ownership of the premises, the persons who may be admitted to the premises and the method by which such persons may become eligible to take part in gaming on the premises.]
- (4) Subsection (1) of this section does not apply to the publication of an advertisement in a newspaper which circulates wholly or mainly outside Great Britain.
- (5) Where a person is charged with an offence under this section, it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this section.
- (6) For the purposes of this section an advertisement issued by displaying or exhibiting it shall be treated as issued on every day on which it is displayed or exhibited.
- (7) Subject to subsection (5) of this section, any person who contravenes subsection (1) of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding £400;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

[<sup>F117</sup>(8) In this section—

“advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television or by inclusion in a programme service (within the meaning of the <sup>M12</sup>Broadcasting Act 1990) that is not a sound or television broadcasting service and references to the issue of an advertisement shall be construed accordingly;

<sup>F118</sup>  
...  
<sup>F118</sup>  
...  
<sup>F118</sup>  
...

“public” means the public in Great Britain, and includes any section of the public in Great Britain, however selected;

<sup>F118</sup>  
... ]

#### Textual Amendments

- F108** S. 42(1)(d) (e) and the word "or" preceding para. (d) (which were inserted (6.5.1992) by 1992 c. 10, **ss. 1(2), 2(2)**) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(2)**
- F109** S. 42(1A) (which was inserted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(3), 2(2)**) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(3)**
- F110** Words in s. 42(2) substituted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(4), 2(2)**.
- F111** Words substituted by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 4**
- F112** Word "or" and para. (f) inserted (19.4.1997) in s. 42(2) by S.I. 1997/1074, **art. 3(4)**
- F113** Words in s. 42(3)(a) (which were inserted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(5), 2(2)**) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(5)(a)**
- F114** S. 42(3)(d)-(g) and 'or' preceding para. (d) (which were inserted (6.5.1992) by Bingo Act 1992 (c. 10), **ss. 1(6), 2(2)**) repealed (19.4.1997) by S.I. 1997/1074, **art. 3(5)(b)**

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- F115** S. 42(3A)-(3C) (which were inserted (6.5.1992) by Bingo Act 1992 (c. 10), ss. 1(7), 2(2)) repealed (19.4.1997) by S.I. 1997/1074, art. 3(6)
- F116** S. 42(3D) inserted (24.8.1999) by S.I. 1999/2136, art. 6
- F117** S. 42(8) substituted (6.5.1992) by Bingo Act 1992 (c. 10), ss. 1(8), 2(2).
- F118** Definitions of "bingo club premises", "inducement", "multiple bingo" and "relevant premises" repealed (19.4.1997) by S.I. 1997/1074, art. 3(7)

**Modifications etc. (not altering text)**

- C33** S. 42(3)(a) explained by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), s. 2(4)

**Marginal Citations**

- M11** 1976 c. 32.  
**M12** 1990 c.42.

**43 Provision for inspectors and rights of entry and related rights.**

- (1) The Board may appoint such number of persons as the Secretary of State may with the consent of the Treasury determine to be inspectors for the purposes of this Act; and in this Act "inspector" means any person so appointed.
- [<sup>F119</sup>(2) Any inspector or constable may at any reasonable time enter any premises in respect of which a licence under this Act is for the time being in force, and while on the premises may—
- (a) inspect the premises and any machine or other equipment on the premises, and any book or document on the premises, which he reasonably requires to inspect for the purpose of ascertaining whether a contravention of this Act or of any regulations made under it is being or has been committed;
  - (b) take copies of any such book or document or of any entry in it; and
  - (c) if any information reasonably required by him for that purpose is contained in a computer and is accessible from the premises, require it to be produced in a form in which it can be taken away and in which it is visible and legible.]
- (3) If any person, being the holder of a licence under this Act in respect of any premises or a person acting on behalf of the holder of such a licence,—
- (a) fails without reasonable excuse to admit an inspector or constable who demands admission to the premises in pursuance of subsection (2) of this section, or
  - (b) on being required by an inspector or constable to do so, fails without reasonable excuse to permit the inspector or constable to inspect the premises or any machine or other equipment on the premises, or
  - (c) on being required by an inspector or constable to produce any book or document in his possession or under his control which relates to those premises and which the inspector or constable reasonably requires to inspect for the purpose specified in subsection (2) of this section, fails without reasonable excuse to produce it to the inspector or constable and to permit the inspector or constable (if he so desires) to take copies of it or of any entry in it, or
- [<sup>F120</sup>(ca) fails without reasonable excuse to comply with a requirement imposed in relation to those premises under subsection (2)(c) of this section; or]
- (d) on being required by an inspector to furnish any information relating to the premises which is reasonably required by the Board for the purposes of the

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- performance of their functions, fails without reasonable excuse to furnish that information to the inspector,  
the holder of the licence shall be guilty of an offence.
- (4) If, on information on oath with respect to any premises,—
- (a) a justice of the peace, if the premises are in England or Wales, or
  - (b) the sheriff or a magistrate or justice of the peace having jurisdiction in the place where the premises are situated, if they are situated in Scotland,
- is satisfied that there are reasonable grounds for suspecting that an offence under this Act is being, has been or is about to be committed on those premises, he may issue a warrant in writing authorising any constable, with or without one or more inspectors, to enter the premises, if necessary by force, [<sup>F121</sup>at any time within fourteen days from the time of the issue of the warrant] and to search the premises.
- (5) Any constable who enters any premises under the authority of a warrant issued under subsection (4) of this section may—
- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act, <sup>F122</sup> . . .
  - <sup>F123</sup>(aa) if he has reasonable cause to believe that any information which is [<sup>F124</sup>stored in any electronic form] and is accessible from the premises may be required for those purposes, require it to be produced in a form in which it can be taken away and in which it is visible and legible [<sup>F125</sup>or from which it can readily be produced in a visible and legible form]; and]
  - (b) [<sup>F126</sup>arrest and] search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.
- <sup>F127</sup>(5A) The holder of a licence under this Act in respect of any premises shall be guilty of an offence if he, or any person acting on his behalf, fails without reasonable excuse to comply with a requirement imposed in relation to those premises under subsection (5) (aa) of this section.]
- (6) Without prejudice to any power exercisable by virtue of the preceding provisions of this section, in the case of any premises in respect of which a licence under this Act is for the time being in force or a club or a miners' welfare institute is for the time being registered under Part II or Part III of this Act the Board may at any time serve on the holder of the licence or the chairman or secretary of the club or institute, as the case may be, a notice requiring him, in such manner and within such reasonable time as may be specified in the notice—
- (a) to produce for inspection by or on behalf of the Board books or documents relating to those premises of any description specified in the notice which the Board reasonably require to inspect for the purpose specified in subsection (2) of this section, and
  - (b) to furnish to the Board information relating to those premises of any description specified in the notice which the Board reasonably require for that purpose.
- (7) Any power exercisable by the Board by virtue of subsection (6) of this section in respect of any premises shall also be exercisable by the chief officer of police (or, in Scotland, the chief constable) for the police area in which the premises are situated,

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

as if in that subsection any reference to the Board included a reference to that chief officer or chief constable.

(8) If without reasonable excuse any requirement imposed in relation to any premises by a notice served by virtue of subsection (6) or subsection (7) of this section is not complied with,—

- (a) the holder of the licence, if they are premises in respect of which a licence under this Act is for the time being in force, or
- (b) every officer of the club or institute, if they are premises in respect of which a club or a miners' welfare institute is for the time being registered under Part II or Part III of this Act,

shall be guilty of an offence.

(9) In the case of any premises in respect of which a licence under this Act is for the time being in force, any person duly authorised in writing by the [<sup>F128</sup>relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))] [<sup>F129</sup>fire and rescue authority under the Fire and Rescue Services Act 2004] in whose area the premises are situated may at any reasonable time enter the premises for the purpose of ascertaining whether appropriate precautions against the danger of fire are being sufficiently observed; and, in relation to a person so authorised subsection (3) of this section (with the omission of paragraphs (c) [<sup>F130</sup>, (ca)] and (d)) shall have effect as if in that subsection—

- (a) any reference to an inspector or constable were a reference to a person so authorised, and
- (b) the reference in paragraph (a) to subsection (2) of this section were a reference to the preceding provisions of this subsection.

(10) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding [<sup>F131</sup>level 4 on the standard scale].

[<sup>F132</sup>(11) In this section—

“document” means anything in which information of any description is recorded, and

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly. ]

#### Textual Amendments

**F119** S. 43(2) substituted by [Gaming \(Amendment\) Act 1990 \(c. 26, SIF 12:1\)](#), s. 1, **Sch. para. 2(2)**

**F120** S. 43(3)(ca) inserted by [Gaming \(Amendment\) Act 1990 \(c. 26, SIF 12:1\)](#), s. 1, **Sch. para. 2(3)**

**F121** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), **Sch. 7 Pt. I**

**F122** Word repealed by [Gaming \(Amendment\) Act 1990 \(c. 26, SIF 12:1\)](#), s. 1, **Sch. para. 2(4)**

**F123** S. 43(5)(aa) inserted by [Gaming \(Amendment\) Act 1990 \(c. 26, SIF 12:1\)](#), s. 1, **Sch. para. 2(4)**

**F124** Words in s. 43(5)(aa) substituted (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), **ss. 70, 138(2)**, **Sch. 2 para. 13(1)(a)(2)(c)**; S.I. 2003/708, art. 2(k)

**F125** Words in s. 43(5)(aa) inserted (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), **ss. 70, 138(2)**, **Sch. 2 para. 13(1)(b)(2)(c)**; S.I. 2003/708, art. 2(k)

**F126** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), **Sch. 7 Pt. I**

**F127** S. 43(5A) inserted by [Gaming \(Amendment\) Act 1990 \(c. 26, SIF 12:1\)](#), s. 1, **Sch. para. 2(5)**

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- F128** Words in s. 43(9) substituted (S.) (2.8.2005) by The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) Order 2005 (S.S.I. 2005/383), art. 1, **sch. 1 para. 2(2)**
- F129** Words in s. 43(9) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 24(2)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F130** Words inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(6)**
- F131** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1985 (c. 21, SIF 39:1), **ss. 289F**, 289G
- F132** S. 43(11) (which was inserted by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 2(7)**) substituted (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 4** (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**

#### Modifications etc. (not altering text)

- C34** S. 43 amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(3)(a)**
- C35** Functions of the Treasury under s. 43(1) now again exercisable by the Treasury by virtue of S.I. 1968/1656 and 1981/1670, art. 2(2)
- C36** S. 43(2) amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(3)(b)**
- C37** S. 43(3) amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(3)(c)**
- C38** S. 43(5): powers of seizure extended (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 50, 138(2), **Sch. 1 paras. 11** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)
- C39** S. 43(5) modified (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 55, 138(2), **Sch. 1 paras. 93** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
- C40** S. 43(5)(aa) modified (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), **ss. 63**, 138(2); S.I. 2003/708, art. 2(a)
- C41** S. 43(6) amended by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), **s. 4(3)(c)**

#### 44 Local authority not to maintain or contribute to premises licensed under Part II.

- (1) No local authority shall maintain, or contribute towards the maintenance of, any premises in respect of which a licence under this Act is for the time being in force.

<sup>F133</sup>(2) .....

- (3) In this section “local authority”, in relation to England and Wales, means the council of a county, . . . <sup>F134</sup>, London borough or county district, . . . <sup>F135</sup> and the Common Council of the City of London, and, in relation to Scotland, means [<sup>F136</sup>a][<sup>F137</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

#### Textual Amendments

- F133** S. 44(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 3
- F134** Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F135** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102(2), **Sch. 17**
- F136** Word substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 24 para. 30**
- F137** Words in s. 44(3) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 78(2)**; S.I. 1996/323, **art. 4(1)**.

#### 45 Offences by bodies corporate.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (2) In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

#### 46 Forfeiture.

- (1) Subject to the next following subsection, the court by or before which a person is convicted of an offence under this Act may order anything produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (2) The court shall not order anything to be forfeited under this section, where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

#### 47 Service of documents.

Any notice or other document required or authorised by any provision of this Act to be served on any person, or to be given or sent to any person, [<sup>F138</sup>except an application or notice under section 12(3)] of this Act, may be served, given or sent—

- (a) by delivering it to him; or
- (b) by sending it by post to him at his usual or last-known residence or place of business in the United Kingdom; or
- (c) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office or sending it by post to the secretary or clerk of that body corporate at that office.

#### Textual Amendments

F138 Words in s. 47 substituted (24.8.1999) by S.I. 1999/2136, art. 4(2)

#### Modifications etc. (not altering text)

C42 S. 47 applied by Gaming (Bingo) Act 1985 (c. 35, SIF 12:1), s. 2(2)(c), Sch. para. 4(3)

#### 48 Financial provisions.

- (1) All expenses incurred by the Secretary of State under this Act, together with—
- (a) any expenses incurred by the Board under paragraph 6 of Schedule 1 to this Act, and
  - (b) to such amount as the Secretary of State with the consent of the Treasury may approve, any other expenses incurred by the Board,
- shall be defrayed out of moneys provided by Parliament.
- (2) There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- (3) [<sup>F139</sup>Except as provided by subsections (4) and (4A)] of this section the following fees shall be charged under this Act, that is to say—
- (a) in respect of the grant of a licence under this Act, a fee of £1,000;
  - (b) in respect of the renewal of such a licence, a fee of £200;
  - (c) in respect of the transfer of such a licence, a fee of £150;
  - [<sup>F140</sup>(ca) in respect of an application for a certificate consenting to the making of an application for the grant of a licence under this Act, a fee of £5,000;
  - (cb) in respect of an application for a certificate consenting to the making of an application for the transfer of such a licence, a fee of £2,500;]
  - (d) in respect of the registration of a club or a miners' welfare institute under Part II of this Act, a fee of £20, and, in respect of the renewal of any such registration, a fee of £10;
  - (e) in respect of the registration of a club or a miners' welfare institute under Part III of this Act, a fee of £10, and, in respect of the renewal of any such registration, a fee of £5;
  - (f) in respect of the issue of a certificate of approval under Part I of Schedule 5 to this Act, a fee of £5;
  - (g) in respect of the issue of a certificate under section 27 of this Act, a fee of £250, and, in respect of the renewal of any such certificate, a fee of £100;
  - (h) in respect of the grant or renewal of a permit under section 34 of this Act [<sup>F141</sup>, other than one expressed to be granted for the purposes of subsection (5E) of that section,], a fee of twenty-five shillings.
  - [<sup>F142</sup>(i) in respect of the grant or renewal by a local authority (as defined by paragraph 3 of Schedule 9 to this Act) of a permit under section 34 of this Act which is expressed to be granted for the purposes of subsection (5E) of that section, such fee, as may be fixed annually by the authority for the whole of their area not exceeding
    - (i) £250, or
    - (ii) the rate mentioned in subsection (4B) of this section whichever is the less.]
- (4) Where on the grant or renewal of a licence under this Act in respect of any premises the licensing authority impose any restrictions under paragraph 25 of Schedule 2 to this Act limiting gaming to which Part II of this Act applies to the playing of bingo, the fee to be charged—
- (a) under paragraph (a) of subsection (3) of this section, shall be £250 instead of £1,000, and
  - (b) under paragraph (b) of that subsection, shall be £100 instead of £200;
- and, if the licence is transferred while those restrictions continue to be in force, the fee to be charged under paragraph (c) of that subsection shall be £50 instead of £150.
- [<sup>F143</sup>(4A) Where the licence to which the certificate relates is to be, or is, subject to the restrictions mentioned in subsection (4) above, the fee to be charged under paragraph (ca) or (cb) of subsection (3) of this section shall be £1,500 or £500 instead of £5,000 or £2,500.]
- [<sup>F144</sup>(4B) The rate referred to in subsection (3)(i) of this section is such rate as the local authority reasonably consider necessary to balance their income and expenditure in connection with permits of the kind mentioned in that provision (including expenditure in connection with enforcement).]

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- (5) The Secretary of State may by order direct that any provision of [F<sup>145</sup>subsection (3), (4) or (4A)] of this section which is specified in the order shall have effect as if, for any reference in that provision to a sum so specified, there were substituted a reference to such other sum as may be so specified.
- (6) All [F<sup>146</sup>fees charged in accordance with paragraph (ca), (cb), (f) or (g)] of subsection (3) of this section, and all fees charged in Scotland in accordance with paragraph (d) or paragraph (e) of that subsection, shall be paid into the Exchequer.

#### Textual Amendments

- F139** Words in s. 48(3) substituted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(2)**; S.I. 1991/59, **art. 2**.
- F140** S. 48(3)(ca)(cb) inserted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(3)**; S.I. 1991/59, **art. 2**.
- F141** Words in s. 48(3)(h) inserted (20.6.1996) by S.I. 1996/1359, **art. 8(2)**
- F142** S. 48(3)(i) inserted (20.6.1996) by S.I. 1996/1359, **art. 8(3)**
- F143** S. 48(4A) inserted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(4)**; S.I. 1991/59, **art. 2**.
- F144** S. 48(4B) inserted (20.6.1996) by S.I. 1996/1359, **art. 8(4)**
- F145** Words in s. 48(5) substituted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(5)**; S.I. 1991/59, **art. 2**.
- F146** Words in s. 48(6) substituted (1.4.1991) by Gaming (Amendment) Act 1990 (c. 26, SIF 12:1), s. 1, **Sch. para. 3(6)**; S.I. 1991/59, **art. 2**.

#### Modifications etc. (not altering text)

- C43** S. 48(3)(a) sum modified (E.W.) (1.4.2005) by The Gaming Act 1968 (Variation of Fees) (England and Wales) Order 2005 (S.I. 2005/566), arts. 1(1), 2, **Sch.**
- C44** S. 48(3)(a) sum modified (S.) (4.7.2005) by The Gaming Act (Variation of Fees) (Scotland) Order 2005 (S.S.I. 2005/319), arts. 1(1), 2, **sch.**
- C45** S. 48(3)(b) sum modified (E.W.) (1.4.2005) by The Gaming Act 1968 (Variation of Fees) (England and Wales) Order 2005 (S.I. 2005/566), arts. 1(1), 2, **Sch.**
- C46** S. 48(3)(b) sum modified (S.) (4.7.2005) by The Gaming Act (Variation of Fees) (Scotland) Order 2005 (S.S.I. 2005/319), arts. 1(1), 2, **sch.**
- C47** S. 48(3)(c) sum modified (E.W.) (1.4.2005) by The Gaming Act 1968 (Variation of Fees) (England and Wales) Order 2005 (S.I. 2005/566), arts. 1(1), 2, **Sch.**
- C48** S. 48(3)(c) sum modified (S.) (4.7.2005) by The Gaming Act (Variation of Fees) (Scotland) Order 2005 (S.S.I. 2005/319), arts. 1(1), 2, **sch.**
- C49** S. 48(3)(ca) sum modified (1.4.2005) by The Gaming Act 1968 (Variation of Fees) Order 2005 (S.I. 2005/567), arts. 1(1), 2, **Sch.**
- C50** S. 48(3)(cb) sum modified (1.4.2005) by The Gaming Act 1968 (Variation of Fees) Order 2005 (S.I. 2005/567), arts. 1(1), 2, **Sch.**
- C51** S. 48(3)(d) has effect (1.4.2002) as if, for the reference to the sum specified, there were substituted reference to the sum of £120 by virtue of S.I. 2002/642, **art. 2, Sch.**
- C52** S. 48(3)(e) has effect (1.4.2002) as if, for the reference to the sum specified, there were substituted reference to the sum of £70 by virtue of S.I. 2002/642, **art. 2, Sch.**
- C53** S. 48(3)(f) sum modified (1.4.2004) by The Gaming Act (Variation of Fees) Order 2004 (S.I. 2004/531), arts. 1, 2, **Sch.**
- C54** S. 48(3)(g) sums modified (1.4.2005) by The Gaming Act 1968 (Variation of Fees) Order 2005 (S.I. 2005/567), arts. 1(1), 2, **Sch.**
- C55** S. 48(3)(h) has effect (2.12.1991) by virtue of (E.W.) S.I. 1991/2177, **art. 2** and (S.) S.I. 1991/2499, **art. 2** with the substitution, for the sum referred to therein, of a reference to £32.



*Status: Point in time view as at 24/11/2005.*

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- C56** S. 48(4)(a) sums modified (E.W.) (1.4.2005) by [The Gaming Act 1968 \(Variation of Fees\) \(England and Wales\) Order 2005 \(S.I. 2005/566\)](#), arts. 1(1), 2, [Sch.](#)
- C57** S. 48(4)(a) sum modified (S.) (4.7.2005) by [The Gaming Act \(Variation of Fees\) \(Scotland\) Order 2005 \(S.S.I. 2005/319\)](#), arts. 1(1), 2, [sch.](#)
- C58** S. 48(4)(b) sums modified (E.W.) (1.4.2005) by [The Gaming Act 1968 \(Variation of Fees\) \(England and Wales\) Order 2005 \(S.I. 2005/566\)](#), arts. 1(1), 2, [Sch.](#)
- C59** S. 48(4)(b) sums modified (S.) (4.7.2005) by [The Gaming Act \(Variation of Fees\) \(Scotland\) Order 2005 \(S.S.I. 2005/319\)](#), arts. 1(1), 2, [sch.](#)
- C60** S. 48(4A) sums modified (1.4.2005) by [The Gaming Act 1968 \(Variation of Fees\) Order 2005 \(S.I. 2005/567\)](#), arts. 1(1), 2, [Sch.](#)
- C61** S. 48(5): functions transferred (1.7.1999) to the Scottish ministers so far as exercisable in relation to s. 48(3)(a)-(c)(h)(i)(4) in or as regards Scotland by [S.I. 1999/1750](#), arts. 1(1), 2, [Sch. 1](#)

#### **49 Provision of information by licensing authorities and sheriff clerks.**

Schedule 10 to this Act shall have effect with respect to—

- (a) the performance by or on behalf of licensing authorities of certain functions in connection with licences under this Act and in connection with registration in England and Wales under Part II or Part III of this Act, and
- (b) the performance by sheriff clerks of certain functions in connection with registration in Scotland under Part II or Part III of this Act.

#### **50 Annual report of Board.**

The Board shall, at such time in each year as the Secretary of State may direct, send to the Secretary of State a report with respect to the performance of their functions; and the Secretary of State shall lay before Parliament a copy of every such report.

#### **51 Regulations and orders.**

- (1) Subject to the next following subsection, the Secretary of State may make regulations for any purpose for which regulations are authorised or required to be made under this Act.
- (2) The Secretary of State shall not make any regulations under this Act except after consultation with the Board.
- (3) Any power to make regulations [<sup>F147</sup>or an order] under this Act may be exercised so as to make different provision for different areas or in relation to different cases or different circumstances to which the power is applicable.
- (4) Any power conferred by this Act to make an order shall include power to vary or revoke the order by a subsequent order.
- (5) Any power to make regulations or orders under this Act shall be exercisable by statutory instrument; and any statutory instrument containing any such regulations or order <sup>F148</sup>... shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

#### Textual Amendments

**F147** Words in s. 51(3) inserted (1.10.2005) by [Gambling Act 2005 \(c. 19\)](#), s. 358(1), [Sch. 16 para. 3\(6\)](#) (with [ss. 352, 354](#), [Sch. 16 para. 21](#)); S.I. 2005/2455, art. 2(1), Sch.

**F148** Words in s. 51(5) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 17](#) Group 3

### [<sup>F149</sup>51A Meaning of “private gain” in relation to non-commercial entertainments.

- (1) In construing sections 33 and 41 of this Act, proceeds of any entertainment, lottery or gaming promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.
- (2) Subsection (1) above extends to any society which is established and conducted either—
  - (a) wholly for purposes other than purposes of any commercial undertaking; or
  - (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games;
 and in this section “society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.
- (3) For the purposes of sections 33 and 41 of this Act, where any payment falls to be made by way of a hiring, maintenance or other charge in respect of a machine to which Part III of this Act applies or in respect of any equipment for holding a lottery or gaming at any entertainment, then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the proceeds of the entertainment for the purposes of private gain.]

#### Textual Amendments

**F149** S. 51A added by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 4 para. 5](#)

## 52 Interpretation.

- (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
  - “the Act of 1963” means the <sup>M13</sup>Betting, Gaming and Lotteries Act 1963;
  - “the Board” means the Gaming Board for Great Britain established under this Act;
  - “game of chance” does not include any athletic game or sport, but, with that exception, and subject to subsection (6) of this section, includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined;
  - “gaming” (subject to subsections (3) to (5) of this section) means the playing of a game of chance for winnings in money or money’s worth, whether

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*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

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any person playing the game is at risk of losing any money or money's worth or not;

“inspector” has the meaning assigned to it by section 43 of this Act;

“licensing authority” has the meaning assigned to it by paragraph 1 of Schedule 2 to this Act;

“machine” includes any apparatus;

[<sup>F150</sup>“newspaper” includes any journal, magazine or other periodical publication;]

“premises” includes any place;

“prescribed” means prescribed by regulations made under this Act;

“travelling showmen's pleasure fair” means a pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is held on any day of a year on premises not previously used in that year on more than twenty-seven days for the holding of such a pleasure fair;

“vehicle” includes a railway carriage and also includes an aircraft while it is on the ground and a hover vehicle (that is to say, a vehicle designed to be supported on a cushion of air) whether it is on the ground or not;

“vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water;

“winnings” includes any prize or other winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

(2) In this Act “miners' welfare institute” means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular) where —

[<sup>F151</sup>(a) the institute is managed by a committee or board of which not less than two-thirds consists partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, a licensed operator or operators (within the meaning of the Coal Industry Act 1994) and partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, an organisation or organisations representing persons employed in or about coal mines;

(aa) in the case of an institute in relation to which either—

(i) the making of an appointment or nomination by a licensed operator, or

(ii) the making of an appointment or nomination by such an organisation as is mentioned in paragraph (a) above,

is not practicable or would not be appropriate, it is managed by a committee or board of which not less than two-thirds consists partly of persons employed or formerly employed in or about coal mines and partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952; or]

(b) the premises of the institute, if they are in England or Wales, are held on trusts to which section 2 of the <sup>M14</sup>Recreational Charities Act 1958 applies, or, if they are in Scotland, are held on trust for charitable purposes (“charitable” being construed in the same way as if it were contained in the Income Tax Acts).

(3) Where apart from this subsection the playing of a game of chance would constitute gaming and also constitutes a lottery, then if—

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

- (a) in so far as it is a lottery, it is a lottery promoted as mentioned in <sup>F152</sup>section 3 (small lotteries incidental to certain entertainment), 4 (private lotteries), 5 (societies' lotteries) or 6 (local lotteries) of the <sup>M15</sup>Lotteries and Amusements Act 1976 <sup>F153</sup>or a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993,] and]
- (b) each winner of a prize is ascertained by reference to not more than three determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event,
- the playing of the game shall not constitute gaming for the purposes of this Act.
- (4) In this Act “gaming” does not include the making of bets by way of pool betting.
- (5) For the purposes of this Act a machine shall be taken not to be used for gaming if it is used in such a way that no game played by means of the machine can result in a player, or a person claiming under a player, receiving or being entitled to receive any article, benefit or advantage other than one (but not both) of the following, that is to say—
- (a) an opportunity afforded by the automatic action of the machine to play one or more further games without the insertion of any cash or token;
- (b) the delivery by means of the machine of one or more coins or tokens as a prize in respect of a game where one or more coins or tokens of an equal or greater value or aggregate value were inserted into the machine by or on behalf of the player in order to play that game.
- (6) In determining for the purposes of this Act whether a game, which is played otherwise than against one or more other players, is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance shall be disregarded.
- (7) For the purposes of any provision of this Act which relates to making a charge, or charging a levy, it is immaterial whether a charge or levy is compulsory, customary or voluntary, and any reference to making a charge or charging a levy shall be construed accordingly.
- (8) Subject to subsections (1) to (7) of this section, expressions used in this Act to which a meaning is assigned by section 55(1) of the Act of 1963 have the same meanings in this Act as in that Act.
- (9) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

#### Textual Amendments

**F150** Definition added by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 6(1)**

**F151** S. 52(2)(a)(aa) substituted (31.10.1994) for s. 52(2)(a) by 1994 c. 21, s. 67, **Sch. 9 para. 12** (with s. 40); S.I. 1994/2552, art. 2, **Sch. 1**

**F152** Words substituted by Lotteries and Amusements Act 1976 (c. 32), **Sch. 4 para. 6(2)**

**F153** Words in s. 52(3) inserted (25.10.1993) by 1993 c. 39, s. 2, **Sch. 1 para. 1**; S.I. 1993/2632, art. 2.

#### Marginal Citations

**M13** 1963 c. 2.

**M14** 1958 c. 17.

**M15** 1976 c. 32.

*Status: Point in time view as at 24/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed). (See end of Document for details)*

**53 Minor and consequential amendments, and repeals.**

- (1) Subject to the provisions of any order made under the following section—
- (a) the Act of 1963 shall have effect subject to the amendments specified in Part I of Schedule 11 to this Act, . . . <sup>F154</sup>
  - (b) the enactments specified in Part III of Schedule 11 to this Act shall have effect subject to the amendments specified in that Part of that Schedule; and
  - (c) the enactments specified in Schedule 12 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The rules of law relating to common gaming houses are hereby abolished.

**Textual Amendments**

**F154** Words repealed by [Lotteries and Amusements Act 1976 \(c. 32\)](#), **Sch. 5**

**54 Short title, extent and commencement.**

- (1) This Act may be cited as the Gaming Act 1968.
- (2) This Act . . . <sup>F155</sup> shall not extend to Northern Ireland.
- <sup>F156</sup>(3) . . . . .
- <sup>F156</sup>(4) . . . . .
- <sup>F156</sup>(5) . . . . .

**Textual Amendments**

**F155** Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), **Sch. 3**

**F156** [S. 54\(3\)-\(5\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 17** Group 3

**Status:**

Point in time view as at 24/11/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the Gaming Act 1968 (repealed).