



Gaming Act 1968

1968 CHAPTER 65

PART IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

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.
- (2) The preceding subsection 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 4 of Schedule 6 to the Act of 1963 applies and in respect of which a permit under section 49 of that Act is for the time being in force, or
 - (e) gaming at any travelling showmen's pleasure fair.
- (3) Subsection (1) of this section does not apply to—

Status: This is the original version (as it was originally enacted).

- (a) the display, on any premises in respect of which a licence under this Act is for the time being in force, 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;

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.

- (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.
- (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, and references to the issue of an advertisement shall be construed accordingly ; and "the public" means the public in Great Britain, and includes any section of the public in Great Britain, however selected.