

*These notes refer to the Gambling Act 2005 (c.19)  
which received Royal Assent on 7 April 2005*

# **GAMBLING ACT 2005**

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## **EXPLANATORY NOTES**

### **TERRITORIAL EXTENT**

#### *Territorial limits – vessels and aircraft*

#### *Schedule 15: Private gaming and betting*

#### **Part 15: Inspection**

#### *Section 317: Powers*

785. This section sets out the powers which a constable, enforcement officer or authorised person may exercise when entering premises under this Part.
786. Those exercising powers of entry may inspect any part of the premises and any machine or other thing on them. There is also power to question any person on the premises, to access any written or electronic record on the premises, and to request copies. Those entering will also have the right to seize and retain material, but only where the person entering believes that it contains or constitutes evidence of an offence under the Act or a breach of licence conditions. Through regulations the Secretary of State will have the power to set rules concerning the treatment of copies of written or electronic records supplied, and items removed as evidence of an offence (past or present) or breach of licence condition. Regulations may also include provision regarding the retention, use, return or destruction of items supplied or removed and the conferring of a right of appeal.
787. Restrictions are imposed on the extent to which a person entering premises can have access to and seize records without a warrant. It is only where a record (whether written or electronic) relates entirely to the matters to which the power of entry relates that it can be accessed or seized without a warrant. This is dealt with in further detail below in the note on section 319.
788. A constable, enforcement officer or authorised person when exercising powers under this Part is not entitled to take any action in relation to anything of a kind specified in section 9(2) of the Police and Criminal Evidence Act 1984 (for example, legally privileged material). This restriction only applies in England or Wales.
789. A constable, enforcement officer or authorised person must have regard to any relevant provision of a code of practice under the Police and Criminal Evidence Act 1984 in exercising any powers under this Part. This requirement does not apply in Scotland.