



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 12

#### CLUBS, PUBS, FAIRS, &C.

##### *Pubs, &c.*

#### **277 Alcohol licence**

In this Act—

- (a) “alcohol licence” means a premises licence under Part 3 of the Licensing Act 2003 (c. 17),
- (b) “on-premises alcohol licence” means a premises licence under that Part which authorises the supply of alcohol for consumption on the licensed premises, and
- (c) “relevant Scottish licence” means any licence granted under section 9(1) of the Licensing (Scotland) Act 1976 (c. 66) (licence for sale by retail or supply of alcoholic liquor) provided it is not an off-sale licence.

#### **278 Application of sections 279 to 284**

- (1) Sections 279 to 284 apply to premises (other than a vehicle)—
  - (a) in respect of which an on-premises alcohol licence or relevant Scottish licence 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 alcohol licence or sold for consumption on the premises in reliance on the relevant Scottish licence.
- (2) In those sections a reference to a licensing authority includes a reference to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.

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*Status: This is the original version (as it was originally enacted).*

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## **279 Exempt gaming**

- (1) Sections 33 and 37 shall not apply to the provision of facilities for equal chance gaming which—
  - (a) takes place on premises to which this section applies, and
  - (b) satisfies the conditions of this section.
- (2) The first condition of gaming for the purposes of subsection (1) is that the arrangements for the gaming satisfy the prescribed requirements in relation to—
  - (a) limiting amounts that may be staked, or
  - (b) limiting the amount or value of a prize.
- (3) The second condition of gaming for the purposes of subsection (1) is that no amount is deducted or levied from sums staked or won.
- (4) The third condition of gaming for the purposes of subsection (1) is that no participation fee is charged.
- (5) The fourth condition of gaming for the purposes of subsection (1) is that a game played on one set of premises is not linked with a game played on another set of premises.
- (6) The fifth condition of gaming for the purposes of subsection (1) is that children and young persons are excluded from participation.

## **280 Section 279: supplementary**

- (1) In section 279(2) “prescribed” means prescribed by regulations made by the Secretary of State; and regulations may, in particular, make different provision for different classes or descriptions of game.
- (2) For the purposes of section 279(5) two games are linked if—
  - (a) the result of one game is or may be wholly or partly determined by reference to the result of the other game, or
  - (b) the amount or value of a prize available in one game is or may be wholly or partly determined by reference to the extent of participation in the other game;and if a single game is played partly on one set of premises and partly on another it shall be treated as two linked games.

## **281 Bingo**

- (1) The disapplication of section 33 by section 279 shall not apply to high turnover bingo played during a high turnover period.
- (2) Bingo played on premises in any period of seven days is high turnover bingo if—
  - (a) the aggregate of stakes at bingo played on the premises during the period exceeds £2,000, or
  - (b) the aggregate of prizes at bingo played on the premises during the period exceeds £2,000.
- (3) A high turnover period begins in relation to premises at the end of a period of seven days during which—
  - (a) the aggregate of stakes at bingo played on the premises exceeds £2,000, or
  - (b) the aggregate of prizes at bingo played on the premises exceeds £2,000.

- (4) A high turnover period expires at the end of the year beginning with the first day of the period of seven days which caused the high turnover period to begin.
- (5) A period of seven days any of which is in a high turnover period does not cause a new high turnover period to begin.
- (6) The holder of an on-premises alcohol licence or relevant Scottish licence for premises in relation to which a high turnover period begins shall, unless he holds a bingo operating licence, inform the Commission as soon as is reasonably practicable.
- (7) A person commits an offence if he fails without reasonable excuse to comply with subsection (6).
- (8) A person guilty of an offence under subsection (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) The Secretary of State may by order vary a monetary amount specified in this section.

## **282 Gaming machines: automatic entitlement**

- (1) Sections 37 and 242 shall not apply to making one or two gaming machines, each of which is of Category C or D, available for use on premises to which this section applies, provided that the conditions in subsections (2) and (3) are satisfied.
- (2) The first condition is that the person who holds the on-premises alcohol licence or the relevant Scottish licence sends the licensing authority—
  - (a) written notice of his intention to make gaming machines available for use in reliance on subsection (1), and
  - (b) the prescribed fee.
- (3) The second condition is that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with.
- (4) Subsection (1) does not disapply section 37 or 242 in respect of premises at a time when gaming machines are made available for use on those premises in reliance on a club gaming permit or a club machine permit.
- (5) In this section “prescribed” means—
  - (a) in the case of premises in respect of which an on-premises alcohol licence has effect, prescribed by regulations made by the Secretary of State, and
  - (b) in the case of premises in respect of which a relevant Scottish licence has effect, prescribed by regulations made by the Scottish Ministers.

## **283 Licensed premises gaming machine permits**

- (1) A person does not commit an offence under section 37 or 242 if he makes a gaming machine of Category C or D available in accordance with a licensed premises gaming machine permit.
- (2) A licensed premises gaming machine permit is a permit issued by a licensing authority authorising a person to make gaming machines of Category C or D (or both) available for use on premises to which this section applies.

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- (3) A licensed premises gaming machine permit shall, by virtue of this subsection, be subject to the condition that the holder comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine.
- (4) Subsection (1) does not disapply section 37 or 242 in respect of premises at a time when gaming machines are made available for use on those premises in reliance on a club gaming permit or a club machine permit.
- (5) Schedule 13, which makes further provision about licensed premises gaming machine permits, shall have effect except in relation to Scotland.

## **284 Removal of exemption**

- (1) A licensing authority may make an order disapplying section 279 or section 282(1) to specified premises.
- (2) A licensing authority may make an order disapplying a section under subsection (1) only if they think that—
  - (a) the application of the section is not reasonably consistent with pursuit of the licensing objectives,
  - (b) gaming has taken place on the premises in purported reliance on the section but in breach of a condition of that section,
  - (c) the premises are mainly used or to be used for gaming, or
  - (d) an offence under this Act has been committed on the premises.
- (3) Before making an order under subsection (1) a licensing authority shall—
  - (a) give the holder of the on-premises alcohol licence or of the relevant Scottish licence (“the licensee”) at least 21 days' notice of the authority's intention to consider making an order,
  - (b) consider any representations made by the licensee,
  - (c) hold a hearing if the licensee requests one, and
  - (d) comply with any prescribed requirements for the procedure to be followed in considering whether to make an order.
- (4) If a licensing authority make an order under subsection (1), they shall as soon as is reasonably practicable give the licensee—
  - (a) a copy of the order, and
  - (b) written reasons for the decision to make the order.
- (5) A licensee may appeal against the making of an order under subsection (1).
- (6) An appeal under subsection (5) must be instituted—
  - (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
  - (b) by notice of appeal given to the designated officer, and
  - (c) within the period of 21 days beginning with the day on which the appellant receives a copy of the order against which the appeal is brought.
- (7) On an appeal the magistrates' court may—
  - (a) dismiss the appeal;
  - (b) allow the appeal and quash the order made by the licensing authority;
  - (c) make an order about costs.

- (8) In relation to premises in Scotland—
- (a) subsection (6)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
  - (b) subsection (6)(b) shall not have effect,
  - (c) the reference in subsection (7) to the magistrates' court shall have effect as a reference to the sheriff, and
  - (d) the reference in subsection (7)(c) to costs shall have effect as a reference to expenses.
- (9) In this section, “prescribed” means prescribed by regulations made by the Secretary of State.