



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 3

#### GENERAL OFFENCES

##### *Provision of facilities for gambling*

### **33 Provision of facilities for gambling**

- (1) A person commits an offence if he provides facilities for gambling unless—
- (a) an exception provided for in subsection (2) or (3) applies, or
  - (b) an exception provided for by any of the following provisions applies—
    - (i) sections 34 and 35,
    - (ii) sections 269 and 271 (clubs and miners' welfare institutes),
    - (iii) section 279 (premises with alcohol licence),
    - (iv) sections 289 to 292 (prize gaming),
    - (v) section 296 (private gaming and betting), and
    - (vi) section 298 (non-commercial gaming).
- (2) Subsection (1) does not apply to any activity by a person if—
- (a) he holds an operating licence authorising the activity, and
  - (b) the activity is carried on in accordance with the terms and conditions of the licence.
- (3) Subsection (1) does not apply to any activity by a person if—
- (a) he acts in the course of a business carried on by a person who holds an operating licence authorising the activity, and
  - (b) the activity is carried on in accordance with the terms and conditions of the licence.

[<sup>F1</sup>(3A) Section 36(3A) limits the application of this section in cases involving the use in Great Britain of certain facilities for remote gambling.]

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*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Provision of facilities for gambling. (See end of Document for details)*

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- (4) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (5) In the application of subsection (4) to Scotland the reference to 51 weeks shall have effect as a reference to six months.

#### Textual Amendments

- F1** S. 33(3A) inserted (1.11.2014 for specified purposes) by [Gambling \(Licensing and Advertising\) Act 2014 \(c. 17\)](#), **ss. 1(1)**, 6(5); [S.I. 2014/2444](#), art. 2(a) (as amended (29.9.2014) by [S.I. 2014/2646](#), art. 2)

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

- C1** S. 33 modified by [SI 2006/3272](#) art. 8(1)(2) (as inserted (16.8.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) \(Amendment\) \(No. 2\) Order 2007 \(S.I. 2007/2169\)](#), arts. 1(1), 5)
- C2** S. 33 modified (temp.) (1.9.2007) by [Gambling Act 2005 \(Horserace Totalisator Board\) Order 2007 \(S.I. 2007/2102\)](#), arts. 1, 3

#### Commencement Information

- I1** S. 33 in force at 1.9.2007 by [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)

### 34 Exception: lotteries

Section 33 shall not apply to the provision of facilities for a lottery.

#### Commencement Information

- I2** S. 34 in force at 1.9.2007 by [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)

### 35 Exception: gaming machines

Section 33 shall not apply to making a gaming machine available for use.

#### Commencement Information

- I3** S. 35 in force at 1.9.2007 by [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)

### 36 Territorial application

- (1) For the purposes of section 33 it is immaterial whether facilities are provided—
- (a) wholly or partly by means of remote communication;

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- (b) subject to subsections (2) and (3), inside the United Kingdom, outside the United Kingdom, or partly inside and partly outside.
- (2) Section 33 applies to the provision of facilities for non-remote gambling only if anything done in the course of the provision of the facilities is done in Great Britain.
- [<sup>F2</sup>(3) Section 33 applies to the provision of facilities for remote gambling only if—
- (a) at least one piece of remote gambling equipment used in the provision of the facilities is situated in Great Britain, or
  - (b) no such equipment is situated in Great Britain but the facilities are used there.
- (3A) In a case within subsection (3)(b), the person providing the facilities commits an offence under section 33 only if the person knows or should know that the facilities are being used, or are likely to be used, in Great Britain.]
- (4) In this Act “remote gambling equipment” means, subject to subsection (5), electronic or other equipment used by or on behalf of a person providing facilities for remote gambling—
- (a) to store information relating to a person's participation in the gambling,
  - (b) to present, to persons who are participating or may participate in the gambling, a virtual game, virtual race or other virtual event or process by reference to which the gambling is conducted,
  - (c) to determine all or part of a result or of the effect of a result, or
  - (d) to store information relating to a result.
- (5) In this Act “remote gambling equipment” does not include equipment which—
- (a) is used by a person to take advantage of remote gambling facilities provided by another person, and
  - (b) is not provided by that other person.

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#### Textual Amendments

- F2** S. 36(3)(3A) substituted for s. 36(3) (1.11.2014 for specified purposes) by [Gambling \(Licensing and Advertising\) Act 2014 \(c. 17\)](#), **ss. 1(2), 6(5)**; S.I. 2014/2444, art. 2(a) (as amended (29.9.2014) by S.I. 2014/2646, art. 2)

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#### Commencement Information

- I4** S. 36 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading:  
Provision of facilities for gambling.