

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

GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 13: Licensed premises gaming machine permits

Part 14: Private and Non-Commercial Gaming and Betting

Sections 295 & 296: Private betting and gaming

750. These sections enable people to participate in and offer facilities for betting and gaming, including on premises, without committing any offence under the Act, provided their activity meets the various conditions for private gaming and betting. Schedule 15 sets out the various conditions.
751. In addition, these sections contain protection for people who bet, but who are not doing so in the course of a business. The definitions set out in Part 1 of the Act mean that both parties to a bet (sometimes known as the “backer” and the “layer”) are capable of providing facilities for betting. This means that, ordinarily, anyone who offers a bet, or accepts a bet will be committing an offence under Part 3, unless he has authorisation under the Act.
752. Where a person is offering or negotiating bets in the course of a business, (commonly known as “bookmaking”), he will require a betting operating licence under Part 5. Similarly, if someone is using betting as a way of earning a living, so that it renders it a business activity, that too may require a licence. However, there is no regulatory requirement for people who use the services of a betting operator on a non-commercial basis to obtain a licence. Nor should private bets, i.e. between friends, require any form of express authorisation. These sections make it clear that a person does not commit any offence under the Act if he makes or accepts a bet, or offers to do so, provided he is acting in a personal capacity, and not in the course of business.
753. These provisions apply equally to those using the services of a betting intermediary i.e. an internet betting exchange. The intermediary will require an operating licence under Part 5, but the users of the exchange will benefit from the exemption in these sections, provided their use is in a non-business capacity.