



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 3

#### GENERAL OFFENCES

##### *Use of premises*

#### **37 Use of premises**

- (1) A person commits an offence if he uses premises, or causes or permits premises to be used, to—
  - (a) operate a casino,
  - (b) provide facilities for the playing of bingo,
  - (c) make a gaming machine available for use,
  - (d) provide other facilities for gaming, or
  - (e) provide facilities for betting (whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets).
- (2) Subsection (1) does not apply in relation to the use of premises by a person if the use is authorised by a premises licence held by him.
- (3) Subsection (1) does not apply in relation to the use of premises by a person if he acts in the course of a business carried on by another person who holds a premises licence authorising the use.
- (4) Subsection (1) does not apply in relation to the use of a track by a person for accepting bets if the use is authorised by a premises licence (whether or not held by him).
- (5) Subsection (1) does not apply in relation to the use of a casino for the provision of facilities for bingo or betting in accordance with an authorisation under section 174(3).
- (6) Subsection (1) does not apply in relation to the use of premises to provide facilities which are to be used only by persons who—

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*Status: This is the original version (as it was originally enacted).*

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- (a) are acting in the course of a business, or
  - (b) are not on the premises.
- (7) Other exceptions to subsection (1) are provided in—
- (a) sections 39 and 40,
  - (b) section 214 (temporary use notice),
  - (c) sections 247, 248 and 249 (gaming machines),
  - (d) sections 269, 271 and 273 (clubs and miners' welfare institutes),
  - (e) sections 279, 282 and 283 (premises with alcohol licence),
  - (f) section 287 (travelling fairs),
  - (g) sections 289 to 292 (prize gaming),
  - (h) section 296 (private gaming and betting), and
  - (i) section 298 (non-commercial gaming).
- (8) 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.
- (9) In the application of subsection (8) to Scotland the reference to 51 weeks shall have effect as a reference to six months.