

FINANCE ACT 2009

EXPLANATORY NOTES

INTRODUCTION

Section 114: Gaming Duty

Summary

1. **Section 114** makes provision for gaming duty to be extended to apply to equal chance gaming, subject to specified exceptions. It also removes the requirement to list individual games for the purposes of gaming duty and gives the Treasury powers to add or remove specified games from the scope of gaming duty by order.

Details of the Section

2. Subsection (3) substitutes a new definition of dutiable gaming in section 10(2) of the Finance Act (FA) 1997.
3. Subsection (4) exempts from duty any gaming which takes place in accordance with Article 77 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (gaming for prizes on bingo club premises).
4. Subsection (5) inserts a new subsection (3AA) into section 10 of FA 1997 which exempts gaming in respect of which bingo duty or lottery duty is chargeable or would be chargeable but for an express exception.
5. Subsection (6) ensures all non-commercial equal chance gaming permitted under section 300 of the Gambling Act 2005 is exempted.
6. Subsection (7) exempts equal chance gaming which takes place in accordance with section 269 of the Gambling Act 2005 or to which Article 128 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 applies.
7. Subsection (8) amends section 10(5) to give the Treasury powers to provide that any specified game is or is not a casino game or equal chance gaming for the purposes of gaming duty.
8. Subsection (9) provides that a reference made to a game in an order made under section 10(5) shall be taken to include a reference to any game which is essentially similar to that game.
9. Subsections (10), (11) and (12) set out the legislative process by which Treasury orders to include or exclude specified games from the scope of gaming duty shall be made.
10. Subsections (13), (14) and (15) insert definitions of ‘casino games’ and ‘equal chance gaming’ into section 15(3).
11. Subsection (16) removes redundant references to gaming duty in section 11 of Finance Act 2002 and paragraph 17(4) of Schedule 25 to Finance Act 2007.

Background Note

12. Gaming duty currently applies to gaming by way of the non-equal chance games specified in section 10(2) of FA 2007 and games that are essentially similar. This section has the effect of extending the scope of dutiable gaming to include equal chance gaming (games where players play against each other rather than against the house e.g. poker). It also replaces the current list of dutiable non-equal chance casino games with a generic description of such games, which removes the requirement for secondary legislation whenever new games are introduced.
13. The section also gives the Treasury powers to add or remove specified casino games or equal chance gaming from the scope of gaming duty by order.