

**EXPLANATORY MEMORANDUM TO  
THE GAMING DUTY (ADDITIONAL GAMES) ORDER 2007**

**2007 No. 2910**

**1.** This explanatory memorandum has been prepared by Her Majesty's Treasury and is laid before the House of Commons by Command of Her Majesty.

**2. Description**

2.1 A casino premises in the UK which offers any of the games listed in section 10(2) of the Finance Act 1997 (c.16) is subject to gaming duty.

2.2 The Gambling Commission has begun to permit casinos to offer six new games which are called "casino hold 'em poker", "let it ride", "pai gow poker", "Texas hold 'em bonus poker", "two way Texas hold 'em casino poker" and "ultimate Texas hold 'em poker" (the "six new games").

2.3 This Order extends the list of games in section 10(2) of the Finance Act 1997 to include the six new games.

**3. Matters of special interest to the Select Committee on Statutory Instruments**

None

**4. Legislative Background**

4.1 Gaming duty applies to all premises in the UK where gaming by way of certain games, listed in section 10(2) of the Finance Act 1997, take place. The rate of gaming duty is calculated in accordance with section 11 of the Finance Act 1997.

4.2 Section 10(2) was amended by the Finance Act 2002 to add two new dutiable games. This Order extends the list of games to include the six new games. This Order is the first time the powers conferred on the Treasury by section 10(5) of the Finance Act 1997 have been used.

**5. Extent**

5.1 This instrument applies to all of the United Kingdom.

**6. European Convention on Human Rights**

6.1 The Exchequer Secretary of Her Majesty's Treasury, Angela Eagle MP, has made the following statement regarding Human Rights:

In my view the provisions of the Gaming Duty (Additional Games) Order 2007 are compatible with the Convention rights.

## **7. Policy background**

7.1 The Gambling Act 2005 gives the Gambling Commission the power to attach to any casino operating licence conditions which specify the types of casino games that can be made available.

7.2 Gaming duty is only charged in relation to dutiable games, i.e. those specified in section 10(2) of the Finance Act 1997, and games which are essentially similar to those listed in section 10(2).

7.3 It is Government policy that the list of games in section 10(2) of the Finance Act 1997 will include all the games which casinos are allowed to offer. The current list in section 10(2) of the Finance Act 1997 includes all games which casinos were, prior to 1 September 2007, allowed to offer. This Order will make gaming duty payable on casinos playing the six new games, bringing them in line with the rest of the approved casino games.

7.4 The need for the Order to come into force as soon as possible after Parliament returns from recess is so that the time period in which the six new games enjoy different tax treatment to other casino games is minimised.

## **8. Impact**

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is negligible.

8.3 The addition of the six new games to the list of dutiable games will not alter the way in which taxpayers calculate their duty liability and so there will be no additional administrative burden as a result of this Order. In addition, the premises charged with gaming duty will not change as a result of this Order so no additional burden will be imposed on any new taxpayers.

## **9. Contact**

Brian O’Kane at Her Majesty’s Revenue and Customs Tel: 0161 827 0325 or e-mail: [brian.okane@hmrc.gsi.gov.uk](mailto:brian.okane@hmrc.gsi.gov.uk) can answer any queries regarding the instrument on behalf of Her Majesty’s Treasury.