



Gaming Act 1968

1968 CHAPTER 65

PART II

GAMING ON PREMISES LICENSED OR REGISTERED UNDER THIS PART OF THIS ACT

9 Gaming to which Part II applies

This Part of this Act applies to all gaming which takes place on premises in respect of which either—

- (a) a licence under this Act is for the time being in force, or
- (b) a club or a miners' welfare institute is for the time being registered under this Part of this Act,

and which is not gaming by means of any machine to which Part III of this Act applies.

10 Gaming Board for Great Britain

(1) There shall be established a Board to be known as the Gaming Board for Great Britain (in this Act referred to as "the Board"), consisting of a chairman and other members appointed by the Secretary of State.

(2) The provisions of Schedule 1 to this Act shall have effect with respect to the Board.

(3) It shall be the duty of the Board to keep under review the extent and character of gaming in Great Britain and, in particular, to keep under review the extent, character and location of gaming facilities which—

- (a) are for the time being provided on premises in respect of which licences under this Act are for the time being in force, or in respect of which clubs and miners' welfare institutes are for the time being registered under this Part or under Part III of this Act, or
- (b) are the subject of applications for the grant or renewal of such licences or such registration,

and to perform such other functions as are assigned to the Board by this Act.

- (4) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act) in its application to the House of Commons of the Parliament of the United Kingdom there shall be inserted at the appropriate point in alphabetical order the entry: " The Gaming Board for Great Britain "

11 Provisions as to licensing and registration

- (1) The provisions of Schedule 2 to this Act shall have effect with respect to the licensing of premises under this Act.
- (2) The provisions of Schedule 3 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in England and Wales. and the provisions of Schedule 4 to this Act shall have effect with respect to the registration of clubs and miners' welfare institutes under this Part of this Act in Scotland.

12 Who may participate in gaming to which Part II applies

- (1) Where gaming to which this Part of this Act applies takes place on any premises, then, subject to the following provisions of this section, no person shall participate in the gaming—
- (a) if he is not present on the premises at the time when the gaming takes place there, or
 - (b) on behalf of another person who is not present on the premises at that time.
- (2) Where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, then, subject to the following provisions of this section, no person shall participate in the gaming unless either—
- (a) he is a member of the club specified in the licence who, at the time when he begins to take part in the gaming, is eligible to take part in it, or
 - (b) he is a bona fide guest of a person who is a member of that club and who, at the time when the guest begins to take part in the gaming, is eligible to take part in it,
- and neither the holder of the licence nor any person acting on his behalf or employed on the premises in question shall participate in the gaming.
- (3) For the purposes of subsection (2) of this section a member of the club specified in the licence is eligible to take part in the gaming at any particular time if either—
- (a) he was admitted to membership of the club in pursuance of an application in writing made by him in person on the premises in question, and at that time at least forty-eight hours have elapsed since he applied for membership of the club, or
 - (b) since becoming a member of the club he has given notice in writing in person on those premises to the holder of the licence, or to a person acting on behalf of the holder of the licence, of his intention to take part in gaming on those premises, and at that time at least forty-eight hours have elapsed since he gave that notice.
- (4) Where gaming takes place on premises in respect of which a licence under this Act is for the time being in force, and consists of a game which involves playing or staking

against a bank, nothing in subsection (1) or subsection (2) of this section shall prevent the holder of the licence or a person acting on his behalf from holding the bank or having a share or interest in it.

- (5) For the purposes of subsection (2) of this section a person shall not be precluded from being a bona fide guest as mentioned in paragraph (b) of that subsection by reason only that he makes a payment which is lawfully required in accordance with section 14 of this Act.
- (6) Where gaming to which this Part of this Act applies takes place on premises in respect of which a club or miners' welfare institute is for the time being registered under this Part of this Act, no person shall participate in the gaming unless either—
- (a) he is a member of the club or institute and there has been an interval of at least forty-eight hours between the time when he applied or was nominated for membership of the club or institute and the time when he begins to take part in the gaming, or
 - (b) he is a bona fide guest of a person who is a member of the club or institute and there has been an interval of at least forty-eight hours between the time when that person applied or was nominated for membership of the club or institute and the time when the guest begins to take part in the gaming;

and for the purposes of paragraph (b) of this subsection a person shall be taken not to be a bona fide guest if he himself makes any payment required for enabling him to obtain access to the premises, or to a part of them which is a part in which the gaming takes place, or if (apart from any stakes hazarded and the payment of any losses incurred by him in the gaming) he makes any payment in money or money's worth in respect of the gaming.

- (7) For the purposes of this section a person participates in the gaming if—
- (a) he takes part in the gaming as a player, or
 - (b) where the game involves playing or staking against a bank, he holds the bank or has a share or interest in it.
- (8) The preceding provisions of this section shall have effect subject to section 20 of this Act.

13 Restrictions on games to be played

- (1) Subject to the next following subsection, no gaming to which this Part of this Act applies shall take place where any one or more of the conditions specified in section 2(1) of this Act are fulfilled.
- (2) Regulations made under this section may provide that the preceding subsection shall not have effect in relation to any gaming if the game played is of a kind specified in the regulations and is so played as to comply with such conditions (if any) as may be prescribed by the regulations in relation to that kind of game.

14 Charges for taking part in gaming

- (1) Subject to the following provisions of this section, section 3 of this Act shall have effect in relation to gaming to which this Part of this Act applies as it has effect in relation to gaming to which Part I of this Act applies.

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

- (2) Regulations made under this section may provide that charges which, apart from the regulations, would be prohibited by section 3 of this Act as applied by the preceding subsection may be made as follows, that is to say—
- (a) where the gaming takes place on premises in respect of which a licence under this Act is for the time being in force, such charges may, in such circumstances as may be prescribed by the regulations, be made if they comply with such conditions as are so prescribed;
 - (b) where the gaming takes place on premises in respect of which a club or a miners' welfare institute is for the time being registered under this Part of this Act, such charges may, in such circumstances as may be prescribed by the regulations, be made at a rate not exceeding the rate so prescribed.
- (3) Without prejudice to the application of section 51(3) of this Act, regulations made for the purposes of subsection (2)(a) of this section may enable different charges to be made in respect of different facilities (whether provided in different parts of the same premises or by way of different games or of the same game played at different tables or otherwise) or in respect of gaming facilities provided on any premises during different sessions of play.
- (4) No charge shall be made in accordance with subsection (2)(a) of this section unless particulars of the charges and of the circumstances in which they are chargeable—
- (a) are displayed on the premises, and
 - (b) have, not less than fourteen days before the date on which the charge is made, been notified to the licensing authority who granted the licence in respect of the premises on which the gaming takes place,
- and, if the regulations so provide, those particulars comprise such matters as the regulations prescribe and are displayed on the premises in a manner, and in positions, determined in accordance with the regulations.

15 Levy on stakes or winnings

- (1) Subject to the next following subsection, section 4 of this Act shall have effect in relation to gaming to which this Part of this Act applies as it has effect in relation to gaming to which Part I of this Act applies.
- (2) Regulations made under this section may provide that, where any gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, a levy, of such amount or calculated in such manner as may be prescribed, may in prescribed circumstances be charged on the stakes or on the winnings of the players.

16 Provision of credit for gaming

- (1) Subject to the next following subsection, where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall make any loan or otherwise provide or allow to any person any credit, or release, or discharge on another person's behalf, the whole or part of any debt.—
- (a) for enabling any person to take part in the gaming, or
 - (b) in respect of any losses incurred by any person in the gaming.

- (2) Neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall accept a cheque and give in exchange for it cash or tokens for enabling any person to take part in the gaming unless the following conditions are fulfilled, that is to say—
- (a) the cheque is not a post-dated cheque, and
 - (b) it is exchanged for cash to an amount equal to the amount for which it is drawn, or is exchanged for tokens at the same rate as would apply if cash, to the amount for which the cheque is drawn, were given in exchange for them ;
- but, where those conditions are fulfilled, the giving of cash or tokens in exchange for a cheque shall not be taken to contravene subsection (1) of this section.
- (3) Where the holder of a licence under this Act, or a person acting on behalf of or under any arrangement with the holder of such a licence, accepts a cheque in exchange for cash or tokens to be used by a player in gaming to which this Part of this Act applies, he shall not more than two banking days later cause the cheque to be delivered to a bank for payment or collection.
- (4) Nothing in the Gaming Act 1710, the Gaming Act 1835, the Gaming Act 1845 or the Gaming Act 1892 shall affect the validity of, or any remedy in respect of, any cheque which is accepted in exchange for cash or tokens to be used by a player in gaming to which this Part of this Act applies.
- (5) In this section " banking day " means a day which is a business day in accordance with section 92 of the Bills of Exchange Act 1882.

17 Exclusion of persons under 18

Except as provided by section 20 or section 21 of this Act, no person under eighteen shall be present in any room while gaming to which this Part of this Act applies takes place in that room.

18 Gaming on Sundays

- (1) No gaming shall take place on any Sunday on any premises in respect of which a licence under this Act is for the time being in force—
- (a) between the hours of three in the morning and two in the afternoon, if the premises are in any part of the inner London area which is designated by an order made for the purposes of this paragraph by the Secretary of State, or
 - (b) between the hours of two in the morning and two in the afternoon, if the premises are in any part of England or Wales other than a part of the inner London area so designated.
- (2) In Scotland, no gaming shall take place on any Sunday between the hours of two in the morning and half past seven in the evening on any premises in respect of which a licence under this Act is for the time being in force.
- (3) In this section " the inner London area " means the area which for the time being constitutes the inner London area for the purposes of the Administration of Justice Act 1964.

19 Approval by Board of certain persons connected with gaming

- (1) Where gaming to which this Part of this Act applies takes place on premises in respect of which a licence under this Act is for the time being in force, no person shall in pursuance of any service agreement perform any function to which this subsection applies unless a certificate has been issued by the Board, and is for the time being in force, certifying that he has been approved by the Board under this section in respect of the performance of that function on those premises.
- (2) Subsection (1) of this section applies to any function which is performed on the premises in question and consists of—
 - (a) taking part in the gaming as a player, or
 - (b) assisting the gaming by operating or handling any apparatus, cards, tokens or other articles used in the gaming, or
 - (c) issuing, receiving or recording cash or tokens used in the gaming or cheques given in respect of any such cash or tokens or in respect of sums won or lost in the gaming, or
 - (d) watching (otherwise than as manager, organiser or supervisor) the gaming or the performance by any person in pursuance of any service agreement of any function falling within paragraphs (a) to (c) of this subsection.
- (3) In the case of any premises in respect of which a licence under this Act is for the time being in force, the Board may serve a notice under this subsection on any person (whether the holder of the licence or not) appearing to the Board to be acting in any capacity as manager, organiser or supervisor in relation to the gaming or in relation to persons who in pursuance of service agreements perform any functions to which subsection (1) of this section applies.
- (4) A notice served under the last preceding subsection in the case of any premises shall require the person on whom it is served, before the end of such period (not being less than twenty-one days from the date of service of the notice) as may be specified in the notice, to obtain the approval of the Board to his acting in relation to those premises in any such capacity as is mentioned in the last preceding subsection; and, after the end of that period, the person on whom the notice is served shall not act in any such capacity in relation to those premises unless a certificate has been issued by the Board, and is for the time being in force, certifying that he has been approved by the Board under this section for acting in that capacity in relation to those premises.
- (5) The provisions of Part I of Schedule 5 to this Act shall have effect with respect to applications to the Board for certificates of approval under this section and with respect to the issue and revocation of such certificates.
- (6) An application made to the Board for the issue of a certificate of approval shall, in such circumstances and to such extent as is provided by Part II of Schedule 5 to this Act, have effect for the purposes of this section as if it were a certificate of approval issued by the Board, and for the time being in force, under this section.
- (7) In this section "service agreement" means any contract of service or of apprenticeship and any contract or arrangement for the rendering of services which is not a contract of service or of apprenticeship.

20 Special provisions as to bingo clubs

- (1) This section applies to any club specified in a licence under this Act where, by virtue of any restrictions which, on the grant or renewal of the licence, were imposed under paragraph 25 of Schedule 2 to this Act and are for the time being in force, gaming to which Part II of this Act applies is limited to the playing of bingo ; and in this Part of this Act " bingo club premises " means premises in respect of which a licence under this Act is for the time being in force, where the club specified in the licence is one to which this section applies.
- (2) Where a game of bingo is played simultaneously on different bingo club premises in circumstances where—
 - (a) all the players take part in the same game at the same time and all are present at that time on one or other of those premises, and
 - (b) the draw takes place on one or other of those premises while the game is being played, and
 - (c) any claim of one of the players to have won is indicated to all the other players before the next number is called,then, if the conditions specified in the next following subsection are fulfilled, section 12(1) of this Act shall have effect in relation to that game as if those different premises were the same premises.
- (3) The conditions referred to in subsection (2) of this section, in relation to a game of bingo played simultaneously on different premises, are that—
 - (a) the aggregate amount paid to players as winnings in respect of that game does not exceed the aggregate amount of the stakes hazarded by the players in playing that game, and
 - (b) the aggregate amount paid to players as winnings in respect of that game, together with the aggregate amount paid to players as winnings in respect of all games of bingo which, in the circumstances specified in that subsection, have previously been played in the same week and have been so played on premises consisting of, or including any of, those premises, does not exceed £1,000.
- (4) Where subsection (2) of this section has effect in relation to a game of bingo played simultaneously on different premises, then, for the purposes of the application of subsections (2) and (3) of section 12 of this Act in relation to each of those premises, regard shall be had only to such of the players as are present on those particular premises.
- (5) In relation to any club to which this section applies, section 12(3) of this Act shall have effect as if—
 - (a) in paragraph (a) the words from " he was admitted " to " the premises in question, and " were omitted, and for the words " forty-eight hours " there were substituted the words " twenty-four hours ", and
 - (b) paragraph (b) were omitted.
- (6) In relation to gaming which takes place on bingo club premises section 17 of this Act shall not have effect so as to prevent persons under eighteen from being present in any room while a game of bingo is played there, if they do not take part in the game as players.
- (7) In relation to any bingo club premises, section 19 of this Act shall have effect as if, in subsection (2) of that section, for the words from " and consists of " to the end of the

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

subsection, there were substituted the words " and is a function of a kind prescribed by regulations made for the purposes of this subsection ".

- (8) Without prejudice to the operation (where applicable) of subsections (2) to (4) of this section, the aggregate amount paid to players as winnings in respect of all games of bingo played in any one week on any particular bingo club premises shall not exceed the aggregate amount of the stakes hazarded by the players in playing those games by more than £250 :

Provided that the Secretary of State may by order provide that this subsection shall have effect with the substitution, for the reference to £250, of a reference to such other sum as may be specified in the order.

- (9) In this section " week " means a period of seven days beginning with Monday, any reference to an aggregate amount shall be construed as including a reference to an aggregate value in money's worth, and any reference to an aggregate amount paid shall be construed accordingly.

21 Special provisions as to gaming for prizes

- (1) This section applies to any gaming which (being gaming to which this Part of this Act applies) is gaming for prizes in respect of which the conditions specified in the next following subsection are fulfilled.
- (2) Those conditions are that—
- (a) the amount paid by any person for any one chance to win a prize does not exceed one shilling ;
 - (b) the aggregate amount taken by way of the sale of chances in any one determination of winners (if any) of prizes does not exceed fifty shillings, and the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and at the time when, the game is played ;
 - (c) no money prize exceeding one shilling is distributed or offered;
 - (d) the winning of, or the purchase of a chance to win, a prize does not entitle any person (whether subject to a further payment by him or not) to any further opportunity to win money or money's worth by taking part in any other gaming or in any lottery; and
 - (e) the aggregate amount or value of the prizes on any one determination of winners does not exceed fifty shillings.
- (3) Section 13 of this Act shall not have effect in relation to any gaming to which this section applies which takes place on premises in respect of which a licence under this Act is for the time being in force and, in relation to any such gaming, section 3 of this Act, as applied by section 14 of this Act, shall not be taken to be contravened by reason only that a person pays for a chance to win a prize.
- (4) Where any gaming to which this section applies takes place on any bingo club premises, section 17 of this Act shall not have effect so as to prevent persons under eighteen from being present in any room on those premises while any such gaming takes place there, if they do not take part in the gaming as players.
- (5) Where on the grant or renewal of a licence under this Act in respect of any premises the licensing authority impose restrictions under paragraph 25 of Schedule 2 to this Act whereby gaming on those premises is limited to a particular game or games, those

restrictions, in so far as they so limit the gaming, shall not have effect in relation to any gaming to which this section applies.

- (6) Where a game of bingo is played for prizes on any bingo club premises, and constitutes gaming to which this section applies, the prizes won in that game shall be disregarded for the purposes of section 20(8) of this Act.
- (7) No account shall be taken of subsection (5) of this section for the purpose of determining—
 - (a) whether a club is one to which section 20 of this Act applies, or
 - (b) whether any premises are bingo club premises, or
 - (c) whether, for the purposes of Schedule 2 to this Act, a licence under this Act is a bingo club licence.
- (8) The Secretary of State may by order direct that any paragraph of subsection (2) of this section which is specified in the order and which specifies a sum shall have effect as if, for that sum, there were substituted such other sum as may be specified in the order.

22 Further powers to regulate licensed club premises

- (1) The Secretary of State may make regulations requiring the holder of a licence under this Act in respect of any premises—
 - (a) to display, in such manner and in such position on those premises as may be prescribed by the regulations, the rules in accordance with which any game is to be played on the premises, either generally or in any particular circumstances;
 - (b) to make, and to retain during such period as may be prescribed by the regulations, such records as may be so prescribed with respect to cheques given in exchange for cash or tokens to be used by players in gaming on those premises, and to provide such verification of those records as may be so prescribed.
- (2) The Secretary of State may make regulations imposing such prohibitions, restrictions or other requirements (in addition to those imposed by or under the preceding provisions of this Part of this Act) as may appear to the Secretary of State to be requisite—
 - (a) for securing that gaming on any premises in respect of which a licence under this Act is for the time being in force is fairly and properly conducted, or
 - (b) for preventing the use of any indirect means for doing anything which, if done directly, would be a contravention of this Part of this Act or of any regulations made thereunder.
- (3) The Secretary of State may by regulations provide that a licensing authority—
 - (a) shall refuse to grant or renew a licence under this Act in such circumstances as may be prescribed by the regulations, or
 - (b) may refuse to grant or renew such a licence in such circumstances as may be so prescribed, without prejudice to any other grounds on which the grant or renewal could be refused apart from the regulations, or
 - (c) shall, in such circumstances as may be so prescribed, impose such restrictions under paragraph 25 of Schedule 2 to this Act as the regulations may require.
- (4) Without prejudice to section 18 of this Act or to any powers exercisable by virtue of the preceding provisions of this section or by virtue of Schedule 2 to this Act, the

Secretary of State may by regulations impose restrictions with respect to the hours during which gaming will be permitted to take place on premises in respect of which a licence under this Act is for the time being in force.

23 Offences under Part II

- (1) Subject to the following provisions of this section, if any of the provisions of sections 12 to 20 of this Act, or of any regulations made under subsection (1), subsection (2) or subsection (4) of section 22 of this Act, are contravened in relation to any premises.—
 - (a) the holder of the licence, if they are premises in respect of which a licence under this Act is for the time being in force, or
 - (b) every officer of the club or institute, if they are premises in respect of which a club or a miners' welfare institute is for the time being registered under this Part of this Act,shall be guilty of an offence.
- (2) Without prejudice to the preceding subsection, but subject to subsection (3) of this section, if any such provisions as are mentioned in the preceding subsection are contravened in relation to any gaming (or, in the case of the provisions of section 16(3) of this Act, are contravened in relation to a cheque accepted in exchange for cash or tokens to be used by a player in any gaming), every person concerned in the organisation or management of the gaming shall be guilty of an offence.
- (3) Where a person is charged with an offence under either of the preceding subsections in respect of a contravention of any such provisions as are mentioned in subsection (1) of this section, it shall be a defence for him to prove—
 - (a) that the contravention occurred without his knowledge, and
 - (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.
- (4) Any person guilty of an offence under subsection (1) or subsection (2) of this section shall be liable—
 - (a) on summary conviction to a fine not exceeding £400,
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (5) Where, on the grant or renewal of a licence under this Act in respect of any premises, or on registering or renewing the registration of a club or a miners' welfare institute under this Part of this Act, the licensing authority or sheriff imposed any restrictions under paragraph 24 or paragraph 25 of Schedule 2, under paragraph 11 of Schedule 3 or under paragraph 13 of Schedule 4 to this Act, subsections (1) to (3) of this section shall have effect in relation to any contravention of those restrictions as they have effect in relation to any contravention of the provisions of sections 12 to 20 of this Act.
- (6) If any person, for the purpose of obtaining, for himself or for any other person, a certificate of approval under section 19 of this Act, or the reinstatement of such a certificate after it has been revoked by the Board.—
 - (a) makes a statement which he knows to be false in a material particular, or
 - (b) recklessly makes a statement which is false in a material particular,he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

24 Power of court to make disqualification order on conviction of certain offences

- (1) Where a person is convicted of an offence committed in respect of any premises under subsection (1) or subsection (2) of section 23 of this Act (including either of those subsections as applied by subsection (5) of that section), the court by which he is convicted may make a disqualification order under this section prohibiting a licence under this Act from being held in respect of those premises during a period specified in the order.
- (2) The period specified in a disqualification order under this section shall not exceed five years from the date on which the order comes into force.
- (3) Where a disqualification order under this section is made, any licence within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be cancelled as from the time when the order takes effect, and any such licence obtained after the order takes effect shall be null and void.

25 Supplementary provisions as to disqualification orders

- (1) A disqualification order made under section 24 of this Act by a court in England or Wales—
 - (a) shall not take effect until the end of the period within which the person on whose conviction the order was made can appeal against the conviction or against the making of the order, and
 - (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- (2) The person on whose conviction a disqualification order was made under section 24 of this Act by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order as against the conviction; and the disqualification order—
 - (a) shall not take effect until the end of the period of fourteen days commencing with the date on which the order was made ; and
 - (b) if an appeal against the order or the said conviction is taken within the said period, shall not take effect until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (3) A court shall not make an order under that section prohibiting the holding of a licence in respect of premises specified in the order, unless an opportunity has been given to any person interested in the premises and applying to be heard by the court to show cause why the order should not be made.
- (4) At any time while such a disqualification order is in force, the court by which the order was made, on an application made by any person affected by the order, may revoke the order or vary it by reducing any period of prohibition specified in the order.
- (5) Where on an application made under subsection (4) of this section the relief asked for is or includes the revocation or variation of a prohibition imposed by the order on the holding of a licence in respect of any premises, a copy of the application shall be served on the chief officer of police, or, in Scotland, the chief constable, for the police area in which the premises are situated.
- (6) For the purposes of subsection (4) of this section, a disqualification order under section 24 of this Act made by a court of quarter sessions on appeal from the decision of a magistrates' court shall be treated as having been made by that magistrates' court.