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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Gambling Act 2005.

### **Provisions brought into force on 1st October 2005**

The provisions of the Act listed in column 1 of the Schedule to the Order will come into force on 1st October 2005. Unless otherwise stated in column 2 of the Schedule, those provisions will come into force on that date for all purposes. Where a particular purpose is specified in column 2 the corresponding provision comes into force for that purpose only.

Sections 1 to 6, 7(1) to (4), 8 and 9, 10(1) and 10(2), and 11 to 14, 15(1) to (4) and 16 to 19 introduce the fundamental concepts used in the Act. These include the licensing objectives and definitions for “gambling”, “betting”, “gaming”, “lottery”, “casino”, “remote gambling” and “licensing authorities”. These sections also make provision for situations where activities may fall into more than one category of gambling.

Section 20 establishes the Gambling Commission and section 21 repeals section 10 of the Gaming Act 1968 which establishes the Gaming Board for Great Britain. Section 21 also makes provision for transferring the Gaming Board’s functions, rights and liabilities to the Commission.

Article 3 of the Order makes transitional provisions relating to the terms of appointment of those persons appointed to be the chairman and other members of the Gambling Commission by virtue of section 21.

Section 22 imposes a general duty on the Commission to have regard to the licensing objectives in exercising its functions under the Act and to permit gambling in so far as it is consistent with the pursuit of the licensing objectives. Sections 23 to 26 require the Commission to prepare, publish and keep under review a statement of principles that will govern the exercise of its functions under the Act; to publish codes of practice about the manner in which facilities for gambling are provided; to issue and publish guidance to local authorities as to the manner in which local authorities are to exercise their functions under the Act; and to give advice to the Secretary of State on matters relating to gambling as described in section 26.

Section 30 makes provision for exchanging information. Sections 31 and 32 require the Commission to consult the National Lottery Commission and HM Revenue and Customs in specified circumstances.

Sections 75, 76 and 79 are brought into force so far as is necessary to enable the Gambling Commission to specify and publish general conditions which will be attached to operating licences under the Act. Section 128 is brought into force to the extent necessary to enable the Gambling Commission to specify and publish general conditions which will be attached to personal licences under the Act. Sections 65(2) and 127 respectively define the terms “operating licence” and “personal licence”.

Sections 354, 356(1) and (2) and 357 are general provisions which provide for: the application of the Act to the Crown, minor and consequential amendments under Schedule 16 of the Act and expenditure by a Minister of the Crown.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

### **Provisions brought into force on 24th and 25th November 2005**

The provisions of the Act referred to in paragraphs (2) and (3) of article 2 are to come into force respectively on 24th and 25th November 2005. These dates are the second appointed day as prescribed for the purposes of Part 1 of Schedule 8 of the Licensing Act 2003 and the day after the second appointed day. The provisions of Schedule 16 referred to in paragraphs (2) and (3) of Article 2 are amendments to Schedule 9 to the Gaming Act 1968. The relevant provisions of the 1968 Act are concerned with gaming, and the making available of gaming machines, in premises licensed under the 2003 Act for the supply of alcohol.