



Gambling Act 2005

2005 CHAPTER 19

PART 1

INTERPRETATION OF KEY CONCEPTS

Principal concepts

1 The licensing objectives

In this Act a reference to the licensing objectives is a reference to the objectives of—

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

2 Licensing authorities

(1) For the purposes of this Act the following are licensing authorities—

- (a) in relation to England—
 - (i) a district council,
 - (ii) a county council for a county in which there are no district councils,
 - (iii) a London borough council,
 - (iv) the Common Council of the City of London, and
 - (v) the Council of the Isles of Scilly,
- (b) in relation to Wales—
 - (i) a county council, and
 - (ii) a county borough council, and
- (c) in relation to Scotland, a licensing board constituted under section 1 of the Licensing (Scotland) Act 1976 (c. 66).

Status: This is the original version (as it was originally enacted).

- (2) For the purposes of Schedule 13, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple are licensing authorities.

3 Gambling

In this Act “gambling” means—

- (a) gaming (within the meaning of section 6),
- (b) betting (within the meaning of section 9), and
- (c) participating in a lottery (within the meaning of section 14 and subject to section 15).

4 Remote gambling

- (1) In this Act “remote gambling” means gambling in which persons participate by the use of remote communication.
- (2) In this Act “remote communication” means communication using—
- (a) the internet,
 - (b) telephone,
 - (c) television,
 - (d) radio, or
 - (e) any other kind of electronic or other technology for facilitating communication.
- (3) The Secretary of State may by regulations provide that a specified system or method of communication is or is not to be treated as a form of remote communication for the purposes of this Act (and subsection (2) is subject to any regulations under this subsection).

5 Facilities for gambling

- (1) For the purposes of this Act a person provides facilities for gambling if he—
- (a) invites others to gamble in accordance with arrangements made by him,
 - (b) provides, operates or administers arrangements for gambling by others, or
 - (c) participates in the operation or administration of gambling by others.
- (2) But a person does not provide facilities for gambling for the purposes of this Act by virtue only of—
- (a) providing an article other than a gaming machine to a person who intends to use it, or may use it, in the course of any of the activities mentioned in subsection (1)(a) to (c),
 - (b) providing, otherwise than in the course of providing, operating or administering arrangements for gambling or participating in the operation or administration of gambling, an article to a person who intends to use it, or may use it, for gambling, or
 - (c) making facilities for remote communication available for use by—
 - (i) persons carrying on any of those activities, or
 - (ii) persons gambling in response to or in accordance with any of those activities.

- (3) A person provides facilities for gambling (despite subsection (2)(c)) if—
 - (a) he makes facilities for remote communication available for use,
 - (b) the facilities are adapted or presented in such a way as to facilitate, or to draw attention to the possibility of, their use for gambling, and
 - (c) the nature, adaptation or presentation of the facilities is such that—
 - (i) they cannot reasonably be expected to be used for purposes other than gambling, or
 - (ii) they are intended to be used wholly or mainly for gambling.

- (4) The Secretary of State may by order, for the purposes of subsection (3)(c)—
 - (a) provide that facilities of a specified nature, or adapted or presented in a specified way, cannot reasonably be expected to be used for purposes other than gambling;
 - (b) provide that facilities of a specified nature, or adapted or presented in a specified way, can reasonably be expected to be used for purposes other than gambling;
 - (c) specify criteria by which it is to be determined whether facilities can reasonably be expected to be used for purposes other than gambling;
 - (d) provide that facilities of a specified nature, or adapted or presented in a specified way, shall be taken as being intended to be used wholly or mainly for gambling;
 - (e) provide that facilities of a specified nature, or adapted or presented in a specified way, shall be taken as not being intended to be used wholly or mainly for gambling;
 - (f) specify criteria by which it is to be determined whether facilities are intended to be used wholly or mainly for gambling.