



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 10

#### GAMING MACHINES

##### *Definitions*

#### **235 Gaming machine**

- (1) In this Act “gaming machine” means a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).
- (2) But—
- (a) a domestic or dual-use computer is not a gaming machine by reason only of the fact that it can be used to participate in remote gambling,
  - (b) a telephone or other machine for facilitating communication (other than a computer) is not a gaming machine by reason only of the fact that it can be used to participate in remote gambling,
  - (c) a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events,
  - (d) a machine is not a gaming machine by reason only of the fact that it dispenses lottery tickets or otherwise enables a person to enter a lottery provided that the results of the lottery—
    - (i) are not determined by the machine, and
    - (ii) are not announced by being displayed or communicated by the machine without there being an interval, between each entry to the lottery and the announcement, of at least such duration as the Secretary of State shall prescribe by order,
  - (e) a machine is not a gaming machine if—
    - (i) it is designed or adapted for the playing of bingo, and
    - (ii) it is used in accordance with a condition attached to a bingo operating licence under section 75 or 77 by virtue of section 85(2)(b),

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- (f) a machine is not a gaming machine if—
    - (i) it is designed or adapted for the playing of bingo by way of prize gaming, and
    - (ii) it is used in accordance with a condition attached to a gaming machine general operating licence under section 75 or 77 by virtue of section 85(2)(b),
  - (g) a machine is not a gaming machine if—
    - (i) it is designed or adapted for the playing of bingo by way of prize gaming,
    - (ii) it is made available for use in reliance on a family entertainment centre gaming machine permit or a prize gaming permit, and
    - (iii) any requirements prescribed for the purposes of this paragraph in a code of practice under section 24, as to the specification of the machine or the circumstances in which it is made available for use, are complied with,
  - (h) a machine is not a gaming machine by reason only of the fact that it is designed or adapted to be—
    - (i) controlled or operated by an individual employed or concerned in arranging for others to play a real game of chance, or
    - (ii) used in connection with a real game of chance the arrangements for which are controlled or operated by an individual, and
  - (i) a machine is not a gaming machine by reason only of the fact that it is designed or adapted to enable individuals to play a real game of chance, if—
    - (i) its design or adaptation is such that it does not require to be controlled or operated by a person employed or concerned in arranging for others to play the game,
    - (ii) it is not designed or adapted for use in connection with a game the arrangements for which are controlled or operated by an individual, and
    - (iii) it is used in accordance with a condition attached to a casino operating licence under section 75 or 77 by virtue of section 85(2)(b).
- (3) In this Act—
- (a) a reference to a machine is a reference to any apparatus which uses or applies mechanical power, electrical power or both,
  - (b) a reference to a machine being designed or adapted for a purpose includes—
    - (i) a reference to a computer being able to be used for that purpose (subject to subsection (2)), and
    - (ii) a reference to any other machine to which anything has been done as a result of which it can reasonably be expected to be used for that purpose (subject to subsection (2)),
  - (c) a reference to a part of a gaming machine—
    - (i) includes a reference to any computer software designed or adapted for use in a gaming machine, but
    - (ii) does not include a reference to a component of a gaming machine which does not influence the outcome of a game,
  - (d) a reference to installing a part of a gaming machine includes a reference to installing computer software for the purpose of altering the operation of a gaming machine,

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- (e) a reference to adapting a gaming machine includes a reference to adapting a machine so that it becomes a gaming machine, and
  - (f) “domestic computer” and “dual-use computer” shall have the meanings assigned by the Secretary of State by regulations.
- (4) Regulations under subsection (3)(f) may, in particular, make provision by reference to—
- (a) the location of a computer,
  - (b) the purposes for which a computer is used,
  - (c) the circumstances in which a computer is used,
  - (d) the software installed on a computer, or
  - (e) any other matter.
- (5) The Secretary of State may make regulations providing for circumstances in which a single piece of apparatus is to be treated as more than one gaming machine for the purpose of provision made by or by virtue of this Act; and the regulations may, in particular, make provision by reference to the number of persons able to operate the apparatus at the same time.

#### **Commencement Information**

- 11** S. 235 in force at 21.5.2007 in so far as not already in force by S.I. 2006/3272, art. 2(2), Sch. 2 (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)
- 12** S. 235(1)(2)(b)-(i)(3)(a)-(e)(5) in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)
- 13** S. 235(2)(a)(3)(f)(4) in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

### **236 Gaming machines: Categories A to D**

- (1) The Secretary of State shall make regulations defining four classes of gaming machine for the purposes of this Act (to be known as Categories A, B, C, and D).
- (2) Regulations under subsection (1) shall—
  - (a) divide Category B into sub-categories, and
  - (b) make provision for determining to which sub-category (or sub-categories) of Category B a reference in this Act to Category B shall be treated as referring.
- (3) Regulations under subsection (1) shall operate by reference to the nature of the facilities for gambling provided by the machine.
- (4) Regulations under subsection (1) may, in particular, make provision by reference to—
  - (a) amounts paid in respect of the use of a machine;
  - (b) the value of prizes;
  - (c) the nature of prizes;
  - (d) the nature of the gambling for which the machine can be used;
  - (e) the premises where a machine is used.
- (5) Regulations under subsection (1) may identify matters (whether or not addressed by other provisions of the regulations) as to which a condition may not be attached to an operating licence or to a premises licence.

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- (6) In accordance with regulations under subsection (1) a machine may change category as a result of a change of the mechanism, or the loading or removal of software, which alters the nature of the facilities for gambling provided by the machine.

**Commencement Information**

- I4** S. 236 in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), Sch. 2 (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)
- I5** S. 236 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

**237 Adult gaming centre**

In this Act “adult gaming centre” means premises in respect of which an adult gaming centre premises licence has effect.

**Commencement Information**

- I6** S. 237 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

**238 Family entertainment centre**

In this Act—

“family entertainment centre” means premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use, and

“licensed family entertainment centre” means premises in respect of which a family entertainment centre premises licence has effect.

**Commencement Information**

- I7** S. 238 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

**239 Prize**

In this Act “prize” in relation to a gaming machine—

- (a) includes any money, article, right or service won, whether or not described as a prize, but
- (b) does not include an opportunity to play the machine again.

**Commencement Information**

- I8** S. 239 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Definitions.