



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 14

#### PRIVATE AND NON-COMMERCIAL GAMING AND BETTING

##### *Private gaming and betting*

#### **295 Interpretation**

Schedule 15 (which defines private gaming and betting) shall have effect.

#### **296 Exceptions to offences**

- (1) A person does not commit an offence under section 33 by providing facilities for—
  - (a) private gaming, or
  - (b) private betting.
- (2) Section 37 shall not apply to or in respect of the use of premises to carry on—
  - (a) private gaming, or
  - (b) private betting.
- (3) A person does not commit an offence under section 33 or 37 by making or accepting a bet, or by offering to make or accept a bet, if he acts otherwise than in the course of a business.

##### *Non-commercial gaming and betting*

#### **297 Interpretation**

- (1) For the purposes of this Act gaming is non-commercial if it takes place at a non-commercial event (whether as an incidental activity or as the principal or only activity).

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*Status: This is the original version (as it was originally enacted).*

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- (2) An event is non-commercial if the arrangements for the event are such that no part of the proceeds is to be appropriated for the purpose of private gain.
- (3) For the purposes of subsection (2) the proceeds of an event are—
  - (a) the sums raised by the organisers (whether by way of fees for entrance or for participation, by way of sponsorship, by way of commission from traders or otherwise), minus
  - (b) amounts deducted by the organisers in respect of costs reasonably incurred in organising the event.

## **298 Exceptions to offences**

- (1) A person does not commit an offence under section 33 by providing facilities for—
  - (a) non-commercial prize gaming which complies with the conditions in section 299, or
  - (b) non-commercial equal chance gaming which complies with the conditions in section 300.
- (2) Section 37 shall not apply to or in respect of the use of premises to carry on—
  - (a) non-commercial prize gaming which complies with the conditions in section 299, or
  - (b) non-commercial equal chance gaming which complies with the conditions in section 300.

## **299 Conditions for non-commercial prize gaming**

- (1) This section specifies the conditions for non-commercial prize gaming mentioned in section 298.
- (2) The first condition is that players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain.
- (3) The second condition is that the arrangements for the gaming are such that the profits will be applied for a purpose other than that of private gain.
- (4) The third condition is that the non-commercial event of which the gaming is part does not take place—
  - (a) on premises, other than a track, in respect of which a premises licence has effect,
  - (b) on a track at a time when activities are being carried on in reliance on a premises licence, or
  - (c) on premises at a time when activities are being carried on in reliance on a temporary use notice.
- (5) The fourth condition is that the gaming is not remote.
- (6) In this section “profits” in relation to gaming means—
  - (a) the aggregate of amounts—
    - (i) paid by way of stakes, or
    - (ii) otherwise accruing to the person organising the gaming directly in connection with it, minus
  - (b) amounts deducted by the person organising the gaming in respect of—

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- (i) the provision of prizes, or
- (ii) other costs reasonably incurred in organising or providing facilities for the gaming.

### **300 Conditions for non-commercial equal-chance gaming**

- (1) This section specifies the conditions for non-commercial equal-chance gaming mentioned in section 298.
- (2) The first condition is that persons participating in the gaming are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain.
- (3) The second condition is that the arrangements for the gaming are such that the profits will be applied for a purpose other than that of private gain.
- (4) The third condition is that the arrangements for the gaming ensure compliance with regulations of the Secretary of State—
  - (a) limiting amounts staked;
  - (b) limiting participation fees;
  - (c) limiting other amounts paid by a person in connection with the gaming;
  - (d) limiting a combination of matters specified in paragraphs (a) to (c);
  - (e) limiting the amount or value of a prize;
  - (f) limiting the aggregate amount or value of prizes.
- (5) Regulations under subsection (4) may, in particular—
  - (a) make provision by reference to whether or not a game is part of a series;
  - (b) make provision by reference to whether or not the non-commercial event of which the gaming is part is associated, as defined by the regulations, with another event;
  - (c) limit stakes in relation to a participant in more than one game;
  - (d) make different provision for different kinds of game or for games played in different circumstances.
- (6) The fourth condition is that the non-commercial event of which the gaming is part does not take place—
  - (a) on premises, other than a track, in respect of which a premises licence has effect,
  - (b) on a track at a time when activities are being carried on in reliance on a premises licence, or
  - (c) on premises at a time when activities are being carried on in reliance on a temporary use notice.
- (7) The fifth condition is that the gaming is non-remote.
- (8) In this section “profits” in relation to gaming means—
  - (a) the aggregate of amounts—
    - (i) paid by way of stakes, or
    - (ii) otherwise accruing to the person organising the gaming directly in connection with it, minus
  - (b) amounts deducted by the person organising the gaming in respect of—
    - (i) the provision of prizes, or

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- (ii) other costs reasonably incurred in organising or providing facilities for the gaming.

### **301 Misusing profits of non-commercial prize gaming**

- (1) This section applies to—
  - (a) non-commercial prize gaming in respect of which a fund-raising purpose has been specified as mentioned in section 299(2), and
  - (b) non-commercial equal-chance gaming in respect of which a fund-raising purpose has been specified as mentioned in section 300(2).
- (2) A person commits an offence if he uses any part of the profits of gaming to which this section applies for a purpose other than that specified.
- (3) The reference in subsection (2) to the use of profits includes a reference to permitting profits to be used.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (5) In the application of subsection (4) to Scotland the reference to 51 weeks shall have effect as a reference to six months.
- (6) In this section “profits” has the same meaning as in sections 299 and 300.

### **302 Non-commercial betting**

For the purposes of this Act a betting transaction is non-commercial betting if no party to the transaction—

- (a) enters it in the course of a business, or
- (b) holds himself out as being in business in relation to the acceptance of bets.