

## SCHEDULES

### SCHEDULE 16

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 2

##### CONSEQUENTIAL AMENDMENTS

###### *Parliamentary Commissioner Act 1967 (c. 13)*

- 5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (bodies subject to investigation) for “Gaming Board for Great Britain.” substitute “Gambling Commission.”

###### *Superannuation Act 1972 (c. 11)*

- 6 In Schedule 1 to the Superannuation Act 1972 (employment to which superannuation schemes may extend) for “Gaming Board for Great Britain.” substitute “Gambling Commission.”

###### *House of Commons Disqualification Act 1975 (c. 24)*

- 7 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) for “The Gaming Board for Great Britain.” substitute “The Gambling Commission.”

###### *Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 8 In section 20(9) of the Local Government (Miscellaneous Provisions) Act 1976 (sanitation) for the definition of “betting office” substitute—

““betting office” means premises, other than a track within the meaning of the Gambling Act 2005, in respect of which a betting premises licence under Part 8 of that Act has effect;”.

###### *Race Relations Act 1976 (c. 74)*

- 9 In Schedule 1A to the Race Relations Act 1976 (bodies subject to general statutory duty) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

###### *London Local Authorities Act 1995 (c. x)*

- 10 In section 14 of the London Local Authorities Act 1995 (interpretation of licensing provisions) for the provision excluding premises licensed under Part II of the Gaming Act 1968 substitute: “does not include premises in respect of which a casino

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premises licence, bingo premises licence, adult gaming centre premises licence, family entertainment centre premises licence or betting premises licence under Part 8, or a family entertainment centre gaming permit under section 247, of the Gambling Act 2005 has effect.”.

*Employment Rights Act 1996 (c. 18)*

11 For section 233 of the Employment Rights Act 1996 (betting workers) substitute—

**“233 Betting workers**

- (1) In this Act “betting worker” means an employee who under his contract of employment is or may be required to do betting work.
- (2) In this Act “betting work” means—
  - (a) work which consists of or includes dealing with betting transactions at a track in England or Wales and which is carried out for a person who holds a general betting operating licence, a pool betting operating licence or a horse-race pool betting operating licence, and
  - (b) work on premises in respect of which a betting premises licence has effect at a time when the premises are used for betting transactions.
- (3) In subsection (2) “betting transactions” includes the collection or payment of winnings.
- (4) Expressions used in this section and in the Gambling Act 2005 have the same meaning in this section as in that Act.
- (5) In this Act—
  - “notice period”, in relation to an opted-out betting worker, has the meaning given by section 41(3),
  - “opted-out”, in relation to a betting worker, shall be construed in accordance with section 41(1) and (2),
  - “opting-in notice”, in relation to a betting worker, has the meaning given by section 36(6),
  - “opting-out notice”, in relation to a betting worker, has the meaning given by section 40(2), and
  - “protected”, in relation to a betting worker, shall be construed in accordance with section 36(1) to (5).”

*Police Act 1997 (c. 50)*

12 In section 115 of the Police Act 1997 (enhanced criminal record certificates) for subsection (5)(a) to (c) substitute—

“(a) a process under the Gambling Act 2005”.

*Terrorism Act 2000 (c. 11)*

13 In paragraph 4 of Schedule 3A to the Terrorism Act 2000 (regulated sector and supervisory authorities) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 14 In paragraph 20A of Schedule 1 to the Regulation of Investigatory Powers Act 2000 (relevant public authorities) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

*Postal Services Act 2000 (c. 26)*

- 15 In section 7 of the Postal Services Act 2000 (exceptions to the restrictions on provision of postal services) for the definition of “authorised promoter” substitute—
- ““authorised promoter” means—
- (a) the holder of a pool betting operating licence under Part 5 of the Gambling Act 2005,
  - (b) a person authorised under section 93(3) of that Act to do anything on behalf of the holder of a pool betting operating licence, and
  - (c) an associate, within the meaning of section 184 of the Consumer Credit Act 1974 (c. 39), of a person within paragraph (a) or (b).”.

*Freedom of Information Act 2000 (c. 36)*

- 16 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which the Act applies) for “Gaming Board of Great Britain” substitute “Gambling Commission.

*Private Security Industry Act 2001 (c. 12)*

- 17 For paragraph 8(3)(e) of Schedule 2 to the Private Security Industry Act 2001 (exceptions for certain premises) substitute—
- “(e) in relation to any occasion on which a casino premises licence or a bingo premises licence is in force in respect of the premises under the Gambling Act 2005 and the premises are being used in reliance on that licence; or”.

*Criminal Justice and Police Act 2001 (c. 16)*

- 18 (1) In Schedule 1 of the Criminal Justice and Police Act 2001 (seizure powers to which extending provision of section 50 applies)—
- (a) paragraphs 6, 11 and 20 cease to have effect,
  - (b) at the end of Part 1 (renumbering the entry for the Licensing Act 2003 as paragraph 73E) add—
- “*Gambling Act 2005*
- 73F The powers conferred by section 317 of the Gambling Act 2005 (inspection powers).”.
- (c) paragraphs 89, 93 and 97 cease to have effect, and
  - (d) at the end of Part 3 (renumbering the entry for the Licensing Act 2003 as paragraph 111) add—

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*“Gambling Act 2005*

112        The powers conferred by section 317 of the Gambling Act 2005 (inspection powers).”

- (2) For the purposes of the amendments made by this paragraph, the powers in section 317(1)(d), (e) and (f) are powers of seizure.

*Proceeds of Crime Act 2002 (c. 29)*

19        In Part 2 of Schedule 9 to the Proceeds of Crime Act 2002 (supervisory authorities) in paragraph 4(g) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

*Licensing Act 2003 (c. 17)*

- 20        (1) The Licensing Act 2003 shall be amended as follows.  
 (2) For section 175 (exemption for raffle, tombola, &c.) substitute—

**“175 Exemption for incidental non-commercial lottery**

- (1) The promotion of a lottery to which this section applies shall not constitute a licensable activity by reason only of one or more of the prizes in the lottery consisting of or including alcohol, provided that the alcohol is in a sealed container.
- (2) This section applies to an incidental non-commercial lottery (within the meaning of Part 1 of Schedule 11 to the Gambling Act 2005).”
- (3) In paragraph 10(3) of Schedule 1 (provision of regulated entertainment) for “section 22 of the Lotteries and Amusements Act 1976 (c. 32)” substitute “section 19(3) of the Gambling Act 2005”.
- (4) In Schedule 4 (relevant offences) after paragraph 20 insert—
- “21        An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.”

*Note*

21        The amendments made by this Schedule are without prejudice to the generality of paragraph 4 of Schedule 5.