



Gaming Act 1968

1968 CHAPTER 65

PART IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

52 Interpretation

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" the Act of 1963 " means the Betting, Gaming and Lotteries Act 1963 ;

" the Board " means the Gaming Board for Great Britain established under this Act;

" game of chance " does not include any athletic game or sport, but, with that exception, and subject to subsection (6) of this section, includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined;

" gaming " (subject to subsections (3) to (5) of this section) means the playing of a game of chance for winnings in money or money's worth, whether any person playing the game is at risk of losing any money or money's worth or not;

" inspector " has the meaning assigned to it by section 43 of this Act;

" licensing authority " has the meaning assigned to it by paragraph 1 of Schedule 2 to this Act;

" machine " includes any apparatus ;

" premises " includes any place ;

" prescribed " means prescribed by regulations made under this Act;

" travelling showmen's pleasure fair " means a pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is held on any day of a year on premises not previously used in that year on more than twenty-seven days for the holding of such a pleasure fair;

Status: This is the original version (as it was originally enacted).

" vehicle " includes a railway carriage and also includes an aircraft while it is on the ground and a hover vehicle (that is to say, a vehicle designed to be supported on a cushion of air) whether it is on the ground or not;

" vessel " includes any ship, boat, raft or other apparatus constructed or adapted for floating on water ;

" winnings " includes any prize or other winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

- (2) In this Act " miners' welfare institute " means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular) where either—
- (a) the institute is managed by a committee or board of which not less than two-thirds consists partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, the National Coal Board and partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, an organisation or organisations representing persons so employed, or
 - (b) the premises of the institute, if they are in England or Wales, are held on trusts to which section 2 of the Recreational Charities Act 1958 applies, or, if they are in Scotland, are held on trust for charitable purposes (" charitable " being construed in the same way as if it were contained in the Income Tax Acts).
- (3) Where apart from this subsection the playing of a game of chance would constitute gaming and also constitutes a lottery, then if—
- (a) in so far as it is a lottery, it is a lottery promoted as mentioned in section 43(1) of the Act of 1963 (exemption of small lotteries incidental to certain entertainments) or is a private lottery as defined by section 44(1) of that Act or is a lottery promoted as mentioned in section 45(1) of that Act (exemption of certain small lotteries conducted for charitable, sporting or other purposes), and
 - (b) each winner of a prize is ascertained by reference to not more than three determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event,
- the playing of the game shall not constitute gaming for the purposes of this Act.
- (4) In this Act " gaming " does not include the making of bets by way of pool betting.
- (5) For the purposes of this Act a machine shall be taken not to be used for gaming if it is used in such a way that no game played by means of the machine can result in a player, or a person claiming under a player, receiving or being entitled to receive any article, benefit or advantage other than one (but not both) of the following, that is to say—
- (a) an opportunity afforded by the automatic action of the machine to play one or more further games without the insertion of any cash or token;
 - (b) the delivery by means of the machine of one or more coins or tokens as a prize in respect of a game where one or more coins or tokens of an equal or greater value or aggregate value were inserted into the machine by or on behalf of the player in order to play that game.
- (6) In determining for the purposes of this Act whether a game, which is played otherwise than against one or more other players, is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance shall be disregarded.

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

- (7) For the purposes of any provision of this Act which relates to making a charge, or charging a levy, it is immaterial whether a charge or levy is compulsory, customary or voluntary, and any reference to making a charge or charging a levy shall be construed accordingly.
- (8) Subject to subsections (1) to (7) of this section, expressions used in this Act to which a meaning is assigned by section 55(1) of the Act of 1963 have the same meanings in this Act as in that Act.
- (9) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.