EXPLANATORY NOTES

GAMBLING ACT 2005

INTRODUCTION

BACKGROUND

SUMMARY OF THE ACT

STRUCTURE OF THE ACT

TERRITORIAL EXTENT

Territorial application: Wales

Territorial application: Scotland

Territorial limits – vessels and aircraft

PART 1: INTERPRETATION OF KEY CONCEPTS

Section 1: The licensing objectives

Section 2: Licensing authorities

Section 3: Gambling

Section 4: Remote gambling

Section 5: Facilities for gambling

Section 6: Gaming and game of chance

Section 7: Casino

Section 8: Equal chance gaming

Section 9: Betting: general

Section 10: Spread bets &c.

Section 11: Betting: prize competitions

Section 12: Pool betting

Section 13: Betting intermediary

Section 14: Lottery
Section 15: National Lottery
Section 16: Betting and gaming
Section 17: Lotteries and gaming
Section 18: Lotteries and betting
Section 19: Non-commercial society

Schedule 1: Betting: prize competitions: definition of payment to enter
Schedule 2: Lotteries: definition of payment to enter
Schedule 3: Amendment of the National Lottery etc. Act 1993 (c.39)

PART 2: THE GAMBLING COMMISSION

Section 20: Establishment of the Commission
Section 21: Gaming Board: transfer to Commission
Section 22: Duty to promote the licensing objectives
Section 23: Policy for licensing and regulation
Section 24: Codes of practice
Section 25: Guidance to local authorities
Section 26: Duty to advise the Secretary of State
Section 27: Compliance
Section 28: Investigation and prosecution of offences
Section 29: Licensing authority information
Section 30: Other exchange of information
Section 31: Consultation with the National Lottery Commission
Section 32: Consultation with Commissioners of Customs and Excise

Schedule 4: The Gambling Commission
Schedule 5: Transfer from Gaming Board to Gambling Commission: supplementary provision
Schedule 6: Exchange of information: persons and bodies

PART 3: GENERAL OFFENCES

Sections 33 to 35: Provision of facilities for gambling
Section 36: Territorial application
Sections 37 & 38: Use of premises
Section 39: Exception: occasional use notice
Section 40: Exception: football pools
Section 41: Gambling software
Section 42: Cheating
Section 43: Chain-gift schemes
Section 44: Provision of unlawful facilities abroad

PART FOUR: PROTECTION OF CHILDREN AND YOUNG PERSONS

Section 45: Meaning of child and young person
Sections 46 & 48: Inviting children and young persons to gamble; participation by young persons in gambling
Sections 47 & 49: Invitation to enter premises: young persons entering premises
Section 50: Provision of facilities for gambling
Sections 51 to 55: Employment offences
Section 56: Invitation to participate in lottery
Section 57: Invitation to participate in football pools
Section 58: Return of stake
Section 59: Age limit for category D machines
Section 60: Temporary use notice
Section 61: Meaning of employment
Section 62: Penalty
Section 63: Reasonable belief about a person’s age
Section 64: Use of children in enforcement operations

PART 5: OPERATING LICENCES

Section 65: Nature of licence
Section 66: Form of licence
Section 67: Remote gambling
Section 68: Combined licence
Section 69: Application
Section 70: Consideration of applications: general principles
These notes refer to the Gambling Act 2005 (c.19)

Section 71: Consideration of application: criminal record
Section 72: Consideration of application: demand
Section 73: Procedure
Section 74: Determination of application
Sections 75 to 78: Licence Conditions
Section 79: Scope of powers to attach conditions
Section 80: Requirement for personal licence
Section 81: Credit and inducements
Section 82: Compliance with code of practice
Section 83: Return of stakes to children
Section 84: Premises
Section 85: Equipment
Section 86: Gaming machines
Section 87: Membership
Section 88: Information
Section 89: Remote operating licence
Section 90: Casino operating licence
Section 91: Bingo operating licence
Section 92: General betting operating licence
Section 93: Pool betting operating licence
Section 94: Horse-race pool betting operating licence
Section 95: Betting on the National Lottery
Section 96: Gaming machine technical operating licence
Section 97: Gambling software: operating licence: standards
Section 98: Lottery operating licences
Section 99: Mandatory conditions of lottery operating licence
Section 100: Annual fee
Section 101: Change of circumstance
Sections 102 & 103: Change of corporate control
These notes refer to the Gambling Act 2005 (c.19)

Section 104: Application to vary licence
Section 105: Amendment
Section 106: Register of operating licences
Sections 107 & 108: Copy of licence and production of licence
Section 109: Conviction
Sections 110 & 111: Duration
Section 112: Renewal of licence
Sections 113 & 114: Surrender and Lapse
Section 115: Forfeiture
Section 116: Review
Sections 117 to 121: Regulatory powers
Section 122: Information
Section 123: Levy
Section 125: Relevant offence: disapplication of rehabilitation
Section 126: Interpretation

Schedule 7: Relevant offences

**PART 6 – PERSONAL LICENCES**

Section 127: Nature of personal licence
Section 128: Application of provisions of Part 5
Section 129: Exemption for small scale operators
Section 130: Application
Sections 131 & 135: Duration and Review
Section 132: Fees
Section 133: Multiple licences
Section 134: Production of licence
Section 136: Disqualification
Sections 137 & 138: Notification requirements
Section 139: Breach of personal licence condition
PART 7: OPERATING AND PERSONAL LICENCES: APPEALS

Section 140: The Gambling Appeals Tribunal
Section 141: Appeal to Tribunal
Section 142: Timing
Section 143: Appeal from Tribunal
Section 144: Powers of Tribunal
Section 145: Stay pending appeal
Section 146: Rules
Section 147: Fees
Section 148: Legal Assistance
Section 149: Enforcement of Costs Orders

Schedule 8: Gambling Appeals Tribunal

Paragraphs 1 and 2: President, deputy and members
Paragraph 3: Tenure
Paragraph 4: Staff
Paragraphs 5 to 8: Money
Paragraph 9 to 11: Sittings
Paragraphs 12 to 14: Procedure
Paragraph 15: Council on Tribunals
Paragraph 16: Disqualification

PART 8: PREMISES LICENCES

Section 150: Nature of licence
Section 151: Form of licence
Section 152: Combined licence
Section 153: Principles to be applied
Section 154: Delegation to licensing committee
Section 155: Delegation of functions under Part 8: Scotland
Section 156: Register
Section 157: Responsible authorities
These notes refer to the Gambling Act 2005 (c.19)

Section 158: Interested party
Sections 159 to 161: Applications
Sections 162 to 165: Determination of application
Section 166: Resolution not to issue casino licence
Sections 167 to 171: Conditions
Section 172: Gaming machines
Section 173: Virtual gaming
Section 174: Casino premises licence
Section 175: Casino premises licence: overall limits

Schedule 9: Applications for casino premises licences

Section 176: Casino premises licence: access by children
Section 177: Credit
Section 178: Door supervision
Section 179: Pool betting on track
Section 180: Pool betting on dog races
Section 181: Betting machines
Section 182: Exclusion of children from track areas
Section 183: Christmas Day
Section 184: Annual fee
Section 185: Availability of licence
Section 186: Change of circumstance
Section 187: Application to vary licence
Sections 188 & 189: Transfer
Section 190: Copy of licence
Section 191: Initial duration
Section 192: Surrender
Section 193: Revocation for failure to pay fee
Section 194: Lapse
Sections 195 & 196: Reinstatement
Section 197: Application for review
Sections 198 & 199: Consideration of application
Section 200: Initiation of review by licensing authority
Sections 201 to 203: Review
Sections 204 & 205: Provisional statement
Sections 206 to 209: Rights of Appeal
Section 210: Planning permission
Section 211: Vessels and vehicles
Section 212: Fees

PART 9: TEMPORARY USE OF PREMISES

Sections 214 to 218: Temporary use notice
Sections 219 & 220: Giving notice: procedure
Sections 221 to 223: Objections and modification by agreement
Sections 224 to 226: Counter-notices and dismissal of objections
Section 227: Endorsement of notice
Section 228: Consideration by licensing authority: timing
Sections 229 & 230: Miscellaneous provisions
Section 231: Vehicles and vessels
Section 232: Delegation of licensing authority functions: England and Wales
Section 233: Delegation of licensing authority functions: Scotland
Section 234: Register

PART 10: GAMING MACHINES

Section 235: Gaming machine
Section 236: Gaming machines: Categories A to D
Sections 237 to 239: Other definitions
Sections 240 & 241: Use and supply of machines
Section 242: Making machine available for use
Section 243: Manufacture, supply etc.
Section 244: Linked machines
These notes refer to the Gambling Act 2005 (c.19)

Section 245: Credit
Section 247: Family entertainment centre permits
Schedule 10: Family Entertainment Centre gaming machine permits
Sections 248 & 249: No and limited prizes
Section 250: Single-machine supply and maintenance permits

PART 11: LOTTERIES

Section 252: Promoting a lottery
Section 253: Lottery ticket
Sections 254 to 256: Key terms
Section 257: External lottery manager
Section 258: Promotion of lottery
Section 259: Facilitating a lottery
Section 260: Misusing profits of lottery
Section 261: Misusing profits of an exempt lottery
Section 262: Small society lottery: breach of condition
Section 263: Penalty
Section 264: Exclusion of the National Lottery
Section 265: Territorial Application

Schedule 11: Exempt lotteries

PART 1: INCIDENTAL NON-COMMERCIAL LOTTERIES

PART 2: PRIVATE LOTTERIES

PART 3: CUSTOMER LOTTERY

PARTS 4 AND 5: SMALL SOCIETY LOTTERIES

PART 6: POWERS TO IMPOSE ADDITIONAL RESTRICTIONS

PART 7: GENERAL

PART 12: CLUBS, PUBS, FAIRS, &C.

Sections 266 to 268: Definitions of eligible clubs
Sections 269 & 270: Exempt gaming
Sections 271 & 272: Club gaming permit
These notes refer to the Gambling Act 2005 (c.19)

Section 273: Club machine permit
Section 274: Procedure

Schedule 12: Club gaming permits and club machine permits
- Sections 275 & 281: Bingo in clubs and alcohol licensed premises
- Sections 277 & 278: Alcohol licensed premises
- Sections 279 & 280: Exempt gaming
- Section 282: Gaming machines: automatic entitlement
- Section 283: Licensed premises gaming machine permits

Schedule 13: Licensed premises gaming machine permits
- Section 284: Removal of exemption
- Section 285: Permits for clubs, pubs etc.: special provision for Scotland
- Sections 286 & 287: Travelling fairs

PART 13: PRIZE GAMING
- Section 288: Meaning of “prize gaming”
- Section 289: Prize gaming permits and Schedule 14
- Sections 290 & 292: Prize gaming in gaming and entertainment centres and fairs
- Section 291: Bingo halls
- Section 293: Conditions for prize gaming
- Section 294: Power to restrict exemptions

PART 14: PRIVATE AND NON-COMMERCIAL GAMING AND BETTING
- Sections 295 & 296: Private betting and gaming

Schedule 15: Private gaming and betting

PART 1: GAMING

PART 2: BETTING
- Sections 297 to 301: Non-commercial gaming
- Section 302: Non-commercial betting

PART 15: INSPECTION
- Section 303: Enforcement officers
Section 304: Authorised persons
Section 305: Compliance
Section 306: Suspected offence
Section 307: Inspection of gambling
Section 308: Operating licence holders
Section 309: Family entertainment centres
Section 310: Premises licensed for alcohol
Section 311: Prize gaming permit
Section 312: Clubs
Section 313: Licensed premises
Section 314: Lotteries: registered societies
Section 315: Temporary use notice
Section 316: Authorisations: production on demand
Section 317: Powers
Section 318: Dwellings
Section 319: Records
Section 320: Timing
Section 321: Evidence of authorisation
Section 322: Information
Section 323: Use of force
Section 324: Person accompanying inspector, &c.
Section 325: Securing premises after entry
Section 326: Obstruction

PART 16: ADVERTISING

Section 327: Meaning of “advertising”
Section 328: Regulations
Section 329: Broadcasting
Section 330: Unlawful gambling
Section 331: Foreign gambling
Section 332: Territorial application: non-remote advertising
Section 333: Territorial application: remote advertising

**PART 17: LEGALITY AND ENFORCEMENT OF GAMBLING CONTRACTS**

Section 334: Repeal of provisions preventing enforcement
Section 335: Enforceability of gambling contracts
Section 336: Power of Gambling Commission to void bet
Section 337: Supplementary
Section 338: Interim Moratorium

**PART 18: MISCELLANEOUS AND GENERAL**

Section 339: Prize competitions
Section 340: Foreign Betting
Section 341: Offence committed by body
Section 342: False information
Section 343: Value of Prize
Section 344: Participation Fees
Section 345: Forfeiture
Section 346: Prosecution by licensing authority
Section 347: Prosecution: time limit
Section 348: Excluded premises
Section 349: Three-year licensing policy
Section 350: Exchange of information
Section 351: Power to amend Schedule 6
Section 352: Data protection
Section 353: Interpretation
Section 354: Crown application
Section 355: Regulations, orders and rules
Section 356: Amendments and repeals
Section 357: Money
Section 358: Commencement and Schedule 18
These notes refer to the Gambling Act 2005 (c.19)

Sections 359 & 360: Vessels and Aircraft: Territorial limitation

Section 361: Extent

COMMENCEMENT

DETAILS OF THE BILL’S PASSAGE THROUGH PARLIAMENT