

# GAMBLING ACT 2005

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## EXPLANATORY NOTES

### TERRITORIAL EXTENT

#### *Territorial limits – vessels and aircraft*

#### **Part 1: Interpretation of Key Concepts**

##### *Section 7: Casino*

48. This section provides a statutory definition of a “casino” for the first time in British law.
49. The definition establishes that a casino is an arrangement (whether on premises or via remote communication such as the internet) where people can participate in casino games. *Subsection (2)* defines “casino games” as games which are not equal chance games. This means that any games which involve playing or staking against a bank, or where the chances are not equally favourable to all the players, will be casino games.
50. *Subsection (3)* enables the Secretary of State to provide in regulations for a specified activity to be, or not to be, treated as a casino game for the purposes of the definition of casino. This power is not the same as specifying what kinds of casino games (e.g. roulette or blackjack) may be played in a licensed casino. Separate powers to specify such matters are provided in Part 5 on operating licences, specifically section 90.
51. The Act regulates casinos in different ways, depending on their size and the facilities they provide. *Subsection (5)* provides for four categories of casino, to be defined in regulations made by the Secretary of State; and *subsection (6)* specifically enables casinos to be classified by reference to a number of different matters. These include:
  - the number of gaming tables at which casino games (or classes of casino games) are made available;
  - the location and concentration of gaming tables; and
  - the use and designation of floor areas for particular purposes.
52. In making such regulations, the Secretary of State can include provisions for determining what is and is not to be treated as a gaming table for the purposes of the casino definition, and for calculating when a floor area is to be treated as being used or designated for a particular purpose (see *subsection (7)*).
53. The three categories of casino to be licensed under the Act are: regional, large, and small. A regional casino will have the largest floor space requirements, followed by large casinos, and then small casinos. There is a fourth class of casino, which is a casino below the minimum size for a licensed casino (*subsection (5)(d)*). Casinos which have been licensed under the Gaming Act 1968, and which are too small to comply with the minimum requirements specified for regional, large or small casinos will fall into this fourth category. Transitional arrangements, under Part 18 of the Act, will be made to permit this fourth class of casino to continue in operation.

*These notes refer to the Gambling Act 2005 (c.19)  
which received Royal Assent on 7 April 2005*

54. The Regulatory Impact Assessment published alongside the Act contains full details of the proposed specifications for regional, large and small casinos.
55. [Sections 90, 166, 174, 175, 176](#) and Schedule 9, while not an exhaustive list, all contain particular provisions relevant to the regulation of casinos under the Act.