

GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 15: Private gaming and betting

Part 2: Betting

757. There are two types of private betting: domestic betting and workplace betting.

Sections 297 to 301: Non-commercial gaming

758. These sections authorise certain types of gaming to be provided at non-commercial events. A non-commercial event is an event where the money raised from the event is not used for private gain e.g. it is for used for charitable or other generally beneficial purposes. Section 19, by virtue of section 353(1), provides a definition of private gain for these purposes.

759. These sections require that both money raised from the non-commercial event, and the profits made from the gaming itself, are not used for private gain. This means that if someone other than the organiser of the event provides the facilities for gaming, they too must ensure that the profits go to good causes.

760. The gaming permitted by these sections is prize gaming (as defined in section 288) and equal chance gaming which complies with a number of conditions:

- All players must be told what purpose the money raised from the gaming is going to be used for (this must be something other than private gain), and the profits must be applied to that purpose;
- The non-commercial event cannot take place on premises with a premises licence (under Part 8) or a temporary use notice (under Part 9). There is nothing to stop such premises running charitable or other gambling events to raise money for good causes, but they should do so using the gambling permissions granted to them by their premises licence or use notice. They cannot rely upon any of the allowances granted in Part 14. The one exception to this is that a non-commercial event can take place at a track licensed under Part 8, and rely upon the allowances in Part 14, provided no licensed activities are taking place at the time. This permits the use of tracks for non-commercial gambling on when races are not taking place.
- The gaming (whether prize or equal chance) cannot be remote gaming. These permissions are only intended to be used at events, on premises, and for gaming in person.
- If the gaming is equal chance gaming, then the gaming must comply with any regulations made by the Secretary of State setting limits on:
 - The stakes, fees or charges for the gaming; and

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

— The amount or value of any prize available.

- There are no limits on the fees, charges or value of prizes for prize gaming at a non-commercial event.

761. In all cases the money raised from the gaming must be used for the fund-raising purpose specified at the event, and if someone uses any profits from the gaming for something else, then they commit an offence under section 301. The maximum penalty, upon conviction for an offence, is a term of imprisonment not exceeding 51 weeks for England and Wales (six months in Scotland), and/or a level 5 fine.

Section 302: Non-commercial betting

762. This section provides a definition for non-commercial betting. This is betting where neither party is acting in the course of business.