



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 1

#### INTERPRETATION OF KEY CONCEPTS

##### *Betting*

#### **9 Betting: general**

- (1) In this Act “betting” means making or accepting a bet on—
  - (a) the outcome of a race, competition or other event or process,
  - (b) the likelihood of anything occurring or not occurring, or
  - (c) whether anything is or is not true.
- (2) A transaction that relates to the outcome of a race, competition or other event or process may be a bet within the meaning of subsection (1) despite the facts that—
  - (a) the race, competition, event or process has already occurred or been completed, and
  - (b) one party to the transaction knows the outcome.
- (3) A transaction that relates to the likelihood of anything occurring or not occurring may be a bet within the meaning of subsection (1) despite the facts that—
  - (a) the thing has already occurred or failed to occur, and
  - (b) one party to the transaction knows that the thing has already occurred or failed to occur.

#### **10 Spread bets, &c.**

- (1) For the purposes of section 9(1) “bet” does not include a bet the making or accepting of which is a regulated activity within the meaning of section 22 of the Financial Services and Markets Act 2000 (c. 8).

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*Status: This is the original version (as it was originally enacted).*

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- (2) An order under section 22 of that Act which has the effect that a class of bet becomes or ceases to be a regulated activity may, in particular, include transitional provision relating to the application of this Act to that class of bet.
- (3) This section is subject to section 38(3).

## **11 Betting: prize competitions**

- (1) For the purposes of section 9(1) a person makes a bet (despite the fact that he does not deposit a stake in the normal way of betting) if—
  - (a) he participates in an arrangement in the course of which participants are required to guess any of the matters specified in section 9(1)(a) to (c),
  - (b) he is required to pay to participate, and
  - (c) if his guess is accurate, or more accurate than other guesses, he is to—
    - (i) win a prize, or
    - (ii) enter a class among whom one or more prizes are to be allocated (whether or not wholly by chance).
- (2) In subsection (1) a reference to guessing includes a reference to predicting using skill or judgment.
- (3) Schedule 1 makes further provision about when a person is to be or not to be treated for the purposes of subsection (1)(b) as being required to pay to participate in an arrangement.
- (4) In subsection (1)(c) “prize” includes any money, articles or services—
  - (a) whether or not described as a prize, and
  - (b) whether or not consisting wholly or partly of money paid, or articles or services provided, by the members of the class among whom the prizes are allocated.

## **12 Pool betting**

- (1) For the purposes of this Act betting is pool betting if made on terms that all or part of winnings—
  - (a) shall be determined by reference to the aggregate of stakes paid or agreed to be paid by the persons betting,
  - (b) shall be divided among the winners, or
  - (c) shall or may be something other than money.
- (2) For the purposes of this Act pool betting is horse-race pool betting if it relates to horse-racing in Great Britain.

## **13 Betting intermediary**

- (1) In this Act “betting intermediary” means a person who provides a service designed to facilitate the making or acceptance of bets between others.
- (2) For the purposes of this Act acting as a betting intermediary is providing facilities for betting.