



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 1

#### INTERPRETATION OF KEY CONCEPTS

##### *Cross-category activities*

#### **16 Betting and gaming**

- (1) This section applies to a transaction which satisfies—
  - (a) the definition of betting in section 9, and
  - (b) the definition of gaming in section 6.
- (2) A transaction to which this section applies which is pool betting (within the meaning of section 12) shall be treated for the purposes of this Act as betting (and not as gaming).
- (3) Any other transaction to which this section applies shall be treated for the purposes of this Act as gaming (and not as betting).
- (4) This section is subject to regulations under section 6(6).

#### **17 Lotteries and gaming**

- (1) This section applies to an arrangement which satisfies—
  - (a) the definition of a game of chance in section 6, and
  - (b) the definition of a lottery in section 14.
- (2) An arrangement to which this section applies shall be treated for the purposes of this Act as a game of chance (and not as a lottery) if a person who pays in order to join the class amongst whose members prizes are allocated is required to participate in, or to be successful in, more than three processes before becoming entitled to a prize.
- (3) An arrangement to which this section applies shall, subject to subsection (2), be treated for the purposes of this Act as a lottery (and not as a game of chance) if—

- (a) it satisfies paragraph 1(1)(a) and (b) of Schedule 11,
  - (b) it satisfies paragraph 10(1)(a) and (b) of Schedule 11,
  - (c) it satisfies paragraph 11(1)(a) and (b) of Schedule 11,
  - (d) it satisfies paragraph 12(1)(a) and (b) of Schedule 11,
  - (e) it satisfies paragraph 20(1)(a) and (b) of Schedule 11,
  - (f) it satisfies paragraph 30(1)(a) and (b) of Schedule 11, or
  - (g) it is promoted in reliance on a lottery operating licence.
- (4) Any other arrangement to which this section applies shall be treated for the purposes of this Act as a game of chance (and not as a lottery).
- (5) This section is subject to regulations under section 6(6) or 14(7).

## **18 Lotteries and betting**

- (1) This section applies to a transaction which satisfies the definition of participating in a lottery in section 14 and also—
- (a) satisfies the definition of pool betting in section 12, or
  - (b) satisfies the definition of betting in section 9 by virtue of section 11.
- (2) A transaction to which this section applies shall be treated for the purposes of this Act as participating in a lottery (and not as betting) if—
- (a) it satisfies paragraph 1(1)(a) and (b) of Schedule 11,
  - (b) it satisfies paragraph 10(1)(a) and (b) of Schedule 11,
  - (c) it satisfies paragraph 11(1)(a) and (b) of Schedule 11,
  - (d) it satisfies paragraph 12(1)(a) and (b) of Schedule 11,
  - (e) it satisfies paragraph 20(1)(a) and (b) of Schedule 11,
  - (f) it satisfies paragraph 30(1)(a) and (b) of Schedule 11, or
  - (g) it is promoted in reliance on a lottery operating licence.
- (3) Any other transaction to which this section applies shall be treated for the purposes of this Act as betting (and not as participating in a lottery).
- (4) This section is subject to regulations under section 14(7).