Gambling Act 2005

2005 CHAPTER 19

PART 15

INSPECTION

Kinds of inspection

VALID FROM 01/09/2007

305 Compliance

A constable, enforcement officer or authorised person may undertake activities for the purpose of assessing—

(a) compliance with provision made by or by virtue of this Act;

(b) whether an offence is being committed under or by virtue of this Act.

VALID FROM 01/09/2007

306 Suspected offence

(1) A constable or enforcement officer may enter premises if he reasonably suspects that an offence under this Act may be—

(a) being committed on the premises, or

(b) about to be committed on the premises.

(2) A justice of the peace may on the application of a constable or enforcement officer issue a warrant authorising a constable or enforcement officer to enter premises if the justice of the peace is satisfied—

(a) that there are reasonable grounds for suspecting that an offence under this Act has been committed on the premises,

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Changes to legislation: *There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Kinds of inspection. (See end of Document for details)*

(b) that there are reasonable grounds for suspecting that evidence of the commission of the offence may be found on the premises, and

(c) that at least one of the conditions in subsection (3) is satisfied.

(3) Those conditions are—

(a) that admission to the premises has been refused,

(b) that admission to the premises is likely to be refused unless a warrant is produced,

(c) that the purpose of entry may be frustrated or seriously prejudiced unless a constable or enforcement officer arriving at the premises can secure immediate entry, and

(d) that there is likely to be nobody at the premises capable of granting admission.

(4) A warrant may be granted in reliance on subsection (3)(a) or (b) only if the justice of the peace is satisfied—

(a) that notice has been given to a person occupying the premises, or having responsibility for their management, of intent to apply for a warrant, or

(b) that the purpose of entry may be frustrated or seriously prejudiced by the giving of notice under paragraph (a).

(5) A warrant under subsection (2) shall cease to have effect at the end of the period of 28 days beginning with the day of issue.

(6) In the application of this section to Scotland, any reference to a justice of the peace is to be construed as a reference to the sheriff or a justice of the peace.

VALID FROM 01/09/2007

307 Inspection of gambling

(1) A constable, enforcement officer or authorised person may enter premises to which this section applies for a purpose specified in subsection (3).

(2) This section applies to premises if a constable, enforcement officer or authorised person reasonably suspects that facilities for gambling other than private and non-commercial gaming or betting may be being provided, may be about to be provided or have been provided, on the premises.

(3) The purposes mentioned in subsection (1) are—

(a) to discover whether facilities for gambling other than private and non-commercial gaming or betting are being provided, are about to be provided or have been provided on the premises,

(b) to determine whether an operating licence or premises licence is held in respect of the provision of facilities for gambling on the premises, and

(c) to determine whether facilities are being, will be or have been provided in accordance with the terms and conditions of an operating licence or premises licence.

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308 Operating licence holders

(1) A constable or enforcement officer may enter premises to which this section applies for the purpose specified in subsection (3).

(2) This section applies to premises which a constable or enforcement officer reasonably believes to be used by the holder of an operating licence wholly or partly for purposes connected with the licensed activities.

(3) The purpose mentioned in subsection (1) is to determine whether the licensed activities are being carried on in accordance with the terms and conditions of the operating licence.

309 Family entertainment centres

(1) A constable, enforcement officer or authorised local authority officer may enter premises in respect of which an application has been made for a family entertainment centre gaming machine permit for a purpose connected with the consideration of the application.

(2) A constable, enforcement officer or authorised local authority officer may enter premises in respect of which a family entertainment centre gaming machine permit has effect for the purpose of determining whether the gaming machines used on the premises, and the arrangements for their use, comply with the requirements of this Act and regulations under it.

Commencement Information

I1 S. 309(1) in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)

310 Premises licensed for alcohol

(1) An enforcement officer or an authorised local authority officer may enter premises in respect of which an application has been made under Schedule 13 for a purpose connected with the consideration of the application.

(2) A constable, enforcement officer or authorised local authority officer may enter premises in respect of which an on-premises alcohol licence has effect for the purpose of—

(a) determining whether gaming carried on satisfies the conditions in section 279;

(b) in the case of bingo played on the premises, determining—

(i) whether the terms and conditions of any relevant operating licence are being complied with;

(ii) whether section 281 applies;

(c) ascertaining the number and category of gaming machines being made available for use on the premises.

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Commencement Information

I2 S. 310(1) in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))

311 Prize gaming permit

(1) A constable, enforcement officer or authorised local authority officer may enter premises in respect of which an application has been made for a prize gaming permit for a purpose connected with the consideration of the application.

(2) A constable, enforcement officer or authorised local authority officer may enter premises in respect of which a prize gaming permit has effect for the purposes of determining whether prize gaming on the premises complies with the requirements of this Act and regulations under it.

Commencement Information

I3 S. 311(1) in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)

312 Clubs

(1) A constable or enforcement officer may enter premises to which this section applies for a purpose specified in subsection (3).

(2) This section applies to premises which a constable or enforcement officer reasonably believes to be used by a members' club, a commercial club or a miners' welfare institute.

(3) The purposes mentioned in subsection (1) are—

(a) to determine whether gaming is taking place on the premises or is about to take place on the premises,

(b) to determine whether any gaming that is taking place or is about to take place on the premises is in accordance with—

(i) section 269,

(ii) a club gaming permit, or

(iii) a club machine permit.

(4) An authorised local authority officer may enter premises in respect of which an application has been made for a club gaming permit or a club machine permit for a purpose connected with the consideration of the application.

Commencement Information

I4 S. 312(4) in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))

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313 Licensed premises

(1) A constable, enforcement officer or authorised person may enter premises in respect of which an application for a premises licence has been made to assess, having regard to the licensing objectives, the likely effects of activity carried on in reliance on the premises licence.

(2) A constable, enforcement officer or authorised person may enter premises in respect of which a premises licence has effect for a purpose connected with a review under section 201.

Modifications etc. (not altering text)

C1 S. 313(2) applied (1.1.2007) by The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (S.I. 2006/3272), art. 1(1), **Sch. 4 para. 64(6)**

Commencement Information

I5 S. 313(1) in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)

VALID FROM 01/09/2007

314 Lotteries: registered societies

Where a society is registered with a local authority in accordance with Part 5 of Schedule 11, an enforcement officer or an authorised local authority officer may enter premises owned or used by the society for the purpose of making inquiries in connection with a lottery promoted on behalf of the society.

VALID FROM 01/09/2007

315 Temporary use notice

(1) A constable, enforcement officer or authorised person may enter premises in respect of which a temporary use notice has been given to assess, having regard to the licensing objectives, the likely effects of activity carried on in reliance on the temporary use notice.

(2) A constable, enforcement officer or authorised person may enter premises in respect of which a temporary use notice has effect to determine whether an activity of a kind listed in section 37(1) is being carried on otherwise than in accordance with the temporary use notice.

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316 Authorisations: production on demand

(1) A constable or enforcement officer may require the holder of an operating licence to produce to the constable or enforcement officer within a specified period a copy of any authorisation given by the holder of the licence under section 93(2) or (3) or 94(2).

(2) While a person is holding himself out as willing to accept bets on behalf of the holder of an operating licence in accordance with section 93(2) or (3) or 94(2), a constable or enforcement officer may require the person to produce a copy of his authorisation under that section—

(a) within a specified period, or

(b) immediately.

(3) A constable or enforcement officer may require the holder of a casino premises licence to produce to the constable or enforcement officer within a specified period a copy of any authorisation given by the holder of the licence under section 174(3).

(4) While a person is carrying on an activity in reliance on an authorisation under section 174(3), a constable or enforcement officer may require the person to produce a copy of his authorisation under that section—

(a) within a specified period, or

(b) immediately.

(5) A person commits an offence if he fails without reasonable excuse to comply with a requirement imposed under this section.

(6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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