Gambling Act 2005

2005 CHAPTER 19

PART 4

PROTECTION OF CHILDREN AND YOUNG PERSONS

Interpretation

45 Meaning of "child" and "young person"

(1) In this Act "child" means an individual who is less than 16 years old.

(2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

Commencement Information

I1 S. 45 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

Principal offences

46 Invitation to gamble

(1) A person commits an offence if he invites, causes or permits a child or young person to gamble.

(2) But subsection (1) does not apply in relation to—

(a) participation in private or non-commercial gaming,

(b) participation in private or non-commercial betting,

(c) participation in a lottery,

(d) participation in football pools,

(e) the use of a Category D gaming machine,

(f) participation in equal chance gaming in accordance with a prize gaming permit,

(g) participation in equal chance gaming at a licensed family entertainment centre,

(h) participation in prize gaming at a non-licensed family entertainment centre, or

(i) participation in prize gaming at a travelling fair in accordance with section 292.

(3) In subsection (1) a reference to inviting a child or young person to gamble includes, in particular, a reference to intentionally—

(a) sending to a child or young person any document which advertises gambling, or

(b) bringing to the attention of a child or young person information about gambling with a view to encouraging the child or young person to gamble.

(4) If a document which is sent to a child or young person and which advertises gambling gives the name or contact details of a person to whom payment may be made or from whom information may be obtained, that person shall be treated as having committed the offence under subsection (1) unless he proves that the document was sent—

(a) without his consent, and

(b) without his authority.

(5) If information about gambling is brought to the attention of a child or young person and includes the name or contact details of a person to whom payment may be made or from whom information may be obtained, that person ("the advertiser") shall be treated as having committed the offence under subsection (1) unless he proves that the information was brought to the attention of the child or young person—

(a) without the advertiser's consent or authority, or

(b) as an incident of the information being brought to the attention of adults and without a view to encouraging the child or young person to gamble.

(6) In subsections (4) and (5) "contact details" means—

(a) an address or other location,

(b) a telephone number,

(c) an internet site, or

(d) an email address.

Commencement Information

I2 S. 46 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

47 Invitation to enter premises

(1) A person commits an offence if he invites or permits a child or young person to enter premises if—

(a) a casino premises licence has effect in respect of the premises, and

(b) the premises are being used in reliance on that licence when the child or young person is invited or permitted to enter.

(2) But subsection (1) does not apply where—

(a) a child or young person is permitted to enter a part of premises which are being used for a regional casino, and

(b) that part is not being used for the provision of facilities for gambling when the child or young person is permitted to enter.

(3) The Secretary of State may for the purposes of subsection (2) by regulations make provision for—

(a) distinguishing between one part of premises and another;

(b) determining when use is being made of a part of premises.

(4) A person commits an offence if he invites or permits a child or young person to enter premises other than a track if—

(a) a betting premises licence has effect in respect of the premises, and

(b) the premises are being used in reliance on that licence when the child or young person is invited or permitted to enter.

(5) A person commits an offence if he invites or permits a child or young person to enter premises if—

(a) an adult gaming centre premises licence has effect in respect of the premises, and

(b) the premises are being used in reliance on that licence when the child or young person is invited or permitted to enter.

(6) A person commits an offence if he invites or permits a child or young person to enter an area from which children and young persons are required to be excluded by virtue of section 182.

(7) A person commits an offence if he invites or permits a child or young person to enter part of premises if—

(a) the premises are a licensed family entertainment centre,

(b) a person entering that part of the premises has access to a Category C gaming machine, and

(c) at the time when the child or young person is permitted or invited to enter, a Category C gaming machine is being used or is available for use.

Commencement Information

I3 S. 47 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

48 Gambling

(1) A young person commits an offence if he gambles.

(2) But subsection (1) does not apply to—

(a) participation in private or non-commercial gaming,

(b) participation in private or non-commercial betting,

(c) participation in a lottery,

(d) participation in football pools,

(e) the use of a Category D gaming machine,

(f) participation in equal chance gaming in accordance with a prize gaming permit,
(g) participation in equal chance gaming at a licensed family entertainment centre,
(h) participation in prize gaming at a non-licensed family entertainment centre, or
(i) participation in prize gaming at a travelling fair in accordance with section 292.

Commencement Information
I4 S. 48 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

49 Entering premises

A young person commits an offence if he enters premises in circumstances where a person would commit an offence under section 47 if he invited or permitted the young person to enter.

Commencement Information
I5 S. 49 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

50 Provision of facilities for gambling

(1) A young person commits an offence if he provides facilities for gambling.

(2) But subsection (1) does not apply to the provision of facilities in connection with—
(a) private or non-commercial gaming,
(b) private or non-commercial betting,
(c) a lottery,
(d) football pools, or
(e) prize gaming at a travelling fair in accordance with section 292.

Commencement Information
I6 S. 50 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

Employment offences

51 Employment to provide facilities for gambling

(1) A person commits an offence if he employs a child or young person to provide facilities for gambling.

(2) But subsection (1) does not apply to the provision of facilities in connection with—
(a) private or non-commercial gaming,

(b) private or non-commercial betting,
(c) a lottery,
(d) football pools, or
(e) prize gaming at a travelling fair in accordance with section 292.

Commencement Information
I7 S. 51 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

52 Employment for lottery or football pools

A person commits an offence if he employs a child to provide facilities for gambling in connection with—
(a) a lottery (other than a lottery which forms part of the National Lottery), or
(b) football pools.

Commencement Information
I8 S. 52 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

53 Employment on bingo and club premises

A person commits an offence if he employs a child to perform any function on premises where, and at a time when—
(a) facilities are provided for the playing of bingo, or
(b) facilities for gambling are provided in accordance with a club gaming permit or a club machine permit.

Commencement Information
I9 S. 53 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

54 Employment on premises with gaming machines

(1) A person commits an offence if—
(a) he employs a child or young person to perform any function on premises where a Category A, B, C or D gaming machine is situated, and
(b) the child or young person is or may be required in the course of his employment to perform a function in connection with the gaming machine.

(2) A young person commits an offence if he is employed in contravention of subsection (1).

Modifications etc. (not altering text)

C1 S. 54(1)(a) modified (1.9.2007) by Categories of Gaming Machine Regulations 2007 (S.I. 2007/2158), regs. 1(b), **6(1)**

Commencement Information

I10 S. 54 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

55 Employment in casino, &c.

(1) A person commits an offence if he employs a child or young person to perform any function on premises in respect of which any of the following have effect—

(a) a casino premises licence,

(b) a betting premises licence, and

(c) an adult gaming centre premises licence.

(2) But subsection (1) does not apply—

(a) to employment at a time when no activity is being carried on in reliance on the premises licence, or

(b) to employment on a part of premises which are being used for a regional casino at a time when that part is not being used for the provision of facilities for gambling.

(3) The Secretary of State may for the purposes of subsection (2) by regulations make provision for—

(a) distinguishing between one part of premises and another;

(b) determining when use is being made of a part of premises.

(4) A young person commits an offence if he is employed in contravention of subsection (1).

Commencement Information

I11 S. 55 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

Miscellaneous offences

56 Invitation to participate in lottery

(1) A person commits an offence if he invites, causes or permits a child to participate in a lottery other than—

(a) an incidental non-commercial lottery that is exempt for the purposes of section 258 by virtue of Part 1 of Schedule 11,

(b) a private lottery (whether a private society lottery, a work lottery or a residents' lottery) that is exempt for the purposes of section 258 by virtue of Part 2 of Schedule 11, or

(c) a lottery which forms part of the National Lottery.

(2) Subsections (3) to (6) of section 46 shall have effect in relation to subsection (1) of this section as they have effect in relation to subsection (1) of that section; and for that purpose—

(a) references to a child or young person shall be treated as references only to a child, and

(b) references to gambling shall be treated as references to participation in a lottery.

Commencement Information

I12 S. 56 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

57 Invitation to participate in football pools

(1) A person commits an offence if he invites, causes or permits a child to participate in football pools.

(2) Subsections (3) to (6) of section 46 shall have effect in relation to subsection (1) of this section as they have effect in relation to subsection (1) of that section; and for that purpose—

(a) references to a child or young person shall be treated as references only to a child, and

(b) references to gambling shall be treated as references to participation in football pools.

Commencement Information

I13 S. 57 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

58 Return of stake

A person commits an offence if without reasonable excuse he fails to comply with a condition attached to an operating licence by virtue of section 83.

Commencement Information

I14 S. 58 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

59 Age limit for Category D gaming machines

(1) The Secretary of State may by order create an offence of inviting, causing or permitting a child or young person below a specified age to use a Category D gaming machine.

(2) An order under subsection (1) may, in particular—

(a) apply (with modifications) or include provision similar to section 46(3) to (6);

(b) make consequential amendments of this Act.

(3) Before making an order under subsection (1) the Secretary of State shall consult—

(a) the Commission,

(b) one or more persons who appear to the Secretary of State to represent the interests of persons carrying on gambling businesses, and

(c) one or more persons who appear to the Secretary of State to have knowledge about social problems relating to gambling.

(4) An order under subsection (1) may apply to a class of Category D gaming machine determined by reference to—

(a) the nature of the facilities for gambling which are made available on the machine,

(b) the nature or value of a prize offered by the machine,

(c) the manner in which the machine operates, or

(d) any other matter.

Commencement Information

I15 S. 59 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

General

60 Temporary use notice

(1) For the purposes of this Part—

(a) a temporary use notice in respect of the use of premises to carry on an activity shall be treated as if it were a premises licence authorising that activity, and

(b) an occasional use notice in respect of premises shall be treated as if it were a betting premises licence.

(2) Sections 47(6) and 182 shall apply in relation to a notice treated as a premises licence by virtue of subsection (1) above.

Commencement Information

I16 S. 60 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

61 Employment

(1) In this Part a reference to employing a person includes a reference to—

(a) employing or engaging the person whether or not under a contract of employment, and

(b) causing or permitting the person to be employed or engaged.

(2) Where a person commits an offence under this Part by employing a person or by being employed, he shall be treated as committing the offence on each day during any part of which the employment continues.

Commencement Information

I17 S. 61 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

62 Penalty

(1) A person guilty of an offence under this Part shall be liable on summary conviction to—

(a) imprisonment for a term not exceeding 51 weeks,

(b) a fine not exceeding level 5 on the standard scale, or

(c) both.

(2) But in relation to an offence committed by a young person subsection (1) shall have effect as if—

(a) paragraphs (a) and (c) were omitted, and

(b) in paragraph (b) the reference to level 5 were a reference to level 3.

(3) In the application of subsection (1) to Scotland the reference to 51 weeks shall have effect as a reference to six months.

Commencement Information

I18 S. 62 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

63 Reasonable belief about person's age

(1) Where a person is charged with an offence under this Part of doing anything in relation to an individual who is a child it is a defence for the person charged to prove that—

(a) he took all reasonable steps to determine the individual's age, and

(b) he reasonably believed that the individual was not a child.

(2) Where a person is charged with an offence under this Part of doing anything in relation to an individual who is a young person it is a defence for the person charged to prove that—

(a) he took all reasonable steps to determine the individual's age, and

(b) he reasonably believed that the individual was not a young person.

Commencement Information

I19 S. 63 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

64 Use of children in enforcement operations

(1) Nothing in this Part renders unlawful—

(a) anything done, in the performance of his functions, by a constable, an enforcement officer or an authorised person, or

(b) anything done by a child or young person at the request of a constable, enforcement officer or authorised person acting in the performance of his functions.

(2) Subsection (1) applies to an order under section 59 as to the provisions of this Part.

Commencement Information

I20 S. 64 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

Status:
Point in time view as at 01/09/2007.

Changes to legislation:
There are currently no known outstanding effects for the Gambling Act 2005, Part 4.