



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 4

#### PROTECTION OF CHILDREN AND YOUNG PERSONS

##### *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.

#### **Annotations:**

#### **Commencement Information**

- II** 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.

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

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- (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.

**Annotations:**

**Commencement Information**

- I2** 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.

**Annotations:**

**Commencement Information**

- I3** 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.

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

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**Annotations:**

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**Commencement Information**

- I4** 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.

**Annotations:**

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**Commencement Information**

- I5** 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.)

**Changes to legislation:**

There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: General.