Gambling Act 2005

2005 CHAPTER 19

PART 4 E+W+S

PROTECTION OF CHILDREN AND YOUNG PERSONS

Principal offences

46 Invitation to gamble E+W+S

(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

I1 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 E+W+S

(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

I2 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 E+W+S

(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

I3 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 E+W+S

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

I4 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 E+W+S

(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

I5 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.)

Changes to legislation:
There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Principal offences.