Gambling Act 2005

2005 CHAPTER 19

[F1]PART 8

PREMISES LICENCES

Specific cases

VALID FROM 01/09/2007

172 Gaming machines

(1) An adult gaming centre premises licence shall, by virtue of this section, authorise the holder—
- (a) to make up to four Category B gaming machines available for use on the premises,
- (b) to make any number of Category C gaming machines available for use on the premises, and
- (c) to make any number of Category D gaming machines available for use on the premises.

(2) A family entertainment centre premises licence shall, by virtue of this section, authorise the holder—
- (a) to make any number of Category C gaming machines available for use on the premises, and
- (b) to make any number of Category D gaming machines available for use on the premises.

(3) A casino premises licence for a regional casino using at least 40 gaming tables shall by virtue of this section authorise the holder to make gaming machines available for use on the premises provided that—
- (a) each gaming machine is of Category A, B, C or D, and
- (b) the number of gaming machines—

Status: *Point in time view as at 21/05/2007. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Specific cases. (See end of Document for details)*

(i) is not more than 25 times the number of gaming tables used in the casino, and

(ii) is not more than 1250.

(4) A casino premises licence for a large casino using at least one gaming table, or for a regional casino using fewer than 40 gaming tables, shall by virtue of this section authorise the holder to make gaming machines available for use on the premises provided that—

(a) each gaming machine is of Category B, C or D, and

(b) the number of gaming machines—

(i) is not more than 5 times the number of gaming tables used in the casino, and

(ii) is not more than 150.

(5) A casino premises licence for a small casino using at least one gaming table shall by virtue of this section authorise the holder to make gaming machines available for use on the premises provided that—

(a) each gaming machine is of Category B, C or D, and

(b) the number of gaming machines—

(i) is not more than twice the number of gaming tables used in the casino, and

(ii) is not more than 80.

(6) The Secretary of State may by regulations—

(a) define "gaming table" for the purposes of subsections (3) to (5);

(b) provide that a gaming table is to be treated as being used in a casino for the purposes of those subsections only if used—

(i) for a specified purpose,

(ii) in specified circumstances, and

(iii) to a specified extent;

(c) provide for a number of tables are to be treated as if they were a single gaming table in specified circumstances.

(7) A bingo premises licence shall, by virtue of this section, authorise the holder—

(a) to make up to four Category B gaming machines available for use on the premises,

(b) to make any number of Category C gaming machines available for use on the premises, and

(c) to make any number of Category D gaming machines available for use on the premises.

(8) A betting premises licence shall, by virtue of this section, authorise the holder to make up to four gaming machines, each of which must be of Category B, C or D, available for use.

(9) But subsection (8) applies to a betting premises licence in respect of a track only if the holder also holds a pool betting operating licence.

(10) A premises licence may not (whether by way of condition or otherwise)—

(a) make provision about the number or categories of gaming machine that may be made available for use that contradicts a provision of this section,

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(b) make provision that contradicts a provision of regulations under section 236, 240 or 241, or

(c) make provision of a kind prohibited by regulations under any of those sections.

(11) The Secretary of State may by order amend a provision of this section so as to vary—

(a) the number of machines authorised by a specified kind of premises licence;

(b) the category of machines authorised by a specified kind of premises licence.

VALID FROM 01/09/2007

173 Virtual gaming

(1) The kinds of premises licence specified in subsection (2) shall by virtue of this section authorise the holder to make facilities available for betting on the outcome of a virtual game, race, competition or other event or process.

(2) Those kinds of licence are—

(a) a casino premises licence, and

(b) a betting premises licence.

174 Casino premises licence

(1) A casino premises licence may be issued only in respect of—

(a) a regional casino,

(b) a large casino, or

(c) a small casino.

(2) A casino premises licence shall, by virtue of this section and subject to subsections (3) and (4), authorise the holder to use the premises to make available any number of games of chance other than casino games.

(3) A casino premises licence shall, by virtue of this subsection and subject to subsection (4), authorise the holder, and any person authorised by him in writing, to use the premises for the provision of facilities for—

(a) bingo,

(b) betting, or

(c) both.

(4) In respect of a small casino, subsection (3) shall not apply in so far as it authorises bingo.

(5) The Secretary of State may by order repeal subsection (4) (and this subsection).

(6) Regulations under section 167 shall, in particular, make provision in relation to casino premises licences imposing limits in respect of machines of a kind that would be gaming machines but for section 235(2)(i); and the limits may, in particular, operate by reference to—

(a) the number of machines, or

(b) the number of players that the machines are designed or adapted to accommodate.

(7) Regulations under section 167 or 168 may, in particular, make provision in relation to casino premises licences, or in relation to a class of casino premises licence, for a condition requiring the provision of recreational or other facilities of a specified kind.

(8) Subsection (7) is without prejudice to the generality of sections 167, 168 and 169.

Commencement Information

I1 S. 174(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)

175 Casino premises licence: overall limits

(1) No more than one casino premises licence may have effect at any time in respect of regional casinos.

(2) No more than eight casino premises licences may have effect at any time in respect of large casinos.

(3) No more than eight casino premises licences may have effect at any time in respect of small casinos.

(4) The Secretary of State shall, having consulted the Scottish Ministers and the National Assembly for Wales, by order make provision for determining the geographical distribution of casino premises licences within the limits specified in subsections (1) to (3); for which purpose the order shall—

(a) specify which licensing authorities may issue casino premises licences of a specified kind, and

(b) in respect of each specified authority, specify the number of casino premises licences of each kind issued by the authority that may have effect at any time.

(5) An application for a casino premises licence may not be made to a licensing authority if subsections (1) to (3) and the order under subsection (4) would prevent the authority from granting the application.

(6) An application for a provisional statement may not be made to a licensing authority if it relates to a casino and is made at a time when subsections (1) to (3) and the order under subsection (4) would prevent the authority from granting a casino premises licence in response to an application made in reliance on the provisional statement.

(7) Schedule 9 (which makes provision about the treatment of applications for casino premises licences and provisional statements) shall have effect.

(8) The Secretary of State may by order—

(a) amend any of subsections (1), (2) and (3) so as to substitute a new maximum number of casino premises licences;

(b) repeal any of subsections (1), (2) and (3).

Commencement Information

I2 S. 175 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))

176 Casino premises licence: access by children

(1) The Commission shall issue one or more codes of practice under section 24 about access to casino premises for children and young persons.

(2) The code or codes issued in accordance with subsection (1) shall, in particular—

(a) require the holder of a casino premises licence to take specified steps to ensure that no child or young person enters premises or a part of premises which it would be an offence under section 47 to permit him to enter ("prohibited premises or areas"),

(b) for that purpose, require the holder of a casino premises licence to ensure—

(i) that each entrance to prohibited premises or to a prohibited area is supervised by one or more persons whose responsibilities include ensuring compliance with the code of practice ("the supervisor"), and

(ii) that arrangements are made to require evidence of age to be produced by any person seeking admission to prohibited premises or to a prohibited area unless the supervisor, reasonably, is certain that the person seeking admission is an adult, and

(c) make provision about the nature of evidence that may be used for the purpose of arrangements made in accordance with paragraph (b)(ii).

(3) A casino premises licence shall by virtue of this section be subject to the condition that the licensee ensures compliance with any relevant code of practice issued in accordance with subsection (1).

Commencement Information

I3 S. 176(1)(2) 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

177 Credit

(1) This section applies to—

(a) casino premises licences, and

(b) bingo premises licences.

(2) A premises licence to which this section applies shall by virtue of this section be subject to the condition that the licensee does not—

(a) give credit in connection with gambling authorised by the licence, or

(b) participate in, arrange, permit or knowingly facilitate the giving of credit in connection with gambling authorised by the licence.

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(3) But the condition in subsection (2) shall not prevent the licensee from permitting the installation and use on the premises of a machine enabling cash to be obtained on credit from a person (the "credit provider") provided that—
  (a) the licensee has no other commercial connection with the credit provider in relation to gambling,
  (b) the licensee neither makes nor receives any payment or reward (whether by way of commission, rent or otherwise) in connection with the machine, and
  (c) any conditions about the nature, location or use of the machine attached by virtue of section 167, 168 or 169 are complied with.

(4) In this section "credit" has the same meaning as in section 81.

VALID FROM 01/09/2007

178 Door supervision

(1) Where a condition for door supervision is attached to a premises licence (whether by virtue of section 167, 168 or 169) subsection (3) shall apply in relation to the licence.

(2) In subsection (1) "condition for door supervision" means a condition requiring that one or more persons be responsible for guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage.

(3) If the person carrying out the guarding mentioned in subsection (2) is required by the Private Security Industry Act 2001 (c. 12) to hold a licence under that Act authorising the guarding, the requirement under that Act shall be treated for the purposes of this Act as if it were a condition of the premises licence attached by virtue of this section.

VALID FROM 01/09/2007

179 Pool betting on track

(1) A betting premises licence in respect of a track may not authorise the acceptance of bets by way of pool betting except in a case to which subsection (2) applies.

(2) This subsection applies to the acceptance of bets, by way of pool betting on horse-racing or dog-racing—
  (a) by the holder of the betting premises licence, or
  (b) in accordance with arrangements made by him.

(3) The Secretary of State may by order amend this section so as to—
  (a) add an exception to subsection (1),
  (b) amend an exception to subsection (1), or
  (c) remove an exception to subsection (1).

Status: *Point in time view as at 21/05/2007. This version of this cross heading contains provisions that are not valid for this point in time.*
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VALID FROM 01/09/2007

180 Pool betting on dog races

(1) A betting premises licence in respect of premises other than a dog track shall by virtue of this section be subject to the condition that pool bets may not be accepted in reliance on the licence in respect of dog-racing other than in accordance with arrangements made with the occupier of the dog track on which the racing takes place.

(2) The Secretary of State may by order repeal this section.

(3) A repeal by order under subsection (2) shall cause the condition attached by subsection (1) to premises licences in force on the date of the repeal to lapse in respect of anything done on or after the date of the repeal.

(4) This section shall cease to have effect at the end of 31st December 2012 (and the condition attached by subsection (1) to premises licences in force on that date shall lapse in respect of anything done after that date).

181 Betting machines

(1) A condition of a betting premises licence may relate to—
- (a) the number of machines used on the premises for the purpose of making or accepting bets;
- (b) the nature of those machines;
- (c) the circumstances in which those machines are made available for use.

(2) A condition of a casino premises licence may relate to—
- (a) the number of machines used on the premises for the purpose of making or accepting bets;
- (b) the nature of those machines;
- (c) the circumstances in which those machines are made available for use.

(3) In this section "condition" means a condition imposed by virtue of section section 167, 168 or 169.

Commencement Information

I4 S. 181 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)

182 Exclusion of children from track areas

(1) A premises licence in respect of a track shall by virtue of this section be subject to the condition that the licensee shall ensure that children and young persons are excluded from—
- (a) any area where facilities for betting are provided, and
- (b) any area where a gaming machine, other than a Category D machine, is situated.

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(2) But subsection (1)(a)—

(a) shall not apply to a dog track on a day on which dog-racing takes place, or is expected to take place, on the track, and

(b) shall not apply to a horse-race course on a day on which horse-racing takes place, or is expected to take place, on the course.

(3) For the purposes of this section a reference to the area where facilities are provided or where a machine is situated is a reference to any place in which it is possible to take advantage of the facilities or use the machine.

(4) The Secretary of State may by order amend this section so as to—

(a) provide an additional exception to subsection (1)(a),

(b) remove an exception to subsection (1)(a), or

(c) amend an exception to subsection (1)(a).

Commencement Information

I5 S. 182(4) in force at 30.4.2007 by S.I. 2006/3272, **art. 2(1A)** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, art. 3(2))

VALID FROM 01/09/2007

183 Christmas Day

A premises licence shall, by virtue of this section, be subject to the condition that the premises shall not be used to provide facilities for gambling on Christmas Day.

Status:
Point in time view as at 21/05/2007. This version of this cross heading contains provisions that are not valid for this point in time.

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