Status: *Point in time view as at 01/10/2005. This version of this schedule 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, SCHEDULE 16. (See end of Document for details)*

SCHEDULES

SCHEDULE 16

Section 356

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

MINOR AMENDMENTS

VALID FROM 01/09/2007

Metropolitan Police Act 1839 (c. 47)

1 In section 44 of the Metropolitan Police Act 1839 (refreshment houses)—
(a) omit “, or knowingly suffer any unlawful games or any gaming whatsoever therein,”, and
(b) in the heading, omit “, or gaming”.

VALID FROM 01/09/2007

Libraries Offences Act 1898 (c. 53)

2 Section 2(3) of the Libraries Offences Act 1898 (offence of annoying library users) shall cease to have effect.

Gaming Act 1968 (c. 65)

3 (1) The Gaming Act 1968 shall be amended as follows.

(2) For section 6(2) (premises licensed for the sale of alcohol) substitute—

“(2) This section applies to any premises in England and Wales—
(a) in respect of which a premises licence under Part 3 of the Licensing Act 2003 (c. 17) has effect,
(b) which contain a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food), and
(c) at a time when alcohol may be supplied in reliance on the premises licence under Part 3 of the Licensing Act 2003.”

(3) In section 12(3)—

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(a) in paragraph (a) the words from "and at that time" to the end of the paragraph shall cease to have effect,

(b) in paragraph (b) the words from "and at that time" to the end of the paragraph shall cease to have effect, and

(c) in paragraph (c) the words from "and at that time" to the end of the paragraph shall cease to have effect.

(4) For section 20(5) substitute—

"(5) Section 12(3) shall not apply in relation to any club to which this section applies."

(5) In section 31—

(a) in subsection (2)(c) for "ten" substitute " twenty ",

(b) for subsection (3E) substitute—

"(3E) The initial amount must not exceed the higher of—

(a) the highest coin value, or

(b) the charge for playing a game once by means of the machine.", and

(c) in subsection (3G) for "the highest coin value" substitute "the higher of—

(a) the highest coin value, or

(b) the charge for playing a game once by means of the machine."

(6) In section 51(3) after "regulations" insert " or an order ".

(7) In paragraph 10A(1) of Schedule 9, leave out "sub-paragraph (a) or".

(8) After paragraph 10A of Schedule 9 insert—

"10AA A permit in respect of premises to which sub-paragraph (a) of paragraph 1 of this Schedule applies shall be subject to the conditions that a machine must—

(a) be located on premises which contain a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food), and

(b) be made available for use only at a time when alcohol may be supplied in reliance on the premises licence under Part 3 of the Licensing Act 2003."

Commencement Information

I1 Sch. 16 para. 3(1)(3)-(6) in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

VALID FROM 01/09/2007

Chronically Sick and Disabled Persons Act 1970 (c. 44)

4 Section 8B(2)(c) of the Chronically Sick and Disabled Persons Act 1970 (report by Secretary of State on access to betting offices) shall cease to have effect.

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Changes to legislation: *There are currently no known outstanding effects for the Gambling Act 2005, SCHEDULE 16. (See end of Document for details)*

PART 2

CONSEQUENTIAL AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (bodies subject to investigation) for "Gaming Board for Great Britain." substitute " Gambling Commission. "

Commencement Information
I2 Sch. 16 para. 5 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

Superannuation Act 1972 (c. 11)

6 In Schedule 1 to the Superannuation Act 1972 (employment to which superannuation schemes may extend) for "Gaming Board for Great Britain." substitute " Gambling Commission. "

Commencement Information
I3 Sch. 16 para. 6 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

House of Commons Disqualification Act 1975 (c. 24)

7 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) for "The Gaming Board for Great Britain." substitute " The Gambling Commission. "

Commencement Information
I4 Sch. 16 para. 7 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

VALID FROM 01/09/2007

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

8 In section 20(9) of the Local Government (Miscellaneous Provisions) Act 1976 (sanitation) for the definition of "betting office" substitute—

> ""betting office" means premises, other than a track within the meaning of the Gambling Act 2005, in respect of which a betting premises licence under Part 8 of that Act has effect;".

Race Relations Act 1976 (c. 74)

9 In Schedule 1A to the Race Relations Act 1976 (bodies subject to general statutory duty) for "Gaming Board for Great Britain" substitute " Gambling Commission ".

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Commencement Information

I5 Sch. 16 para. 9 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

VALID FROM 01/09/2007

London Local Authorities Act 1995 (c. x)

10 In section 14 of the London Local Authorities Act 1995 (interpretation of licensing provisions) for the provision excluding premises licensed under Part II of the Gaming Act 1968 substitute: " does not include premises in respect of which a casino premises licence, bingo premises licence, adult gaming centre premises licence, family entertainment centre premises licence or betting premises licence under Part 8, or a family entertainment centre gaming permit under section 247, of the Gambling Act 2005 has effect; ".

VALID FROM 01/09/2007

Employment Rights Act 1996 (c. 18)

11 For section 233 of the Employment Rights Act 1996 (betting workers) substitute—

"**233 Betting workers**

(1) In this Act "betting worker" means an employee who under his contract of employment is or may be required to do betting work.

(2) In this Act "betting work" means—

(a) work which consists of or includes dealing with betting transactions at a track in England or Wales and which is carried out for a person who holds a general betting operating licence, a pool betting operating licence or a horse-race pool betting operating licence, and

(b) work on premises in respect of which a betting premises licence has effect at a time when the premises are used for betting transactions.

(3) In subsection (2) "betting transactions" includes the collection or payment of winnings.

(4) Expressions used in this section and in the Gambling Act 2005 have the same meaning in this section as in that Act.

(5) In this Act—

"notice period", in relation to an opted-out betting worker, has the meaning given by section 41(3),

"opted-out", in relation to a betting worker, shall be construed in accordance with section 41(1) and (2),

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"opting-in notice", in relation to a betting worker, has the meaning given by section 36(6),

"opting-out notice", in relation to a betting worker, has the meaning given by section 40(2), and

"protected", in relation to a betting worker, shall be construed in accordance with section 36(1) to (5)."

VALID FROM 01/01/2007

Police Act 1997 (c. 50)

12 In section 115 of the Police Act 1997 (enhanced criminal record certificates) for subsection (5)(a) to (c) substitute—

"(a) a process under the Gambling Act 2005".

Terrorism Act 2000 (c. 11)

13 In paragraph 4 of Schedule 3A to the Terrorism Act 2000 (regulated sector and supervisory authorities) for "Gaming Board for Great Britain" substitute " Gambling Commission ".

Commencement Information

I6 Sch. 16 para. 13 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

Regulation of Investigatory Powers Act 2000 (c. 23)

14 In paragraph 20A of Schedule 1 to the Regulation of Investigatory Powers Act 2000 (relevant public authorities) for "Gaming Board for Great Britain" substitute " Gambling Commission ".

Commencement Information

I7 Sch. 16 para. 14 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

VALID FROM 01/09/2007

Postal Services Act 2000 (c. 26)

15 In section 7 of the Postal Services Act 2000 (exceptions to the restrictions on provision of postal services) for the definition of "authorised promoter" substitute—

""authorised promoter" means—

(a) the holder of a pool betting operating licence under Part 5 of the Gambling Act 2005,

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(b) a person authorised under section 93(3) of that Act to do anything on behalf of the holder of a pool betting operating licence, and

(c) an associate, within the meaning of section 184 of the Consumer Credit Act 1974 (c. 39), of a person within paragraph (a) or (b),".

Freedom of Information Act 2000 (c. 36)

16 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which the Act applies) for "Gaming Board of Great Britain" substitute "Gambling Commission".

Commencement Information

I8 Sch. 16 para. 16 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

PROSPECTIVE

Private Security Industry Act 2001 (c. 12)

[F1]17 . . . . . .

Textual Amendments

F1 Sch. 16 para. 17 repealed (12.1.2009) by Policing and Crime Act 2009 (c. 26), s. 116(6)(b), **Sch. 8 Pt. 13**

VALID FROM 01/09/2007

Criminal Justice and Police Act 2001 (c. 16)

18 (1) In Schedule 1 of the Criminal Justice and Police Act 2001 (seizure powers to which extending provision of section 50 applies)—

(a) paragraphs 6, 11 and 20 cease to have effect,

(b) at the end of Part 1 (renumbering the entry for the Licensing Act 2003 as paragraph 73E) add—

"**Gambling Act 2005**

73F The powers conferred by section 317 of the Gambling Act 2005 (inspection powers).",

(c) paragraphs 89, 93 and 97 cease to have effect, and

(d) at the end of Part 3 (renumbering the entry for the Licensing Act 2003 as paragraph 111) add—

"**Gambling Act 2005**

112 The powers conferred by section 317 of the Gambling Act 2005 (inspection powers)."

Status: *Point in time view as at 01/10/2005. This version of this schedule 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, SCHEDULE 16. (See end of Document for details)*

(2) For the purposes of the amendments made by this paragraph, the powers in section 317(1)(d), (e) and (f) are powers of seizure.

Proceeds of Crime Act 2002 (c. 29)

19 In Part 2 of Schedule 9 to the Proceeds of Crime Act 2002 (supervisory authorities) in paragraph 4(g) for "Gaming Board for Great Britain" substitute " Gambling Commission ".

Commencement Information

I9 Sch. 16 para. 19 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

VALID FROM 01/09/2007

Licensing Act 2003 (c. 17)

20 (1) The Licensing Act 2003 shall be amended as follows.

(2) For section 175 (exemption for raffle, tombola, &c.) substitute—

"**175 Exemption for incidental non-commercial lottery**

(1) The promotion of a lottery to which this section applies shall not constitute a licensable activity by reason only of one or more of the prizes in the lottery consisting of or including alcohol, provided that the alcohol is in a sealed container.

(2) This section applies to an incidental non-commercial lottery (within the meaning of Part 1 of Schedule 11 to the Gambling Act 2005)."

(3) In paragraph 10(3) of Schedule 1 (provision of regulated entertainment) for "section 22 of the Lotteries and Amusements Act 1976 (c. 32)" substitute " section 19(3) of the Gambling Act 2005 ".

(4) In Schedule 4 (relevant offences) after paragraph 20 insert—

"21 An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect."

Note

21 The amendments made by this Schedule are without prejudice to the generality of paragraph 4 of Schedule 5.

Commencement Information

I10 Sch. 16 para. 21 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), **Sch.** (with art. 3)

Status:
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Changes to legislation:
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