



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 5

#### OPERATING LICENCES

##### *Conditions*

#### **83 Return of stakes to children**

- (1) An operating licence shall by virtue of this section be subject to the condition that if the licensee becomes aware that a child or young person is using or has used facilities for gambling provided in reliance on the licence, the licensee—
  - (a) must return any money paid in respect of the use of those facilities (whether by way of fee, stake or otherwise) by the child or young person as soon as is reasonably practicable, and
  - (b) may not give a prize to the child or young person.
- (2) But subsection (1) does not apply to—
  - (a) the use of a Category D gaming machine, or
  - (b) participation in equal chance gaming at a licensed family entertainment centre.
- (3) The condition in subsection (1)—
  - (a) shall have effect despite any contract or other agreement and despite any rule of law, and
  - (b) shall not enable a licensee to demand repayment of, and shall not require a child or young person to return, a prize paid before the licensee becomes aware that the participant is a child or young person.
- (4) In this section—
  - (a) a reference to a licensee includes a reference to anyone employed or engaged by a licensee to perform an operational function within the meaning of section 80, and

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*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Section 83. (See end of Document for details)*

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- (b) in relation to participation in a lottery or football pools a reference to a child or young person shall be treated as a reference only to a child.
- (5) In this section “prize” includes both a prize provided by a person organising gambling and winnings of money staked.

**Annotations:****Modifications etc. (not altering text)**

- C1** Pt. 5 modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 72**
- C2** Pt. 5 modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 50**
- C3** S. 83 applied (with modifications) (1.1.2007) by [Gambling \(Personal Licences\) \(Modification of Part 5 of the Gambling Act 2005\) Regulations 2006 \(S.I. 2006/3267\)](#), regs. 1(1), 2(2), **Sch. Table 2**

**Commencement Information**

- I1** S. 83 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, Section 83.