
STATUTORY INSTRUMENTS

2006 No. 3391

BETTING, GAMING AND LOTTERIES

The Gambling Act 2005 (Relevant
Offences) (Amendment) Order 2006

Made - - - - - *16th December 2006*
Laid before Parliament *18th December 2006*
Coming into force - - - *8th January 2007*

The Secretary of State makes the following Order in exercise of the powers conferred by paragraph 23 of Schedule 7 to the Gambling Act 2005(1):

Citation and Commencement

1.—(1) This Order may be cited as the Gambling Act 2005 (Relevant Offences) (Amendment) Order 2006 and shall come into force on 8th January 2007.

(2) In this Order a reference to “Schedule 7” is a reference to Schedule 7 to the Gambling Act 2005 (relevant offences).

Offences under the law of England and Wales or the laws of England and Wales and Scotland

2. In Schedule 7 remove the entries in paragraphs 8 and 9 and add the following entries—

“8. An offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003(2) (specified sexual offences).

8A. An offence under any of the following provisions of the Sexual Offences Act 1956(3)—

- (a) section 8 (intercourse with a defective);
- (b) section 12 (buggery); and
- (c) section 18 (fraudulent abduction of an heiress).

(1) 2005 c.19
(2) 2003 c.44
(3) 1956 c.69

8B. An offence under section 3 of the Sexual Offences (Amendment) Act 2000⁽⁴⁾ (abuse of trust).

9. An offence under the law of England and Wales which leads, or is intended to lead, to a person's death or to physical injury to a person.

9A. An offence of arson under section 1 of the Criminal Damage Act 1971⁽⁵⁾ (destroying or damaging property).”.

Offences under the law of Scotland

3.—(1) In Schedule 7 after paragraph 18 add the following entries—

“**18A.** An offence under either of the following provisions of the Mental Health (Scotland) Act 1984⁽⁶⁾—

- (a) section 106 (protection of mentally handicapped females), and
- (b) section 107 (protection of patients).

18B. An offence under either of the following provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽⁷⁾—

- (a) section 311 (non-consensual sexual acts), and
- (b) section 313 (persons providing care services: sexual offences).

18C. An offence under any of the following provisions of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005⁽⁸⁾—

- (a) section 1 (meeting a child following certain preliminary contact),
- (b) section 9 (paying for sexual services of a child),
- (c) section 10 (causing or inciting provision by child of sexual services or child pornography), and
- (d) section 11 (controlling a child providing sexual services or involved in pornography).”.

(2) In Schedule 7 amend paragraph 19 as follows—

- (a) omit the “and” at the end of sub-paragraph (j); and
- (b) after sub-paragraph (k), add the following entries—
 - “(l) wilful fireraising,
 - (m) culpable and reckless fireraising, and
 - (n) bestiality.”.

Richard Caborn
Minister of State

16th December 2006

Department for Culture, Media and Sport

(4) 2000 c.44
(5) 1971 c.48
(6) 1984 c.36
(7) 2003 asp 13
(8) 2005 asp 9

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the list of offences that are treated as relevant offences for the purpose of the grant and maintenance of operating and personal licences under Parts 5 and 6 of the Gambling Act 2005 (“the 2005 Act”).

Relevant offences are listed in Schedule 7 to the 2005 Act and, in relation to England and Wales, include a “sexual offence” within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) (“the 2000 Act”) and a “violent offence” within the meaning of section 161(3) of the 2000 Act. Those provisions of the 2000 Act were repealed by the Criminal Justice Act 2003 (c.44) (“the 2003 Act”) on 4th April 2005.

Article 2 of the Order amends Schedule 7 to the 2005 Act by—

- removing the definition of “sexual offence” in paragraph 8 and replacing it with descriptions of a number of offences of a sexual nature under the law of England and Wales (inserted paragraphs 8 and 8A);
- adding an offence of abuse of trust under the Sexual Offences (Amendment) Act 2000 (c.44) under the laws of England and Wales and Scotland (inserted paragraph 8B); and
- removing the definition of “violent offence” in paragraph 9 and replacing it with specific offences of a violent nature under the law of England and Wales (inserted paragraphs 9 and 9A).

Article 3 amends Schedule 7 to the 2005 Act by adding specified offences under the law of Scotland (under statute (paragraph (1)) and at common law (paragraph (2)) of a violent or sexual nature.

These amendments include statutory offences that have been wholly or partially repealed.