

# Gambling Act 2005

## Introduction to the Act

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# The Aim of the Law

- To update the existing Law regulating Gambling and Gaming.
- To impose a simplified structure.
- To ensure, via the licensing objectives, that Gambling does not become a social problem.

# The Starting Point

- Gambling is *illegal* unless it is permitted by
  - Gambling Act 2005
  - National Lottery Act 1993
  - Financial Services and Markets Act 2000

# The Gambling Commission

- This is the unified Regulator for Gambling in Great Britain
- Since October 2013 it has taken over the National Lottery Commission and is now responsible for regulating Gambling and National Lottery products.
- <http://www.gamblingcommission.gov.uk>
- Tasks Shared with Licensing Authorities

# Licensing Authorities

- Councils as Licensing Authorities licence:
  - Gambling Premises
  - Gambling in Pubs
  - Gambling in Clubs
  - Gambling in Miners Welfare Institutes
  - Temporary Use Notices(TUNs) and Occasional Use Notices (OUNs) that will allow short term use premises that are not licensed for gaming.

# The Licensing Objectives

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

# Codes of Practice and Guidance

- The Gambling Commission must issue:
  - Codes of practice about the matter in which facilities for gambling are provided (section 24(1));
  - Guidance to Local Authorities as to the manner in which their functions are exercised and the principles to be applied in exercising those functions (section 25(1))

# Secondary Legislation

- There are extremely wide ranging powers contained within the Act for the making of regulations
- There are scores of legislation made under the Act:



# Gambling

# The Structure of Gambling

“Gambling” encompasses three types of activity.

(a) Gaming (section 6 of the Act)

(b) Betting (section 9 of the Act)

(c) Participating in a Lottery (sections 14 and 15 of the Act)

# Gaming

- “Gaming” means playing a game of chance for a prize

# Betting

- “Betting” means making or accepting a bet on
  - (a) The outcome of a race, competition or other event or process,
  - (b) The likelihood of anything occurring or not occurring, or
  - (c) Whether anything is true or nor true.

# Betting

- This includes events or occurrences which have already happened (or failed to happen) and one party to the transaction knows the result.
- It does not include spread betting which is governed by section 22 of the Financial Services and Markets Act 2000.

# Lotteries

- Section 14 Introduces two types of lotteries:
- Simple Lotteries
- Complex Lotteries
  - Both of which must be for some sort of prizes which includes money, articles or services whether or not they are actually described as prize and whether or not they have been provided (or in the case of money paid) by the participants in the lottery (section 14(4))

# Structure of Gambling

- Operating Licences
- Personal Licences
- Premises Licences
- Other Authorisations

# Operating Licences

- There are 10 different types of operating licences
  - (a) Casino Operating Licence
  - (b) Bingo Operating licence
  - (c) General Betting Operating licence
  - (d) Pool Betting Operating Licence
  - (e) Betting Intermediary Operating Licence
  - (f) Gaming Machine Operating Licence
  - (g) Gaming Machine General Operating Licence
  - (h) Gaming Machine Technical Licence
  - (i) Gambling Software Operating Licence, and
  - (j) Lottery Operating Licence



# Operating Licences

- All issued by the Gambling Commission under section 65(1)
- Licences can be combined to cover more than one category.

# Consultation with Local Authority

- There is no consultation with the Local Authority in relation to the granting of an Operating Licence.

# Personal Licences

# Personal Licences

- Issued by the Gambling Commission
- Last Forever
- Tie into Operating Licences

# Personal Licences

- No consultation with Local Authority in relation to Personal Licences.

# Premises Licences

- Issued by Local Authorities as Licensing Authorities

# Types of Premises Licence

- Fives Types of Premise Licence
  - Casino Premises
  - Bingo Premises
  - Betting Premises, including track and premises used by betting intermediaries
  - Adult Gaming Centres(for Cat B,C and D machines) and
  - Family Entertainment Centres (for Cat C and D machines)

# Additional Permits for the use of Premises

- Occasional Use notices s39 of the Act
- Temporary Use Notices under part 9 of the Act
- Permits for Family Entertainment Centres (Category D Machines only) under part 10 of the Act
- Authorisations for Alcohol Licensed Premises, clubs and miners institutes under part 12 of the Act
- Permissions for Prize Gaming under part 13 of the Act



# Licensing Policy Statement

- Under Section 349 a Licensing Authority must
  - (a) Prepare a statement of the principles that they propose to apply to exercising their functions under this Act during that period, and
  - (b) publish that statement.

Before publishing the statement, consultation must take place. The current policy statement is due to be reviewed and republished in January 2019

# Premise Licences Application and Use

# Principles to be applied by the Local Authority for a Premises Licence

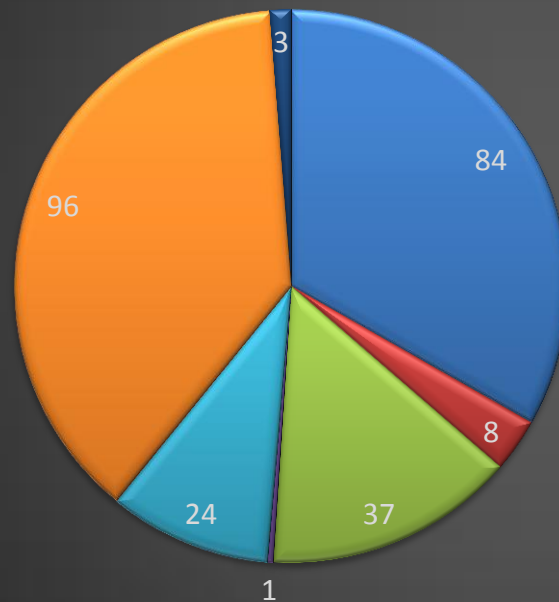
- The Starting point is that the premise should be used for gambling as far as the Authority think it is:
  - (a) in accordance with any relevant Code of Practice
  - (b) in accordance with any relevant Guidance
  - (c) reasonably consistent with the Licensing objectives  
(subject to paragraphs (a) and (b))
  - (d) in accordance with the Licensing Authority's  
Statement of Licensing Policy (Principles)(Section 153)No discretion – “in accordance with”, not “have regard to” (Guidance para 1.17 to 1.25)

# Principles to be applied by the Local Authority

- Demand is not a factor that can be taken into account (section 153 (2))

# Gambling Picture in Stockton

## Authorisations / Permits issued in Stockton



- On Licensed Premises with 2 Or Less Gaming Machines
- Adult Gaming Centres
- Betting Premises Licences
- Converted Casino Licence
- On Licensed Premises with a Gaming Machine Permit
- Small Society Lottery (Issued to Charities / Fund Raisers)
- Bingo Premises Licence

# Gaming Machine Categories

Category of Machine	Available In	Machine Stake	Machine Prize
A	Regional Casinos	Unlimited	Unlimited
B1	Casinos	£5	£10,000
B2 Fixed Odd Betting Terminals (FOBT)	Casinos and Betting Offices (limited to 4 per Betting Office)	£100 in multiples of £10)	£500
B3A	Casinos, Betting offices, Bingo Premises, Adult Gaming Centres, Members' Clubs and Miners' Welfare Institutes	£2	£500

# Gaming Machine Categories

Gaming Machine Categories	Available In	Machine Stake	Machine Prize
B3	Casinos, Bingo Premises, Betting Offices And Tracks With Pool Betting, And Adult Gaming Centres	£2	£500
B4	casinos, bingo offices, adult gaming centres, members' clubs, commercial clubs and miners' welfare institutes	£2	£400
C	family entertainment centre (with a licensing authority permit) or travelling fair	£1	£100
D No-money prize(other than crane grab, coin pusher or penny falls machines)	Category D machines may be made available in all of the locations where gaming machines of Category A, B or C are available. In addition, they may be made available in unlicensed family entertainment centres and travelling fairs. The maximum stake and prize limit varies depending on the type of machine	30p	£8

# Gaming Machine Categories

Gaming Machine Categories	Available In	Machine Stake	Machine Prize
D Non-money prize (crane grab machine)	As above	£1	£50
D Money Prize	As above	10p	£5
D Combined money and non-money prize (other than coin pusher or penny falls machines)	As above	10p	£8 of which no more than £5 me
D Combined money and non-money prize (coin pusher or penny falls machines)	As above	20p	£20(of which no more than £10 may be a money prize)