

CHAPTER 20

Betting, gaming and lotteries

INTRODUCTION p 690

Provision is made by the GA 2005 (Commencement No 6 and Transitional Provisions) Order 2006 as amended [SI 2007/1527}. It contains transitional provisions to ensure that those with authorisations granted under previous legislation are able to continue operating without interruption from 1 September 2007 when all of the provisions of the GA 2005 are in force. It provides that, from 1 January 2007 applications may be made to the Gambling Commission for operating and personal licences, and that from 30 April 2007 applications may be made to licensing authorities for premises licences and certain permits (family entertainment gaming machine permits and prize gaming permits). Where an application has been made by an existing premises operator, he may continue operating on and after 1 September 2007 if the relevant licence or permit has not been issued before that date. Similar provisions are made to allow advance applications for club machine and gaming permits and licensed premises gaming machine permits and to ensure continuity. [SI 2006/3272]

Relating to the use of premises p 698

At end of this section add:

The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007 prescribe a maximum charge of 50p for any one chance to win a prize. Where a person pays this fee for one game card which provides a chance to win more than one prize (as would occur on purchase of one bingo card which offered prizes for lines as well as a final prize) the purchase price must still be 50p. The Regulations place a limit of £500 on the *aggregate* amount of participation fees that may be charged for a game. They also limit a money prize to £35 except where the prize gaming is being provided in an adult gaming centre, in which case the limit is £50. [SI 2007/1777]

PERSONAL LICENCES p 703

The term 'small scale operator' has now been defined by the Secretary of State in regulations. It applies to the holder of an operating licence if he satisfies the condition that, in relation to the relevant licensed activity, there are no more than three qualifying positions in or in respect of the licensee or in connection with the licensed activity, and each qualifying position is occupied by a qualified person (ie a person named in the operating licence as a person who holds a qualifying position or a person who is the subject of an application which has been made to vary the operating licence to include his name as a person holding a qualifying position). A 'qualifying position'

means a position held by a person who, by means of his appointment, has primary responsibility for a management or marketing function.[GA 2005 (Definition of Small-scale Operator) Regs. 2006, SI 2006/3266.

The GA 2005, s 128 provides that the provisions of Part 5 of the Act (operating licences) are to apply to personal licences as they apply to operating licences, subject to certain exceptions. The Gambling Act (Personal Licences) (Modification of Part 5 of the Gambling Act 2005) Regulations 2006 specify a number of exclusions and modifications of Part 5 of the Act, as it is to apply to personal licences. [SI 2006/3267]

Members' club, commercial club and miners' welfare institute p 710

The Gambling Act 2005 (Gaming in Clubs) Regulations 2007 prescribe bridge and whist as such types of gaming in members' clubs and commercial clubs [SI 2007/1942].

Alcohol licensed premises p 711

The Gambling Act 2005 (Exempt Gaming in Alcohol-Licensed Premises) Regulations 2007 limit the amount which may be staked on any game of chance (other than dominoes or cribbage) to £5; the aggregate of the amounts which may be staked on games of poker in any one day to £100; and the maximum amount or value of a prize that may be won in a game of poker to £100 [SI 2007/1940].

Non-commercial gaming p 712

The Gambling Act 2005 (Club Gaming Permits) (Authorised Gaming) Regulations 2007 impose a limit of £3 in any one day in respect of a participation fee and authorise the playing of pontoon (not blackjack) and chemin de fer [SI 2007/1945].

Powers of entry to authorised establishments p 714

The Gambling Act 2005 (Provision of Information) Regulations 2007 require inspectors (constable, enforcement officer or authorised person) exercising their powers to ensure that evidence of identity is produced by anyone who is accompanying them. Inspectors exercising their powers must also inform an 'appropriate recipient' (person on the premises who appears to occupy them or to be responsible for their management) of their right to require a written record of the visit. If no such person appears to be on the premises, the inspector must leave a written notice, with his name and the date of the inspection. Inspectors must also inform persons whom they are questioning of their powers and that it is an offence to obstruct

them. This obligation arises when a person refuses to answer any of his questions. On request, an inspector must provide a written record of his inspection to interested persons (the Gambling Commission; an appropriate recipient; and the holder of a relevant authorisation in relation to the premises [SI 2007/319]).