

Bingo under the Gambling Act 2005

Cash Bingo

Cash bingo is primarily a commercial activity, and is licensed and regulated by the Gambling Commission. If you wish to provide cash bingo on a commercial basis you should consult the Commission: www.gamblingcommission.gov.uk.

Prize Bingo

Prize bingo is the kind normally played in funfairs and amusement arcades, for small participation fees and modest prizes.

It is typical of the prize gaming defined in section 288 of the Act, in which neither the nature nor the size of the prize are determined by the number of people playing or the amount paid for or raised by the gaming. Instead, the prize is put up in advance by the organiser of the game.

Under their existing permissions, bingo halls, adult gaming centres, travelling fairs, licensed family entertainment centres and holders of family entertainment centre gaming machine permits are automatically entitled to offer prize bingo. It may also be provided, for example in holiday camps and theme parks, under a prize gaming permit issued by a local licensing authority.

The maximum participation fee that may be charged for any one chance to win a prize in a game of prize bingo, wherever it is played, is 50 pence. The aggregate amount of participation fees, and the amount or value of prizes for which a game may be played, may not exceed £500.

Where prize bingo is played for money prizes, the following limits apply to the amount of a prize:

Adult Gaming Centres:	£50
Licensed bingo premises (where under 18s are excluded):	£50
Licensed bingo premises (where under 18s are permitted):	£35
All other cases:	£35

Club Bingo

Clubs and miners' welfare institutes that wish to provide facilities for bingo may do so under the "exempt gaming" provisions in Part 12 of the Act (section 269). Clubs need to meet a number of statutory criteria before they can offer gaming – please refer to the separate fact sheet on gaming in clubs.

The following rules apply to bingo played in clubs and institutes:

no amounts may be deducted from sums staked or won;
the maximum participation fee is £1 per person, per day (or £3 where a club gaming permit is held);
there should be no linking of games between premises; and

in the case of members' clubs and institutes, people may only participate in the gaming if they have been a member (or applied or were nominated for membership) at least 48 hours before playing, or are genuine guests of such a person.

There are no limits on stakes and prizes for individual games of club bingo.

However, clubs or institutes that wish to offer high turnover bingo (i.e. where stakes or prizes exceed £2000 per week) will require a bingo operating licence from the Gambling Commission. See the Commission's website (details above) for further information.

Pub bingo

Pubs that wish to provide facilities for bingo may do so under section 279 of the Act. The following rules apply:

the maximum amount that may be staked by a player in a game of bingo is £5;
no amounts may be deducted from sums staked or won;
players may not be charged a fee for taking part;
there should be no linking of games between premises; and,
nobody under 18 may participate.

As with clubs, pubs that wish to offer high turnover bingo (i.e. where stakes or prizes exceed £2000 per week) will require a bingo operating licence from the Gambling Commission. See the Commission's website (details above) for further information.

Bingo for "good causes"

Organisations that wish to provide bingo (or other types of gaming) for charitable or other non-commercial purposes (e.g. to raise funds for a society) may do so under Part 14 of the Act. Non-commercial gaming may only take place at events where none of the proceeds from the event itself are used for private gain. There are two types of non-commercial gaming.

Prize gaming: where the prizes are put up in advance, and are not dependent on the number of players taking part or the amount of money staked. There are no statutory limits on stakes, prizes, participation fees or other charges for this type of gaming.

Equal chance gaming: where the amount or value of the prizes varies according to the number of players who participate and/or the amount of money they stake. Here a single payment of £8 per day may be charged to cover admission, stakes and any other charges for playing. The total value of prizes must not exceed £600 in one day. Where an event is the final one of series in which all of the players have previously taken part, a higher prize fund of no more than £900 is permitted.

In all cases, the players participating in non-commercial bingo must be told what "good cause" is to benefit from the profits from the gaming.

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intend to promote or for which you intend to provide facilities, you are strongly advised to seek independent legal advice.

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Casino Nights under the Gambling Act 2005

Casino gaming includes games like roulette and blackjack where players compete against the “house” or a banker, rather than against one another on equal terms.

Commercial casino gaming

Commercial casino gaming is licensed and regulated by the Gambling Commission. If you wish to provide casino gaming on a commercial basis you should consult the Commission: www.gamblingcommission.gov.uk.

Casino gaming in clubs

Clubs and miners’ welfare institutes that hold a club gaming permit issued by their local licensing authority may provide facilities for two specific types of “banker’s” game: chemin de fer and pontoon (blackjack is not permitted). A maximum participation fee of £3 per person, per day may be charged for this gaming, but no amounts may be deducted from either stakes or prizes. See the separate fact sheet on “Gaming in clubs” for further details.

Non-commercial casino gaming

Organisations that wish to provide casino games for charitable or other non-commercial purposes (e.g. to raise funds for a club or society) may do so under the prize gaming provisions in Part 14 of the Act. Non-commercial gaming of this kind may only take place at events where none of the proceeds from the event itself are used for private gain. For these purposes, the proceeds of an event constitute the sums raised by its organisers (including sums raised by way of participation fees, sponsorship, commission from traders, or otherwise) minus the costs reasonably incurred in organising the event. However, sums raised by other persons will not form part of the proceeds of the event and so may be appropriated for private gain. An example would be refreshments provided at the event by an independent third party.

Non-commercial gaming may be an ancillary activity or the only or principal purpose of the event. To qualify as prize gaming, the prizes (whether in cash or in kind) should be put up in advance, and must not be dependent on the number of players taking part or the amount of money staked. The players participating in non-commercial gaming must also be told what “good cause” is to benefit from the profits from the gaming. There are no statutory limits on stakes, prizes, participation fees or other charges for this type of non-commercial gaming. No licence, permit or other form of permission is required to operate this kind of gaming provided that the statutory conditions are complied with.

Private casino gaming

Private casino gaming may take place in two sets of circumstances.

Domestic gaming: in a private dwelling, on a domestic occasion.

Residential gaming: in a hostel, hall of residence or similar establishment (but not on premises operated as a trade or business) provided that the majority of those taking part are residents.

No charge may be made for participation in private gaming (and that includes an entrance fee or other charge for admission), nor may any amounts be deducted from stakes or prizes. Private gaming may not be provided in any place to which the public have access, and no profits may be made from it, regardless of the purpose to which they may be put.

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Poker under the Gambling Act 2005

What is poker?

Poker is a card game which, like bridge, involves elements of both chance and skill. It is therefore classified as a game of chance under the Gambling Act 2005. There are many variations on the game of poker, but the information in this fact sheet relates to **equal chance** poker games, like “Texas Hold ‘Em”, where players compete against each other, on equal terms. In most forms of the game players bet or stake progressively into a communal pot or kitty, with the player holding the best hand at the end of the betting winning the accumulated stakes. Unequal chance poker (e.g. “Casino stud poker” where the banker or dealer participates in the game and holds a mathematical edge over the other players) may only be played in licensed casinos or, if it is ‘domestic’ or ‘residential’, under the Act’s private gaming provisions (see below).

Where can poker be played?

- In **licensed casinos**, usually in dedicated card rooms or salons – there are no statutory limits on stakes, prizes or other charges for poker played in casinos.
- In **clubs and miners’ welfare institutes** – but unless a club or institute holds a club gaming permit from their local licensing authority there are statutory limits on stakes, prizes and participation fees for poker played in these types of premises.
- In **pubs** – once again there are limits on stakes and prizes; no participation fee or other charge may be made.

- At **non-commercial events** where none of the proceeds of the event are used for private gain.
- **On a private occasion** – for example, in a private house or on residential premises, such as a hostel, to which the public do not have access.

Poker in clubs and institutes

Members' clubs, commercial clubs and miners' welfare institutes may provide facilities for equal chance poker for their members under the exempt gaming provisions in Part 12 of the Gambling Act. There is a stakes limit of £10 per player per game (n.b. the limit applies to a **game of poker**, not a single hand), as well as aggregate stakes limits of £250 per day and £1000 per week for each individual club or institute. So, for example, a club could run a poker game for 25 players paying £10 each four times per week.

The maximum prize in a game of poker is also £250. The maximum charge that a club or institute may make for participating in poker is £1 per player per day, and no deductions or levies are permitted from either stakes or prizes. Where a club holds a club gaming permit issued by their local licensing authority (or, in the case of a commercial club, a club machine permit) the maximum participation fee is £3. Where a club gaming permit is held there are no statutory limits on stakes or prizes. The Gambling Commission has issued a statutory code of practice on gaming in clubs and pubs, which is available from its website: www.gamblingcommission.gov.uk. See also the separate DCMS fact sheet on "Gaming in clubs and miners' welfare institutes" for further details.

Poker in pubs

A limited amount of low stakes, social poker may be played in pubs. There is a stakes limit of £5 per player **per game** (not per hand), and the aggregate stakes limit for pub poker is £100 per day for each premises. So, for example, a pub could run a daily poker game involving 20 players staking £5 each. The maximum prize for a game of poker played in a pub is also £100. No charge or entry fee may be made for participating in pub poker and, as with clubs, no deductions or levies may be made from either stakes or prizes. The Gambling Commission has issued a statutory code of practice on gaming in clubs and pubs, which is available from its website: www.gamblingcommission.gov.uk. See also the separate DCMS fact sheet on "Gaming in pubs and other alcohol-licensed premises" for further details.

Poker at non-commercial events

Poker may be played at non-commercial events under section 300 of the Gambling Act. Poker, or equal chance gaming more generally, may be the main or sole purpose of the event, but none of the proceeds of a non-commercial event may be used for private gain. These provisions are intended to be used by charities and other non-commercial societies for fund-raising purposes. There are limits on the amounts that players may be charged to take part, and on the amount or value of the prizes. The maximum amount that a player may be charged is £8 per day (and this includes entrance fees, stakes and any other charges in relation to the gaming). The total amount paid out in prizes may not exceed £600, although where an event is the final one of a series in which all of the players have previously taken part, a higher prize fund of up to £900 is permitted (please note that the earlier events must have taken place on a different day to the final).

Private poker

Equal chance poker may be played under the private gaming provisions in section 296 of, and Schedule 15 to, the Act. Private gaming may only occur in a place to which the public does not have access (e.g. a private dwelling, hostel or hall of residence). No charge may be made for participation in private gaming (and that includes an entrance fee or other charge for admission), nor may any amounts be deducted from stakes or prizes.

If private gaming is domestic or residential, the above conditions will apply, but unequal chance poker may also be played. Private gaming is 'domestic' if it takes place in a private dwelling and on a domestic occasion. Private gaming is 'residential' if it takes place in a hostel, hall of residence or similar establishment which is not administered in the course of a trade or business, and more than half of the participants are residents of that hostel, hall of residence or establishment.

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Race Nights under the Gambling Act 2005

Definition of a race night

"Race nights" are events in which participants stake money on the outcome of recorded or virtual races, where the selection is totally dependent on chance, and where no "odds" or "form" are available to assist the selection. As a general principle, "race nights" may only take place at non-commercial events where none of the proceeds from the event itself are used for private gain. For these purposes, the proceeds of an event constitute the sums raised by its organisers (including sums raised by way of participation fees, sponsorship, commission from traders, or otherwise) minus the costs reasonably incurred in organising the event. However, sums raised by other persons will not form part of the proceeds of the event and so may be appropriated for private gain. An example would be refreshments provided at the event by an independent third party. All participants must be told what "good cause" is to benefit from the profits from the gaming, but no licence, permit or other form of permission is required to operate a race night provided that the statutory conditions are complied with.

Depending on how an event is structured, a "race night" may be operated under either the non-commercial gaming provisions in Part 14 of the Act, or as an incidental non-commercial lottery under Part 1 of Schedule 11. In all cases the prizes may be paid out in cash or in kind.

Prize gaming

To qualify as prize gaming under section 299 of the Act, the prizes should be put up in advance, and must not be dependent on the number of players taking part or the amount of money staked. There are, however, no statutory limits on stakes, prizes, participation fees or other charges for this type of non-commercial gaming, which may be an incidental activity or the only or principal purpose of the event.

Equal chance gaming

Where the prizes awarded are dependent on the number of players taking part, or on the amount of money staked on a race, the non-commercial equal chance gaming provisions in section 300 of the Act apply. Once again, gaming may be either an incidental activity or the only or principal purpose of the event, provided that none of the proceeds are used for private gain. However, for this type of gaming there are limits on the amounts that players may be charged to take part, and on the amount or value of the prizes. The maximum amount that a player may be charged is £8 per day (and this includes entrance or participation fees, stakes and any other payments in relation to the gaming). The total amount paid out in prizes may not exceed £600, although where an event is the final one of a series in which all of the players have previously taken part, a higher prize fund of up to £900 is permitted.

Incidental lottery

Where the “race night” is not the only or main purpose of a non-commercial event, it may be possible to operate it as an incidental lottery under Schedule 11 to the Act. In this case there are no limits on the amount that players may be charged to participate, but no more than £500 may be deducted from the proceeds of the lottery for the cost of prizes (which may be in cash or in kind), and no more than £100 for other expenses.

Private gaming

A “race night” may also be run as equal chance gaming under the private gaming provisions in Schedule 15 to the Act. Private gaming may only occur in a place to which the public does not have access (e.g. a private dwelling, hostel or hall of residence). No charge may be made for participation in private gaming (and that includes an entrance fee or other charge for admission), nor may any amounts be deducted from stakes or prizes. No profits can be made from private gaming, irrespective of the purpose to which such profits may be put.

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Gaming and Gaming Machines in Pubs and Other Alcohol-Licensed Premises under the Gambling Act 2005

Which premises are eligible to provide gaming?

Any premises that have an alcohol licence, and which have a bar at which alcohol is served for consumption on the premises without a requirement that alcohol is served only with food.

What about clubs?

There are separate provisions covering gaming in clubs and miners' welfare institutes – please see the separate DCMS fact sheet.

What kind of gaming can pubs and other eligible premises provide?

Section 279 of the Gambling Act allows pubs and other eligible premises to provide what the Act calls “exempt gaming”. There are a number of conditions:

- it must be **equal chance gaming** (examples would be bingo, bridge and certain poker games);
- stakes and prizes must comply with the limits prescribed in regulations ;
- no amount may be deducted or levied from amounts staked or won;
- no participation fees may be charged;
- the games played may only take place on one set of premises, i.e. there may not be any linking of games between premises; and
- children and young people must be excluded from participation.

What limits are there on stakes and prizes?

Different limits apply to different types of gaming.

For dominoes and cribbage there are no limits on either stakes or prizes.

For all other types of equal chance gaming there is a limit on stakes of £5 per person, per game.

For **poker**, a stakes limit of £5 per player **per game** (n.b. not per hand) applies, and the aggregate stakes limit for pub poker is £100 per day for each premises. So, for example, a pub could run a daily poker game involving 20 players staking £5 each. The maximum prize for a game of poker played in a pub is also £100.

What about pub bingo?

Pubs that wish to provide facilities for bingo may do so under the Act's exempt gaming provisions. The following rules apply:

- the maximum amount that may be staked by a player in a game of bingo is £5;
- no amounts may be deducted from sums staked or won;
- players may not be charged a fee for taking part;
- there should be no linking of games between premises; and,

- nobody under 18 may participate.

As with clubs, pubs that wish to offer high turnover bingo (i.e. where stakes or prizes exceed £2000 per week) will require a bingo operating licence from the Gambling Commission. See the Commission's website (details above) for further information.

Can pubs charge customers for taking part in gaming, or make deductions from stakes or prizes?

No charges or deductions may be made.

Can a pub charge a membership fee for gambling?

No – under section 344(3) of the Act any membership fee charged in these circumstances would be regarded as a participation fee.

Do pubs need a gambling permit or licence?

No licence or permit is required for pubs or other eligible premises providing gaming under the exempt gaming provisions (see above).

What if a pub only wants to provide gaming machines?

Under section 282 of the Act alcohol-licensed premises are entitled to a maximum of two gaming machines (each of which may be category C or D) without the need for a permit or licence. To exercise this entitlement the person who holds the relevant alcohol licence should notify their local licensing authority of their intention to make gaming machines available, and pay the required notification fee. If a licensee wishes to make more than two gaming machines available he will need to obtain a **licensed premises gaming machine permit**, once again from the local licensing authority. There are a number of statutory conditions relating to the way in which gaming machines are used, and licensees will also need to ensure compliance with the Gambling Commission's code of practice on the location and operation of gaming machines. See the Commission's website – www.gamblingcommission.gov.uk - for further details.

What is the maximum number of gaming machines that a pub may have?

There is no statutory limit on the number of gaming machines that individual premises may apply for, but the licensing authority has the discretion to restrict the number of machines on individual premises (or change the category of the machines), having regard to the licensing objectives of the Gambling Act.

What happens if a pub breaks the rules?

Licensees will be expected to monitor any gaming that takes place on their premises, and take all reasonable steps to ensure that it complies with the statutory requirements, including the limits on stakes and prizes. Under section 310(2) of the Act, a constable, Gambling Commission enforcement officer or authorised local authority officer may enter premises that hold an on-premises alcohol licence in order to determine whether gaming carried on there satisfies the statutory conditions. Any breach of those conditions in respect of particular premises would leave them liable to the loss of their entitlement to offer gaming and/or gaming machines, and criminal prosecution. Where a breach of the Gambling Act has implications for alcohol licensing objectives it may, as with breaches of

other laws, be taken into account by licensing authorities and others in the exercise of their functions under the relevant legislation.

Is practical advice available about how to operate gaming in pubs and other eligible premises?

The Gambling Commission has issued a statutory code of practice on gaming in clubs and alcohol-licensed premises, which is available from its website (see above).

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Gaming and Gaming Machines in Clubs and Miners' Welfare Institutes under the Gambling Act 2005

What is a club?

The Gambling Act 2005 ("the Act") defines three categories of clubs: members' clubs, commercial clubs and miners' welfare institutes.

Members' clubs (section 266 of the Act) must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is of a prescribed kind – see below). They must be established and conducted for the benefit of their members, and with the intention of operating on an ongoing basis. Examples of such clubs are sports clubs, local political associations, working men's clubs and branches of the Royal British Legion.

Commercial clubs (section 267 of the Act) are subject to the same requirements as members' clubs, except that they may operate on a commercial basis rather than for the benefit of their members. These clubs are sometimes referred to as *proprietary clubs*. An example of a commercial club would be a snooker club. Like members' clubs, they may not be gaming clubs, unless the gaming is of a type prescribed in regulations.

Miners' welfare institutes (see section 268 of the Act) are associations established for social or recreational purposes, where the association is either managed by a group of miners' representatives or uses premises regulated under a charitable trust, where the trust has, at some time, received funds from one of a number of mining related organisations. They too enjoy the same gaming entitlements as members' clubs.

Must a club have an alcohol licence or permit in order to provide gaming?

No, as long as the above requirements are met any club may provide gaming under the Act, whether or not an alcohol licence or permit is held.

What gaming permissions are available to clubs under the Act?

There are three types of permission: exempt gaming, club gaming permits and club machine permits. Exempt gaming and club machine permits are available to all three categories of club. Club gaming permits are available only to members' clubs and miners' welfare institutes. Further details about each of these can be found below.

Can a club be formed solely to provide facilities for gaming?

Any club established wholly or mainly for gaming may operate under the exempt gaming provisions in section 269 of the Act. The Act also gives the Secretary of State powers to specify particular kinds of gaming, thereby allowing members' clubs established for the purposes of providing such gaming to take advantage of further gaming rights by applying for a club gaming permit. The Secretary of State has decided that **bridge** and **whist** should be the only prescribed kinds of gaming and, so long as they don't provide facilities for other types of non-machine gaming, a bridge or whist club may apply for a club gaming permit (see further details below).

What is exempt gaming?

Section 269 of the Act allows clubs and institutes (including clubs established and conducted for the purposes of gaming, and which otherwise meet the requirements for a members' or commercial club – see above) to provide certain facilities for gaming without the need for a licence or a permit. In order to qualify for this exemption the gaming must meet a number of conditions:

- it must be **equal chance gaming** (examples would be bingo, bridge and certain poker games);
- stakes and prizes must comply with any limits set in regulations ;
- the club must not deduct any amounts from sums staked or won;
- any charge for participation must not exceed amounts set by the Secretary of State;
- the games played may only take place on one set of premises, so there may not be any linking of games between premises; and
- **in the case of members' clubs and miners' welfare institutes only, people may only participate in the gaming if they have been a member (or applied or were nominated for membership) at least 48 hours before playing, or are genuine guests of such a person.**

What are the limits on stakes and prizes for exempt gaming?

Although there are, at present, no limits in the legislation on stakes and prizes for most types of gaming in clubs and institutes, it should be noted that the exempt gaming provisions are intended to facilitate low stakes, low scale gaming activity. Clubs and institutes should therefore take steps to ensure that any gaming permitted on club premises remains at a low-level.

There are, however, regulations setting limits on **poker** played in all clubs and institutes under the exempt gaming provisions. There is a stakes limit of £10 per player per game (n.b. the limit applies to a **game of poker**, not a single hand), as well as aggregate stakes

limits of £250 per day and £1000 per week for each individual club or institute. So, for example, a club could run a poker game for 25 players paying £10 each, four times per week. The maximum prize in a game of poker is also £250. Further information is available in the separate DCMS fact sheet on poker, and from the Gambling Commission's website: www.gamblingcommission.gov.uk .

What about bingo?

There are no limits on stakes and prizes for games of bingo played in clubs. **However**, clubs or institutes that wish to offer high turnover bingo (i.e. where stakes or prizes exceed £2000 per week) will require a bingo operating licence from the Gambling Commission. See the Gambling Commission's website (details above) for further information.

Do clubs and institutes need a permit or licence?

No licence or permit is required for clubs that operate solely under the exempt gaming provisions. Members' clubs and institutes (but not commercial clubs) that wish to provide additional facilities for gaming may apply for a **club gaming permit** from their local licensing authority.

What are the advantages of a club gaming permit?

These permits allow clubs to provide facilities for two specific banker's games - chemin de fer and pontoon (**not blackjack**) – and to charge higher participation fees (up to £3 per person per day). In addition, gaming in a club or institute that holds a club gaming permit is not subject to the stake and prize limits that apply to exempt gaming.

Club gaming permits also allow clubs to provide a **total** of 3 gaming machines in the following categories:

- B3A: a maximum stake of £1 and prize of £500
- B4: a maximum stake of £1 and prize of £250
- C: a maximum stake of 50p and prize of £35
- D: a maximum stake of 10p and prize of £5 cash; or 30p stake and £8 prize in a non-money prize machine

The use of these machines is subject to certain statutory conditions, and the holder of the permit must comply with the Gambling Commission's code of practice on the location and operation of gaming machines. See the Commission's website (details above) for further information.

Which clubs can apply for a club gaming permit?

Members' clubs (including bridge or whist clubs) and miner's welfare institutes may apply to their local licensing authority for a club gaming permit.

Can clubs charge members for taking part in gaming?

Clubs and institutes operating under the exempt gaming provisions may make a charge of up to £1 per person per day for participating in gaming. Where a club gaming permit (or in the case of a commercial club, a club machine permit) is held a charge of up to £3 may be made.

What if a club only want to provide gaming machines?

Members' clubs (including bridge and whist clubs), miners' welfare institutes and commercial clubs that wish to provide machine gaming may apply for a **club machine permit** from their local licensing authority. This type of permit authorises the same gaming machine allowance as that described immediately above, and use of the machines is subject to similar statutory conditions and the same code of practice. See the Commission's website (details above) for further information.

What happens if a club breaks the rules?

Clubs will be expected to monitor any gaming that takes place on their premises, and take all reasonable steps to ensure that it complies with the statutory conditions. Under section 312 of the Act, a constable or Gambling Commission enforcement officer may enter club premises in order to determine whether gaming carried on there is in accordance with the statutory conditions or the terms of any club gaming or club machine permit. Any breach of the statutory conditions would render those providing the premises or facilities liable to prosecution under section 33 or 37 of the Act. Any breach of a permit could lead to its cancellation by the licensing authority, and might also constitute an offence under section 33 or 37 of the Act.

Is practical advice available about how to operate gaming in clubs and institutes?

The Gambling Commission has issued a statutory code of practice on gaming in clubs and alcohol-licensed premises, which are available from its website (see above).

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