

## 223 Territorial application

This Part applies to anything done in England, Wales or Scotland in relation to a lottery, irrespective of whether the lottery is promoted wholly or partly –

- (a) elsewhere in the United Kingdom, or
- (b) outside the United Kingdom. 5

## PART 12

### CLUBS

#### *Classes of club*

## 224 Members' club

- (1) In this Act members' club means a club – 10
  - (a) which is established and conducted wholly or mainly for purposes other than the provision of facilities for gaming (subject to subsection (2)),
  - (b) which is established and conducted for the benefit of its members (and which is not otherwise established or conducted as a commercial enterprise), 15
  - (c) which is not established with the purpose of functioning only for a limited period of time, and
  - (d) which has at least 25 individual members.
- (2) A club is a members' club for the purposes of this Act despite subsection (1)(a) if – 20
  - (a) it is established or conducted wholly or mainly for the purpose of the provision of facilities for gaming of a prescribed kind, and
  - (b) facilities are not provided for any other kind of gaming in the course of the club's activities. 25

## 225 Commercial club

- (1) In this Act commercial club means a club –
  - (a) which is established and conducted wholly or mainly for purposes other than the provision of facilities for gaming,
  - (b) which is not established with the purpose of functioning only for a limited period of time, and 30
  - (c) which has at least 25 individual members.
- (2) A club is a commercial club for the purposes of this Act despite subsection (1)(a) if –
  - (a) it is established or conducted wholly or mainly for the purpose of the provision of facilities for gaming of a prescribed kind, and 35
  - (b) facilities are not provided for any other kind of gaming in the course of the club's activities.

## 226 Miners' welfare institute

- (1) In this Act miners' welfare institute means an association – 40

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- (a) which is established and conducted for social and recreational purposes,
  - (b) which is established and conducted wholly or mainly for the benefit of persons employed in connection with coal mines, and
  - (c) which satisfies subsection (2) or (4). 5
- (2) An association satisfies this subsection if its affairs are managed by a group of individuals of whom at least two thirds are miners' representatives.
- (3) In subsection (2) "miners' representative" means a person who is –
- (a) nominated by a licensed operator, within the meaning given by section 65(1) of the Coal Industry Act 1994 (c. 21), 10
  - (b) nominated by the [Coal Industry Social Welfare Organisation],
  - (c) nominated by an organisation representing persons employed in connection with coal mines, or
  - (d) a present or former employee in connection with a coal mine;
- and the group mentioned in subsection (2) must contain both persons of a kind specified in paragraph (a) or (b) and persons of a kind specified in paragraph (c) or (d). 15
- (4) An association satisfies this subsection if it operates on premises which –
- (a) are used wholly or mainly for the purposes of the association, and
  - (b) are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) (miners' welfare trusts) applies. 20

### *Exempt gaming*

#### **227 The exemption**

- (1) Sections 21 and 26 shall not apply to the provision of facilities for gaming which satisfies the conditions of this section by –
- (a) a members' club,
  - (b) a commercial club,
  - (c) a club that would be a members' club but for section 224(1)(a),
  - (d) a club that would be a commercial club but for section 225(1)(a), or
  - (e) a miners' welfare institute. 25 30
- (2) The first condition of gaming for the purposes of subsection (1) is that it does not involve playing or staking against a bank.
- (3) The second condition of gaming for the purposes of subsection (1) is that the chances are equally favourable to all participants.
- (4) The third condition of gaming for the purposes of subsection (1) is that the arrangements for the gaming satisfy the prescribed requirements (if any) in relation to –
- (a) limiting amounts that may be staked, or
  - (b) limiting the value of winnings (whether in money or not). 35
- (5) The fourth condition of gaming for the purposes of subsection (1) is that no amount is deducted or levied from sums staked or won. 40
- (6) The fifth condition of gaming for the purposes of subsection (1) is that any charge for participation does not exceed such maximum as may be prescribed.

- (7) The sixth condition of gaming for the purposes of subsection (1) is that a game played on one set of premises is not linked with a game played on another set of premises.
- (8) The seventh condition of gaming for the purposes of subsection (1), which does not apply to a club of a kind mentioned in subsection (1)(b) or (d), is that each person who participates –
- (a) is a member of the club or institute who applied for membership, was nominated for membership or became a member, at least 48 hours before he participates, or
  - (b) is a guest of a member of the club or institute who would be entitled to participate by virtue of paragraph (a).

**228 Section 227: supplementary**

- (1) In section 227(1) a reference to the provision of facilities by a club or institute includes a reference to any provision of facilities made –
- (a) on behalf of or by arrangement with the club or institute, and
  - (b) in the course of its activities.
- (2) For the purposes of section 227(2) it is immaterial –
- (a) how a bank is described, and
  - (b) whether or not the bank is controlled or administered by a player.
- (3) In section 227(5) the reference to a deduction or levy in respect of gaming provided by, on behalf of or by arrangement with a club or institute is to a deduction or levy made by or on behalf of –
- (a) the club or institute, or
  - (b) a person providing facilities for gaming on behalf of, or by arrangement with, the club or institute.
- (4) For the purposes of section 227(6) –
- (a) it is immaterial how a charge is described,
  - (b) it is immaterial whether a charge is in money or money’s worth,
  - (c) a charge for admission to premises where gaming takes place shall be treated as a charge for participation in the gaming,
  - (d) a membership subscription is not a charge for participation, and
  - (e) a stake is not a charge for participation.
- (5) Regulations prescribing a maximum charge for the purposes of section 227(6) may, in particular –
- (a) make different provision for different classes of club or institute;
  - (b) make provision depending on whether a club or institute holds a club gaming permit;
  - (c) make different provision for different classes or descriptions of game.
- (6) For the purposes of section 227(7) two games are linked if –
- (a) the result of one game is or may be wholly or partly determined by reference to the result of the other game, or
  - (b) the amount of winnings available in one game is or may be wholly or partly determined by reference to the amount of participation in the other game.
- and if a single game is played partly on one set of premises and partly on another it shall be treated as two linked games.

- (7) For the purposes of section 227(8) a person shall not be treated as the guest of a member if the member extends an invitation –
- (a) having had no previous acquaintance with the person, and
  - (b) for the purpose only of enabling the person to take advantage of facilities for gaming provided by or for the club or institute. 5

*Permits*

**229 Club gaming permit**

- (1) Sections 21, 26 and 201 shall not apply to the provision of facilities for gaming in accordance with a club gaming permit.
- (2) A club gaming permit is a permit issued by a licensing authority authorising the provision of facilities for gaming – 10
- (a) on premises on which a members' club or a miners' welfare institute operates, and
  - (b) in the course of the activities of the club or institute.
- (3) A club gaming permit shall, by virtue of this section, authorise – 15
- (a) making up to three gaming machines available for use, each of which must be of Category B, C or D,
  - (b) the provision of facilities for gaming which satisfies the conditions in section 227 except for the third condition, and
  - (c) the provision of facilities for games of chance, of such class or description as may be prescribed, in accordance with the conditions specified in subsection (4). 20
- (4) Those conditions are –
- (a) that no charge for participation is made otherwise than in accordance with regulations (which may make provision about the circumstances in which a charge may be made and about the amount of a charge), 25
  - (b) that no amount is deducted or levied from sums staked or won otherwise than in accordance with regulations (which may make provision about the circumstances in which an amount may be deducted or levied, about the amount of the deduction or levy and about the method by which the amount is determined), 30
  - (c) that the public is excluded from any area of the club's or institute's premises where gaming is taking place, and
  - (d) that children and young persons are excluded from any area of the club's or institute's premises where gaming is taking place. 35
- (5) A club gaming permit shall, by virtue of this subsection, be subject to the condition that each person who participates in gaming in reliance on the permit –
- (a) is a member of the club or institute who applied for membership, was nominated for membership or became a member, at least 48 hours before he participates, or 40
  - (b) is a guest of a member of the club or institute who would be entitled to participate by virtue of paragraph (a).
- (6) A club gaming permit shall, by virtue of this subsection, be subject to the conditions – 45

- (a) that no child or young person use a Category B or C gaming machine on the club's or institute's premises, and
- (b) that the holder comply with any relevant provision of a code of practice under section 16 about the location and operation of a gaming machine.

**230 Section 229: supplemental** 5

- (1) For the purposes of section 229(4)(a) –
  - (a) it is immaterial how a charge is described,
  - (b) it is immaterial whether a charge is in money or money's worth,
  - (c) a charge for admission to premises where gaming takes place shall be treated as a charge for participation in the gaming, 10
  - (d) a membership subscription is not a charge for participation, and
  - (e) a stake is not a charge for participation.
- (2) For the purposes of section 229(4)(b) the reference to a deduction or levy in respect of gaming provided by, on behalf of or by arrangement with a club or institute is to a deduction or levy made by or on behalf of – 15
  - (a) the club or institute, or
  - (b) a person providing facilities for gaming on behalf of, or by arrangement with, the club or institute.
- (3) In section 229(4)(c) “the public” means persons other than – 20
  - (a) members of the club or institute,
  - (b) guests of members of the club or institute,
  - (c) staff of the club or institute, and
  - (d) persons providing services to or for the club or institute.
- (4) For the purposes of section 229(4)(c) and (d) a reference to an area where gaming is taking place is a reference to any place in which it is possible to participate in the gaming. 25
- (5) For the purposes of section 229(5) a person shall not be treated as the guest of a member if the member extends an invitation –
  - (a) having had no previous acquaintance with the person, and
  - (b) for the purpose only of enabling the person to take advantage of facilities for gaming provided by or for the club or institute. 30

**231 Club machine permit**

- (1) Sections 26 and 201 shall not apply to making a gaming machine available for use in accordance with a club machine permit.
- (2) A club machine permit is a permit issued by a licensing authority authorising up to three gaming machines, each of which must be of Category B, C or D, to be made available for use – 35
  - (a) on premises on which a members' club, a commercial club or a miners' welfare institute operates, and
  - (b) in the course of the activities of the club or institute. 40
- (3) A club machine permit held by a members' club or a miners' welfare institute shall, by virtue of this subsection, be subject to the condition that each person to whom a machine is made available for use in reliance on the permit –

- (a) is a member of the club or institute who applied for membership, was nominated for membership or became a member, at least 48 hours before he uses the machine, or
  - (b) is a guest of a member of the club or institute who would be entitled to use the machine by virtue of paragraph (a). 5
- (4) A club machine permit shall, by virtue of this subsection, be subject to the conditions –
- (a) that no child or young person use a Category B or C gaming machine on the club’s or institute’s premises, and
  - (b) that the holder comply with any relevant provision of a code of practice under section 16 about the location and operation of a gaming machine. 10
- (5) For the purposes of subsection (3) a person shall not be treated as the guest of a member if the member extends an invitation –
- (a) having had no previous acquaintance with the person, and
  - (b) for the purpose only of enabling the person to take advantage of facilities for gaming provided by or for the club or institute. 15

**232 Procedure, &c.**

Schedule 9 makes further provision about club gaming permits and club machine permits.

*Bingo* 20

**233 Bingo: turnover limit for exemption or permit**

- (1) The disapplication of section 21 by section 227 or 229 shall not apply to high turnover bingo played during a high turnover period.
- (2) Bingo played in the course of the activities of a club or institute in any period of seven days is high turnover bingo if – 25
  - (a) the aggregate of stakes at bingo played during the period in the course of the activities of the club or institute exceeds £1,000, or
  - (b) the aggregate of winnings at bingo played during the period in the course of the activities of the club or institute exceeds £1,000.
- (3) A high turnover period begins in relation to a club or institute at the end of a period of seven days during which – 30
  - (a) the aggregate of stakes at bingo played in the course of the activities of the club or institute exceeds £1,000, or
  - (b) the aggregate of winnings at bingo played in the course of the activities of the club or institute exceeds £1,000. 35
- (4) A high turnover period expires at the end of the year beginning with the first day of the period of seven days which caused the high turnover period to begin.
- (5) A period of seven days any of which is in a high turnover period does not cause a new high turnover period to begin. 40
- (6) A club or institute in relation to which a high turnover period begins shall, unless the club or institute holds a bingo operating licence, inform the Commission as soon as is reasonably practicable.

- (7) A club or institute commits an offence if it fails without reasonable excuse to comply with subsection (6).
- (8) A club or institute guilty of an offence under subsection (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) The Secretary of State may by regulations substitute a new figure for that specified in subsection (2)(a) or (b) or (3)(a) or (b). 5

*General*

**234 Interpretation**

In this Part—

- “prescribed” means prescribed by regulations, and 10  
“regulations” means regulations made by the Secretary of State.

**PART 13**

PREMISES LICENSED FOR SUPPLY OF ALCOHOL

**235 Alcohol licence**

In this Act—

- (a) “alcohol licence” means a premises licence under Part 3 of the Licensing Act 2003 (c. 17), and 15
- (b) “on-premises alcohol licence” means a premises licence under that Part which authorises the supply of alcohol for consumption on the licensed premises. 20

**236 Exempt gaming**

- (1) Sections 21 and 26 shall not apply to the provision of facilities for gaming which—
  - (a) satisfies the conditions of this section, and
  - (b) takes place on premises in respect of which an on-premises alcohol licence has effect. 25
- (2) The first condition of gaming for the purposes of subsection (1) is that it does not involve playing or staking against a bank.
- (3) The second condition of gaming for the purposes of subsection (1) is that the chances are equally favourable to all participants. 30
- (4) The third condition of gaming for the purposes of subsection (1) is that the arrangements for the gaming satisfy the prescribed requirements in relation to—
  - (a) limiting amounts that may be staked, or
  - (b) limiting the value of winnings (whether in money or not). 35
- (5) The fourth condition of gaming for the purposes of subsection (1) is that no amount is deducted or levied from sums staked or won.
- (6) The fifth condition of gaming for the purposes of subsection (1) is that no charge is made for participation.

- (7) The sixth condition of gaming for the purposes of subsection (1) is that a game played on one set of premises is not linked with a game played on another set of premises.
- (8) The seventh condition of gaming for the purposes of subsection (1) is that children and young persons are excluded from participation. 5

### 237 Section 236: supplementary

- (1) For the purposes of section 236(2) it is immaterial –
- (a) how a bank is described, and
  - (b) whether or not the bank is controlled or administered by a player.
- (2) In section 236(4) “prescribed” means prescribed by regulations made by the Secretary of State; and regulations may, in particular make different provision for different classes or descriptions of game. 10
- (3) For the purposes of section 236(6) –
- (a) it is immaterial how a charge is described,
  - (b) it is immaterial whether a charge is in money or money’s worth, 15
  - (c) a charge for admission to premises where gaming takes place shall be treated as a charge for participation in the gaming,
  - (d) a membership subscription is a charge for participation, and
  - (e) a stake is not a charge for participation.
- (4) For the purposes of section 236(7) two games are linked if – 20
- (a) the result of one game is or may be wholly or partly determined by reference to the result of the other game, or
  - (b) or the amount of winnings available in one game is or may be wholly or partly determined by reference to the amount of participation in the other game; 25
- and if a single game is played partly on one set of premises and partly on another it shall be treated as two linked games.

### 238 Bingo

- (1) The disapplication of section 21 by section 236 shall not apply to high turnover bingo played during a high turnover period on premises in respect of which an on-premises alcohol licence has effect. 30
- (2) Bingo played on premises in any period of seven days is high turnover bingo if –
- (a) the aggregate of stakes at bingo played on the premises during the period exceeds £1,000, or 35
  - (b) the aggregate of winnings at bingo played on the premises during the period exceeds £1,000.
- (3) A high turnover period begins in relation to premises at the end of a period of seven days during which –
- (a) the aggregate of stakes at bingo played on the premises exceeds £1,000, or 40
  - (b) the aggregate of winnings at bingo played on the premises exceeds £1,000.

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- (4) A high turnover period expires at the end of the year beginning with the first day of the period of seven days which caused the high turnover period to begin.
- (5) A period of seven days any of which is in a high turnover period does not cause a new high turnover period to begin. 5
- (6) The holder of the on-premises alcohol licence for premises in relation to which a high turnover period begins shall, unless he holds a bingo operating licence, inform the Commission as soon as is reasonably practicable.
- (7) A person commits an offence if he fails without reasonable excuse to comply with subsection (6). 10
- (8) A person guilty of an offence under subsection (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) The Secretary of State may by regulations substitute a new figure for that specified in subsection (2)(a) or (b) or (3)(a) or (b).
- 239 Gaming machines** 15
- (1) Sections 26 and 201 shall not apply to making one or two gaming machines, each of which is of Category C or D, available for use on premises in respect of which an on-premises alcohol licence has effect.
- (2) A person who applies to a licensing authority for an on-premises alcohol licence or who holds an on-premises alcohol licence issued by a licensing authority may apply to the licensing authority for the addition to the licence of a condition authorising the holder to make available for use on the premises – 20
- (a) a specified number of Category C gaming machines;
  - (b) a specified number of Category D gaming machines;
  - (c) a specified number of gaming machines each of which is of Category C or D. 25
- (3) A licensing authority to whom an application is made under subsection (2) shall consider it having regard to the licensing objectives and such other matters as they think relevant and shall – 30
- (a) grant the application,
  - (b) refuse the application, or
  - (c) grant it in respect of a smaller number of machines than that specified in the application.
- (4) The Secretary of State may make regulations prescribing the procedure to be followed in relation to an application for the addition of a condition under subsection (2) (and the regulations may, in particular, impose an obligation upon an applicant and make provision about the consequences of failure to comply with any obligation imposed). 35
- (5) Paragraph 9(1) and (2) of Schedule 5 to the Licensing Act 2003 (c. 17) (appeal to magistrates' court) shall apply to a decision of a licensing authority under subsection (3)(b) or (c). 40
- (6) Neither subsection (1) nor a condition under subsection (2) authorises a person to make a gaming machine available for use otherwise than in accordance with any relevant provision of a code of practice under section 16 about the location and operation of a gaming machine. 45

**240 Removal of exemption**

- (1) The licensing authority who issue an on-licence alcohol licence in respect of premises may, on the issue of the licence or at any later time, disapply section 236 or 239 to the premises.
- (2) A licensing authority may disapply a section under subsection (1) only if they think that—
  - (a) the application of the section to the premises is not reasonably consistent with pursuit of the licensing objectives,
  - (b) gaming has taken place on the premises in purported reliance on the section but in breach of a condition of that section, or
  - (c) the premises are mainly used or to be used for gaming.
- (3) Disapplication of a section shall be effected by the addition of a condition to the relevant alcohol licence.
- (4) The Secretary of State may make regulations prescribing the procedure to be followed in relation to the addition of a condition under subsection (3) (and the regulations may, in particular, impose an obligation upon an applicant for or holder of an alcohol licence and make provision about the consequences of failure to comply with any obligation imposed).

**PART 14****INSPECTION** 20*Inspectors***241 Gambling inspectors**

- (1) The Commission may appoint persons to act as gambling inspectors.
- (2) A gambling inspector may be, but need not be, an employee of the Commission. 25
- (3) The Commission may pay to or in respect of a gambling inspector who is not an employee of the Commission sums determined by the Secretary of State by way of or in respect of—
  - (a) remuneration;
  - (b) allowances;
  - (c) expenses;
  - (d) pension;
  - (e) gratuity.
- (4) A reference in this Act to a gambling inspector is a reference to a person appointed under this section. 35

**242 Authorised persons**

- (1) In this Act—
  - (a) “authorised person” has the meaning given by this section, and
  - (b) a reference to an authorised local authority officer is a reference to a person who is an authorised person by virtue of subsection (2).

- (2) An officer of a licensing authority is an authorised person for a purpose relating to premises if –
- (a) the premises are wholly or partly situated in the authority’s area, and
  - (b) the officer is designated by the authority as an authorised person for the purposes of this section. 5
- (3) An officer of an authority other than a licensing authority is an authorised person for a purpose relating to premises if –
- (a) the authority has statutory functions, for an area in which the premises are wholly or partly situated, in relation to minimising or preventing the risk of pollution of the environment or of harm to human health, and
  - (b) the officer is authorised by the authority for the purpose of exercising any of those statutory functions. 10
- (4) The following are authorised persons for purposes relating to any premises –
- (a) an inspector appointed under section 18 of the Fire Precautions Act 1971 (c. 40) (enforcement), 15
  - (b) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37) (inspectors),
  - (c) an inspector or surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995 (c. 21) (enforcement), 20
  - (d) an officer of the Commissioners of Customs and Excise designated by them for the purposes of this section, and
  - (e) a person who is within a class prescribed by the Secretary of State by regulations.

*Kinds of inspection* 25

**243 Suspected offence**

A constable or gambling inspector may enter premises if he reasonably suspects that an offence under this Act –

- (a) may be being committed on the premises, or
- (b) may be about to be committed on the premises. 30

**244 Inspection of gambling**

- (1) A constable, gambling inspector or authorised person may enter premises to which this section applies for a purpose specified in subsection (3).
- (2) This section applies to premises if a constable, gambling inspector or authorised person reasonably suspects that facilities for gambling other than private and non-commercial gaming or betting may be being provided, may be about to be provided or have been provided, on the premises. 35
- (3) The purposes mentioned in subsection (1) are –
- (a) to discover whether facilities for gambling other than private and non-commercial gaming or betting are being provided, are about to be provided or have been provided on the premises, 40
  - (b) to determine whether an operating licence or premises licence is held in respect of the provision of facilities for gambling on the premises, and

- (c) to determine whether facilities are being, will be or have been provided in accordance with the terms and conditions of an operating licence or premises licence.

#### 245 Operating licence holders

- (1) A constable or gambling inspector may enter premises to which this section applies for the purpose specified in subsection (3). 5
- (2) This section applies to premises which a constable or gambling inspector reasonably believes to be used by the holder of an operating licence wholly or partly for purposes connected with the licensed activities.
- (3) The purpose mentioned in subsection (1) is to determine whether the licensed activities are being carried on in accordance with the terms and conditions of the operating licence. 10
- (4) The power under subsection (1) –
- (a) may be exercised only at a reasonable time, and
  - (b) does not apply to a dwelling. 15

#### 246 Category D gaming machine premises

- (1) An authorised local authority officer may enter premises in respect of which an application has been made for a Category D gaming machine permit for a purpose connected with the consideration of the application.
- (2) A constable or authorised local authority officer may enter premises in respect of which a Category D gaming machine permit has effect for the purpose of ascertaining whether the number of Category D gaming machines being made available for use on the premises exceeds that authorised by the permit. 20

#### 247 Clubs

- (1) A constable or gambling inspector may enter premises to which this section applies for a purpose specified in subsection (3). 25
- (2) This section applies to premises which a constable or gambling inspector reasonably believes to be used by a members' club, a commercial club or a miners' welfare institute.
- (3) The purposes mentioned in subsection (1) are – 30
- (a) to determine whether gaming is taking place on the premises or is about to take place on the premises,
  - (b) to determine whether any gaming that is taking place or is about to take place on the premises is in accordance with – 35
    - (i) section 227,
    - (ii) a club gaming permit, or
    - (iii) a club machine permit.
- (4) An authorised local authority officer may enter premises in respect of which an application has been made for a club gaming permit or a club machine permit for a purpose connected with the consideration of the application. 40

## 248 Licensed premises

- (1) A constable, gambling inspector or authorised person may enter premises in respect of which an application for a premises licence has been made to assess, having regard to the licensing objectives, the likely effects of activity carried on in reliance on the premises licence. 5
- (2) A constable, gambling inspector or authorised person may enter premises in respect of which a premises licence has effect for a purpose connected with a review under section 165.

## 249 Lotteries: registered societies

- (1) Where a society is registered with a local authority in accordance with Part 5 of Schedule 8, a gambling inspector or an authorised local authority officer may enter premises owned or used by the society for the purpose of making inquiries in connection with a lottery promoted by a member of the society. 10
- (2) The power under subsection (1) –
  - (a) may be exercised only at a reasonable time, and 15
  - (b) does not apply to a dwelling.

## 250 Temporary use notice

- (1) A constable, gambling inspector or authorised person may enter premises in respect of which a temporary use notice has effect to determine whether an activity of a kind listed in section 26(1) is being carried on otherwise than in accordance with the temporary use notice. 20
- (2) A constable, gambling inspector or authorised person may enter premises in respect of which a temporary use notice has been given to assess, having regard to the licensing objectives, the likely effects of activity carried on in reliance on the temporary use notice. 25

## 251 Authorisations: production on demand

- (1) A constable or gambling inspector may require the holder of an operating licence to produce to the constable or gambling inspector within a specified period a copy of any authorisation given by the holder or the licence under section 76(2) or (3) or 77(2). 30
- (2) While a person is holding himself out as willing to accept bets on behalf of the holder of an operating licence in accordance with section 76(2) or (3) or 77(2), a constable or gambling inspector may require the person to produce a copy of his authorisation under that section –
  - (a) within a specified period, or 35
  - (b) immediately.
- (3) A constable or gambling inspector may require the holder of a casino premises licence to produce to the constable or gambling inspector within a specified period a copy of any authorisation given by the holder of the licence under section 143(4). 40
- (4) While a person is carrying on an activity in reliance on an authorisation under section 143(4), a constable or gambling inspector may require the person to produce a copy of his authorisation under that section –

- (a) within a specified period, or
  - (b) immediately.
- (5) A person commits an offence if he fails without reasonable excuse to comply with a requirement imposed under this section.
- (6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. 5

*Powers and procedure*

**252 Powers**

- (1) A constable, gambling inspector or authorised person exercising a power under this Part to enter premises may – 10
- (a) inspect any part of the premises and any machine or other thing on the premises;
  - (b) question any person on the premises;
  - (c) require access to any written or electronic record which is kept on the premises; 15
  - (d) require to be supplied with a copy, in such form as he directs, of an entry in a written or electronic record which is kept on the premises;
  - (e) remove and retain anything which he reasonably suspects may be or contain a record which provides evidence of – 20
    - (i) the commission of an offence under this Act, or
    - (ii) a breach of a term or condition of a licence issued under this Act.
- (2) The Secretary of State may by regulations make provision about the retention, use, return or destruction of –
- (a) copies supplied under subsection (1)(d), and
  - (b) things removed under subsection (1)(e). 25

**253 Evidence of authorisation**

A gambling inspector or authorised person seeking to exercise a power under this Part must on request produce evidence of his identity and authority.

**254 Use of force**

- (1) A constable may use reasonable force for the purpose of entering premises in pursuance of a power under this Part. 30
- (2) A gambling inspector may use reasonable force for the purpose of entering premises in pursuance of a power under section 243 or 244.
- (3) An authorised person may use reasonable force for the purpose of entering premises in pursuance of a power under section 244. 35

**255 Obstruction**

- (1) A person commits an offence if without reasonable excuse he obstructs, or fails to cooperate with, a constable, gambling inspector or authorised person who is exercising or seeking to exercise a power under this Part.

- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## PART 15

### LEGALITY AND ENFORCEABILITY OF GAMBLING CONTRACTS

- 256 Repeal of provisions preventing enforcement** 5
- (1) The following shall cease to have effect—
- (a) section 1 of the Gaming Act 1710 (c. 19) (voiding of security for winnings or for repayment of gaming loan, &c.),
  - (b) remaining provisions of the Gaming Act 1835 (c. 41) (security deemed given for illegal consideration), 10
  - (c) section 18 of the Gaming Act 1845 (c. 109) (voiding of gaming contracts),
  - (d) section 1 of the Gaming Act 1892 (c. 9) (voiding of promise to repay), and
  - (e) in section 412 of the Financial Services and Markets Act 2000 (c. 8) (gaming contracts)— 15
    - (i) in subsection (1)(a), the words “section 18 of the Gaming Act 1845, section 1 of the Gaming Act 1892 or”, and
    - (ii) subsection (1)(b).
- (2) The repeals in subsection (1) do not permit enforcement of a right which is created, or which emanates from an agreement made, before this section comes into force. 20
- 257 Enforceability of gambling contracts**
- (1) The fact that a contract relates to gambling shall not prevent its enforcement.
- (2) Subsection (1) is without prejudice to any rule of law preventing the enforcement of a contract on the grounds of unlawfulness. 25
- 258 Power of Gambling Commission to void bet**
- (1) The Commission may make an order under this subsection in relation to a bet accepted by or through the holder of— 30
- (a) a general betting operating licence,
  - (b) a pool betting operating licence, or
  - (c) a betting intermediary operating licence.
- (2) Where the Commission makes an order under subsection (1) in relation to a bet— 35
- (a) any contract or other arrangement in relation to the bet is void, and
  - (b) any money paid in relation to the bet (whether by way of stake, winnings, commission or otherwise) shall be repaid to the person who paid it, and repayment may be enforced as a debt due to that person.
- (3) The Commission may make an order under subsection (1) in relation to a bet only if subsection (4) or (5) applies. 40

- (4) This subsection applies in relation to a bet if the Commission is satisfied that the bet was substantially unfair because either party to it—
- (a) supplied insufficient, false or misleading information in connection with the bet,
  - (b) believed or ought to have believed that a race, competition or other event or process to which the bet related was or would be conducted in contravention of industry rules, or
  - (c) believed or ought to have believed that an offence under section 30 had been or was likely to be committed in respect of anything to which the bet related.
- (5) This subsection applies in relation to a bet if—
- (a) either party to the bet is convicted of an offence under section 30 in relation to the bet, and
  - (b) the Commission thinks that the bet should be made void.
- (6) An order under subsection (1) may be made in relation to a bet by virtue of subsection (4) only during the period of six months beginning with the day on which the result of the bet is determined.

## **259 Interim moratorium**

- (1) Where the Commission has reason to suspect that it may wish to make an order under section 258(1) in relation to a bet, the Commission may make an order under this subsection in relation to the bet.
- (2) While an order under subsection (1) has effect in relation to a bet, an obligation to pay money in relation to the bet (whether by way of stake, winnings, commission or otherwise) shall have no effect.
- (3) An order under subsection (1) shall have effect for the period of 14 days beginning with the day on which the order is made (subject to extension under subsection (4)).
- (4) The Commission may by order extend the period for which an order under subsection (1) has effect; and—
- (a) an order under this subsection may extend that period by the addition of not more than 14 days, and
  - (b) more than one order may be made under this subsection in relation to a bet.
- (5) The Commission may cancel an order under subsection (1).
- (6) The Commission shall cancel an order under subsection (1) as soon as is reasonably practicable after it ceases to entertain the suspicion mentioned in that subsection.
- (7) The Commission shall not be liable to make any payment on account only of the fact that it—
- (a) has made an order under subsection (1), and
  - (b) not made a subsequent order under section 258(1).
- (8) But subsection (7) is without prejudice to any power of a court in legal proceedings (whether for tort or otherwise).

**260 Section 258: supplementary**

- (1) Where the Commission makes an order under section 258(1) in relation to a bet a party to the bet may appeal to the Gambling Appeal Tribunal; and the following provisions of Part 7 shall have effect (with any necessary modifications) in relation to an appeal under this section as they have effect in relation to an appeal under that Part –
  - (a) section 118,
  - (b) section 119,
  - (c) section 120,
  - (d) section 121, and
  - (e) section 122.
- (2) The Commission may make an order under section 258(1) in relation to the whole, or any part or aspect of, a betting transaction.
- (3) An order under section 258(1) may make incidental provision; in particular, an order may make provision about –
  - (a) the consequences of the order for bets connected with the bet which becomes void under the order;
  - (b) the consequences of the order for other parts or aspects of a betting transaction one part or aspect of which becomes void under the order.
- (4) For the purposes of considering whether to make an order under section 258(1) in respect of a bet the Commission –
  - (a) may require a person by or through whom the bet is made or accepted to provide information or documents in relation to it, and
  - (b) may take into account information received from any other person.
- (5) A person commits an offence if without reasonable excuse he fails to comply with a requirement under subsection (4).
- (6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) In section 258(3)(b) “industry rules” means rules established by an organisation having, by virtue of an agreement, instrument or enactment, responsibility for the conduct of races, competitions or other events or processes.

**PART 16**

GENERAL

**261 Offence: commission by body corporate, &c.**

- (1) Subsection (2) applies where an offence under this Act is committed by a body corporate and it is proved that the offence –
  - (a) was committed with the consent or connivance of an officer of the body, or
  - (b) was attributable to neglect on the part of an officer of the body.
- (2) The officer, as well as the body, shall be guilty of the offence.
- (3) In this section a reference to an officer of a body corporate includes a reference to –
  - (a) a director, manager or secretary,