

2007 No. xx

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations
2007**

<i>Made</i>	- - - -	<i>xx 2007</i>
<i>Laid before Parliament</i>		<i>xx 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 269(2) and (4), 270(2) and (4), and 355(1) of the Gambling Act 2005(a):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007 and shall come into force on 1st September 2007.

(2) In these Regulations—

“the Act” means the Gambling Act 2005;

“club” means a members’ club(b) or a commercial club(c), as the case may be;

“institute” means a miners’ welfare institute(d).

“relevant organisation” means an organisation referred to in sections 269(1)(c) and (d) of the Act.

(3) For the purposes of these Regulations, a reference to a day is a reference to a period of 24 hours beginning at midday.

Requirements in relation to poker stakes

2.—(1) This regulation applies to the provision of facilities for games of poker under section 269 of the Act (exempt gaming in clubs), and prescribes requirements in relation to amounts that may be staked.

(2) Subject to paragraphs (3) and (4), the maximum amount that may be staked by a person on any game of poker must not exceed £10.

(3) Subject to paragraph (4), the aggregate of amounts that may be staked on games of poker in any one day must not exceed £200.

(4) The aggregate of amounts that may be staked on games of poker in any period of seven days must not exceed £1,000.

(a) 2005 c.19; for the meaning of “prescribed” see section 276 of the Act.
(b) For the meaning of members’ club see section 266 of the Act.
(c) For the meaning of commercial club see section 267 of the Act.
(d) For the meaning of miners’ welfare institute see section 268 of the Act.

Requirements in relation to poker prize

3.—(1) For the purposes of section 269(2)(b) of the Act, the maximum amount or value of a prize that may be won in any game of poker is £200.

Participation fees

4.—(1) This regulation prescribes the maximum participation fee(a) that may be charged for the purposes of section 269(4) of the Act.

(2) Where a club or institute or relevant organisation does not hold a club gaming permit(b), the maximum participation fee that it may charge a person in respect of entitlement to participate in each game of a particular kind played on a particular day is—

- (a) £18 in respect of bridge or whist, if the game is played on a day on which no facilities for any other kinds of gaming (other than bridge or whist) are provided by the relevant club, institute or organisation on that day; and
- (b) £1 in any other circumstances.

(3) Where a club or institute holds a club gaming permit, the maximum participation fee that it may charge a person in respect of entitlement to participate in each game of a particular kind played on a particular day is—

- (a) £20 in respect of bridge or whist, if the game is played on a day on which no facilities for any other kinds of gaming (other than bridge or whist) are provided by the relevant club or institute on that day; and
- (b) £3 for equal chance gaming in any other circumstances.

Minister of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the maximum amounts that may be staked and won in games of poker provided in accordance with section 269 of the Gambling Act 2005 (“the Act”), and the participation fee that may be charged for all gaming provided under section 269.

Section 269 of the Act authorises members’ clubs, commercial clubs, miners’ welfare institutes and clubs that would qualify as a member’s club or commercial club, but for the fact that they are established and conducted wholly or mainly for the purposes of gaming (defined as “relevant organisations”), to provide facilities for equal chance gaming without the need to obtain an express authorisation under the Act (an operating licence, premises licence, or a permit), providing they comply with the conditions in section 269.

One of those conditions under section 269(2) of the Act is that the arrangements for the gaming satisfy prescribed requirements in relation to amounts that may be staked or the amount or value of a prize. Regulation 2 sets limits on the maximum amount that may be staked by a person in a game of poker, and the aggregate amounts that may be staked on poker in any one day, and in any period of seven days. Regulation 3 limits the maximum amount that may be won by a person in a game of poker.

(a) For the meaning of “participation fee” see section 344 of the Act.
(b) For the meaning of “club gaming permit” see section 271 of the Act.

A further condition under section 269(4) of the Act is that the participation fee must not exceed such maximum as may be prescribed by the Secretary of State. Regulation 4(2) limits the participation fee that may be charged for playing bridge or whist on a day on which no other equal chance gaming is played, to £18, and in all other cases, to £1.

A club gaming permit authorises the provision of facilities for gaming which satisfies the conditions in section 269 of the Act (except the first condition which relates to stakes and prizes). Regulation 4(3) limits the participation fee that may be charged for playing equal chance games under a club gaming permit, which is £20 for bridge or whist played on a day on which no other gaming is played, and £3 for all other equal chance gaming.

In addition to authorising the provision of facilities for equal chance gaming, a club gaming permit will also authorise the provision of facilities for prescribed games of chance in accordance with certain conditions. One such condition is set out in section 271(4)(a) of the Act, which provides that no participation fee is charged otherwise than in accordance with regulations. Prescribed games of chance played under a club gaming permit may therefore be subject to limits on the participation fee that may be charged, but such limits are not addressed in these regulations.