
DRAFT STATUTORY INSTRUMENTS

2005 No. XXXX

BETTING, GAMING AND LOTTERIES, ENGLAND AND WALES

**The Gambling Act 2005 (Mandatory and Default Conditions)
(England and Wales) Regulations 2006**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 167 and 168 of the Gambling Act 2005(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2006 and shall come into force on []

(2) These Regulations shall extend to England and Wales.

Interpretation

2. In these Regulations—

“the 1963 Act” means the Betting, Gaming and Lotteries Act 1963(b);

“the 2005 Act” means the Gambling Act 2005;

“the 1963 Act certificate”, in relation to a converted track premises licence, means the certificate under section 13 of the 1963 Act held by the holder of the premises licence immediately before 1st September 2007;

“the plan”, in relation to a premises licence, means the plan of the premises that forms part of the licence by virtue of section 151(1)(g) of the Act;

“alcohol” has the same meaning as in section 191 of the Licensing Act 2003;

“ATM” means a credit machine located on the premises, which satisfies the requirements of section 177(3) of the 2005 Act;

“betting operator” means a person who in the course of the business of a betting operating licence holder accepts or negotiates bets, including betting intermediaries;

“betting operator’s assistant” means a person who carries out any other functions in the course of the business of a betting operating licence holder in connection with the licensed activities.

“bet receipt terminal” means a wholly automated machine used only for the acceptance of bets on live events. This includes—

- (a) A machine that enables the customer to access an account on an internet website by means of which he is able to place a bet and receive winnings; and
- (b) A machine which accepts bets made by the customer and issues a record of the betting transaction which enables the customer to claim his winnings from a manned counter on the betting premises, or from the machine;

“converted casino premises licence” means a premises licence issued in respect of a casino in accordance with transitional provisions made under paragraph 9 of Schedule 18 to the 2005 Act;

“converted track premises licence” means a premises licence issued in respect of a track where—

- (a) the holder of the licence held a track betting licence under section 6 of the 1963 Act, or a certificate under section 13 of that Act, in respect of the same or substantially the same premises (referred to below as “the 1963 Act permission”);
- (b) the 1963 Act permission had effect immediately before 1st September 2007;
- (c) the holder of the licence was granted the premises licence, under transitional provisions made under paragraph 9 of Schedule 18 to the 2005 Act, by reason of his holding the 1963 Act permission.

“gambling area”, in relation to a casino premises licence, means those areas of the casino that are indicated on the plan as being the table gaming area, and any other area in which facilities for gambling may be provided;

“non-gambling area” means those areas of the casino that are available to customers and are indicated on the plan as being areas other than gambling areas;

“ordinary gaming table” means a gaming table that is not a partially or wholly automated gaming table;

“partially automated gaming table” means equipment that would fall within the definition of gaming machine in section 235 of the 2005 Act but for its exclusion from that definition by subsection (2)(h) of the 2005 Act;

“table gaming” means casino games played on ordinary gaming tables, or partially or wholly automated gaming tables;

“table gaming area”, in relation to a casino premises licence, means the area indicated on the plan as being for table gaming;

“track premises licence” means a betting premises licence in respect of a track;

“wholly automated gaming table” means equipment that would fall within the definition of gaming machine in section 235 of the 2005 Act but for its exclusion from that definition by subsection (2)(i) of that Act;

Conditions attaching to every premises licence

3.—(1) The conditions specified in paragraphs (2), (3) and (4) shall be attached as mandatory conditions to every premises licence.

(2) The summary of the premises licence shall be displayed in a prominent place within the premises.

(3) The layout of the premises shall be maintained in accordance with the plan.

(4) The premises shall not be used for—

- (a) The sale of tickets in a private lottery, or

- (b) The sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.

Mandatory conditions attaching to casino premises licences

4.—(1) Conditions shall be attached to casino premises licences in accordance with the following paragraphs.

(2) The conditions specified in Part 1 of Schedule 1 shall be attached to casino premises licences.

(3) The conditions specified in Part 2 of Schedule 1 shall, in addition to the matters specified in Part 1 of that Schedule, be attached to regional casino premises licences.

(4) The conditions specified in Part 3 of Schedule 1 shall, in addition to the matters specified in Part 1 of that Schedule, be attached to large casino premises licences.

(5) The conditions specified in Part 4 of Schedule 1 shall, in addition to the matters specified in Part 1 of that Schedule be attached to small casino premises licences.

(6) The conditions specified in Part 5 of Schedule 1 shall, in addition to the matters specified in Part 1 of that Schedule be attached to converted casino premises licences.

Default conditions attaching to casino premises licences

5. The conditions specified in Part 6 of Schedule 1 shall be attached to a casino premises licences unless excluded by the licensing authority who issue the licence in exercise of their powers under section 169(1)(b) of the 2005 Act.

Mandatory conditions attaching to bingo premises licences

6. The conditions specified in Part 1 of Schedule 2 shall be attached to bingo premises licences.

Default conditions attaching to bingo premises licences

7. The conditions specified in Part 2 of Schedule 2 shall be attached to a bingo premises licence unless excluded by the licensing authority who issue the licence in exercise of their powers under section 169(1)(b) of the 2005 Act.

Mandatory conditions attaching to adult gaming centre premises licences

8. The conditions specified in Schedule 3 shall be attached to adult gaming centre premises licences.

Mandatory conditions attaching to family entertainment centre premises licences

9. The conditions specified in Schedule 4 shall be attached to family entertainment centre premises licence.

Mandatory conditions attaching to betting premises licences (other than track premises licences)

10. The conditions specified in Part 1 of Schedule 5 shall be attached to betting premises licences (other than track premises licences).

Default conditions attaching to betting premises licences (other than track premises licences)

11. The conditions specified in Part 2 of Schedule 5 shall be attached to a betting premises licence (other than a track premises licence) unless excluded by the licensing authority who issue the licence in exercise of their powers under section 169(1)(b) of the 2005 Act.

Mandatory conditions attaching to track premises licences

12.—(1) The conditions specified in Part 1 of Schedule 6 shall be attached to track premises licences.

(2) The conditions specified in Part 2 of Schedule 6 shall, in addition to the matters specified in Part 1 of that Schedule, be attached to converted track premises licences in respect of premises that are horseracing tracks.

(3) The conditions specified in Part 3 of Schedule 6 shall, in addition to the matters specified in Part 1 of that Schedule, be attached as mandatory conditions to track premises licences in respect of premises that are dog racing tracks.

Default conditions attaching to track premises licences

13.—(1) The conditions specified in Part 4 of Schedule 6 shall be attached to a track premises licence unless excluded by the licensing authority who issue the licence in exercise of their powers under section 169(1)(b) of the 2005 Act.

Richard Caborn
Minister of State
Department for Culture Media and Sport

Conditions attaching to casino premises licences

PART 1

Mandatory conditions attaching to casino premises licences

- 1.—(1) The principal entrance to the premises shall be from a street.
(2) Any other entrance to the premises shall not be from premises that are used wholly or mainly by children, by young persons, or by both.
(3) No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedules 10, 12 or 13 of the Act, has effect.
(4) For the purposes of this paragraph, “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls), whether a thoroughfare or not.
2. A gap of at least 2 meters shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.
3. Any game played on a wholly automated gaming table shall be capable of being played by 4 persons at the same time using 4 separate player positions.
4. No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
- 5.—(1) The rules of each type of casino game that is available to be played in the premises shall be displayed in a prominent place within the gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.
(2) This condition may be satisfied by placing a clear and legible sign displaying the rules within the gambling area of the premises, or by making available to customers, leaflets or other written material containing the rules of the casino games available to be played in the premises.
6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table or gaming machine in order to do so.

PART 2

Mandatory conditions attaching to regional casino premises licences

1. A notice shall be displayed in a prominent place at every entrance to the gambling area of the premises stating that no person under the age of 18 years is permitted to enter that part of the premises.
2. The gambling area of the premises shall not be capable of being seen from any part of the premises to which children, young persons, or both have access.
- 3.—(1) The premises shall contain a table gaming area the total floor area of which is no less than 1000m².
(2) Subject to sub-paragraph (3), in determining the total floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the total minimum required table gaming area shall not be taken into account in determining the total table gaming area.

4. No gambling, other than gambling on casino games that are played on an ordinary gaming table or on a partially or wholly automated gaming table, shall be permitted in the table gaming area of the premises.

5.—(1) The premises shall contain a non-gambling area the floor area of which is no less than 1500m².

(2) Facilities for gambling shall not be provided in the non-gambling area.

(3) At any time during which facilities for gambling are provided on the premises, the non-gambling area shall contain recreational facilities that are available for use by customers on the premises.

(4) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

6.—(1) A notice shall be displayed in a prominent place in any part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

(2) The notice in sub-paragraph (1) shall include the following information—

- (a) the amount of the various deductions that may be, or will be, made from winning bets;
- (b) any maximum limit on the amount of winnings; and
- (c) the procedure for the resolution of disputed bets.

7. (1) A notice shall be displayed in a prominent place in any part of the premises used for providing facilities for bingo, setting out the amount that will be deducted in respect of prizes from the participation fee (where applicable) and the stake.

(2) The rules of each type of bingo game that is available to be played in the premises shall be made available to customers in any part of the premises used for providing facilities for bingo. This condition may be satisfied by displaying a sign setting out the rules, by making available leaflets or other written material containing the rules at each table, or by running an audio-visual guide to the rules prior to any bingo game being commenced.

8. No more than 40 separate player positions may be made available for use in relation to bet receipt terminals at any time.

PART 3

Mandatory conditions attaching to large casino premises licences

1. A notice shall be displayed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.

2.—(1) The premises shall contain a table gaming area, the total floor area of which is no less than 1000m².

(2) Subject to sub-paragraph (3), in determining the total floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the total minimum required table gaming area shall not be taken into account in determining the total table gaming area.

3. No gambling, other than gambling on casino games that are played on an ordinary gaming table or on a partially or wholly automated gaming table, shall be permitted in the table gaming area of the premises.

4. (1) The premises shall contain a non-gambling area which comprises no less than 500m².

(2) Facilities for gambling shall not be provided in the non-gambling area.

(3) At any time during which facilities for gambling are being provided on the premises, the non-gambling area shall contain recreational facilities that are available for use by customers on the premises.

(4) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

5.—(1) A notice shall be displayed in a prominent place in any part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

(2) The notice in sub-paragraph (1) shall include the following information—

- (a) the amount of the various deductions that may be, or will be, made from winning bets;
- (b) any maximum limit on the amount of winnings; and
- (c) the procedure for the resolution of disputed bets.

6.—(1) A notice shall be displayed in a prominent place in any part of the premises used for providing facilities for bingo, setting out the amount that will be deducted in respect of prizes from the participation fee (where applicable) and the stake.

(2) The rules of each type of bingo game that is available to be played in the premises shall be made available to customers in any part of the premises used for providing facilities for bingo. This condition may be satisfied by displaying a sign setting out the rules, by making available leaflets or other written material containing the rules at each table, or by running an audio-visual guide to the rules prior to any bingo game being commenced.

7. No more than 40 separate player positions may be made available for use in relation to bet receipt terminals at any time.

PART 4

Mandatory conditions attaching to small casino premises licences

1. A notice shall be displayed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.

2.—(1) The premises shall contain a table gaming area, the total floor area of which is no less than 500m².

(2) Subject to sub-paragraph (3), in determining the total floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the total minimum required table gaming area shall not be taken into account in determining the total table gaming area.

3. No gambling, other than gambling on casino games that are played on an ordinary gaming table or on a partially or wholly automated gaming table, shall be permitted in the table gaming area of the premises.

4.—(1) The premises shall contain a non-gambling area which comprises no less than 250m².

(2) Facilities for gambling shall not be provided in the non-gambling area.

(3) At any time during which facilities for gambling are being provided on the premises, the non-gambling area shall contain recreational facilities that are available for use by customers on the premises.

(4) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

5.—(1) A notice shall be displayed in a prominent place in any part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

- (2) The notice in sub-paragraph (1) shall include the following information—
- (a) the amount of the various deductions that may be, or will be, made from winning bets;
 - (b) any maximum limit on the amount of winnings; and
 - (c) the procedure for the resolution of disputed bets.

6. No more than 40 separate player positions may be made available for use in relation to bet receipt terminals at any time.

PART 5

Mandatory conditions attaching to converted casino premises licences

1. A notice shall be placed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.

2.—(1) The premises shall contain a non-gambling area, the total floor area of which is no less than 10% of the total floor area of the gambling area.

(2) Facilities for gambling shall not be provided in the non-gambling area.

(3) At any time during which facilities for gambling are being provided on the premises, the non-gambling area shall contain recreational facilities that are available for use by customers on the premises.

(4) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

PART 6

Default conditions attaching to casino premises licences

3. No facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day.

SCHEDULE 2

Regulations 6 and 7

Conditions attaching to bingo premises licences

PART 1

Mandatory conditions attaching to bingo premises licences

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect:

- (a) a casino premises licence;
- (b) an adult gaming centre premises licence;
- (c) a betting premises licence (other than a track premises licence); and
- (d) a club machine permit or club gaming permit issued under Schedule 12 of the Act.

3.—(1) Where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—

- (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access otherwise than by an entrance designed for the purpose;
- (b) shall be supervised at all times by one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; and
- (c) shall be arranged in such a way so as to permit all parts of it (or them, as the case may be) to be observed.

(2) A notice shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use stating that no person under the age of 18 years is permitted to access the area.

4. A notice shall be displayed in a prominent place within the premises to which customers have unrestricted access, setting out the admission charge, the participation fee, and any amount that will be deducted in respect of prizes from the participation fee (where applicable).

5. The rules of each type of game that is available to be played in the premises (other than games played on gaming machines) shall be made available to customers within the premises. This condition may be satisfied by displaying a sign setting out the rules, by making available leaflets or other written material containing the rules at each table, or by running an audio-visual guide to the rules prior to any bingo game being commenced.

6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

PART 2

Default conditions attaching to bingo premises licences

1.—(1) Subject to paragraph (2), no facilities for gambling shall be provided on the premises between the hours of midnight and 9am on any day.

(2) The condition in paragraph (1) shall not apply to making gaming machines available for use.

SCHEDULE 3

Regulation 8

Mandatory conditions attaching to adult gaming centre premises licences

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedules 10, 12 or 13 of the Act, has effect.

3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

4.—(1) No alcohol shall be sold, or permitted to be consumed, at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) above shall be displayed in a prominent place at or near every entrance to the premises.

SCHEDULE 4

Regulation 9

Mandatory conditions attaching to family entertainment centre premises licences

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect:

- (a) A casino premises licence;
- (b) An adult gaming centre premises licence;
- (c) A betting premises licence (other than a track premises licence).

2. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

3.—(1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—

- (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access otherwise than by an entrance designed for the purpose;
- (b) shall be supervised at all times by one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; and
- (c) shall be arranged in such a way so as to permit all parts of it (or them, as the case may be) to be observed.

(2) A notice shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use stating that no person under the age of 18 years is permitted to access the area.

4.—(1) No alcohol shall be sold, or permitted to be consumed, at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) above shall be displayed in a prominent place at or near every entrance to the premises.

SCHEDULE 5

Regulations 10 and 11

Conditions attaching to betting premises licences

PART 1

Mandatory conditions attaching to betting premises licences (other than track premises licences)

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to enter the premises directly from any other premises used for the purposes of effecting with persons resorting to those other premises of transactions other than betting transactions.

3. Subject to anything permitted by virtue of the Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine in order to do so.

5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

- (a) communicating information about, or coverage of, sporting events, including—
 - (i) information relating to betting on such an event; and
 - (ii) any other matter or information, including an advertisement, which is incidental to such an event.
- (b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

7. No music, dancing, or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

8.—(1) No alcohol shall be sold, or permitted to be consumed, at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) above shall be displayed in a prominent place at or near every entrance to the premises.

9.—(1) The terms on which customers are invited to bet on the premises shall be displayed in a prominent place within the premises to which customers wishing to place a bet have unrestricted access.

(2) This condition may be satisfied by placing a clear and legible sign displaying the terms within the premises, or by making available to customers, leaflets or other written material containing the rules of the casino games available to be played in the premises.

(3) The following information shall be included in any terms that are displayed under paragraph (1)—

- (a) the amount of the various deductions that may be, or will be, made from winning bets;
- (b) any maximum limit on the amount of winnings; and
- (c) the procedure for the resolution of disputed bets.

PART 2

Default conditions attaching to betting premises licences (other than in respect of tracks)

1. No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

SCHEDULE 6

Regulations 12 and 13

Conditions attaching to track premises licences

PART 1

Mandatory conditions attaching to all track premises licences

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect:

- (a) A casino premises licence;
 - (b) An adult gaming centre premises licence.
2. A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every entrance to the premises.
3. Any bet receipt terminal made available for use on the premises shall be supervised at all times by—
- (a) one or more persons whose responsibilities include ensuring children or young persons or both do not use the bet receipt terminal; or
 - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not use the bet receipt terminal.
4. The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.
5. The premises licence holder shall make arrangements to ensure that—
- (a) betting operators who are admitted to the premises for the purpose of accepting bets hold a valid operating licence; and
 - (b) any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act is removed from the premises.
6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine in order to do so.

PART 2

Mandatory conditions attaching to converted track premises licences in respect of premises that are horseracing tracks

- 1.—(1) The licence holder shall ensure that those parts of the track, in which immediately before 1st September 2007 bets were permitted to be placed in accordance with the 1963 Act certificate, shall continue to be made available to betting operators and betting operator's assistants for the purposes of carrying on business in connection with providing facilities for betting.
- (2) References in this paragraph to an "existing betting area" are to a part of the track falling within the description in sub-paragraph (1).
- (3) The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—
- (a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and
 - (b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.
- (4) A betting operator or betting operator's assistants shall not be charged for admission to an existing betting area an amount which differs from that charged to any other betting operator or betting operator's assistant for admission to that part of the track.
- (5) No charges, other than the charge for admission and reasonable charges levied to cover the costs of administration associated with permitting betting operators and betting operator's assistants to operate on the track, may be made to betting operators and betting operator's assistants who are admitted to the existing betting area of the track.
- (6) The conditions in sub-paragraphs (3), (4) and (5) shall not apply in relation to any premises after 31 August 2012.

PART 3

Mandatory conditions attaching to track premises licences in respect of premises that are dog racing tracks

1. A totalisator on the premises shall only be operated—
 - (a) While the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and
 - (b) For effecting with persons on the premises betting transactions on dog races taking place on the premises.
2. At any time during which the totalisator is being lawfully used on the premises—
 - (a) no betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and
 - (b) there shall be made available on the premises, space for betting operators and betting operator's assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.
3. For the purposes of this Part, "totalisator" means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature whether mechanically operated or not.

PART 4

Default conditions attaching to all track premises licences

- 1.—(1) Subject to subparagraph (2), no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.
 - (2) The prohibition in sub-paragraph (1) does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.

EXPLANATORY NOTE

(This note is not part of the Order)

The Gambling Act 2005 (“the Act”) gives the Secretary of State powers to make regulations which provide for conditions to be attached to premises licences under sections 167 and 168 of the Act. Two types of conditions may be attached. The conditions attached to premises licences under section 168 will attach to all specified types of premises licence, unless they are excluded by the licensing authority responsible for issuing the premises licence (“default conditions”). The conditions attached to premises licences under section 167 will attach to all specified types of premises licence and can only be amended or excluded by further regulations made by the Secretary of State (“mandatory conditions”).

These regulations provide for various conditions to be attached to premises licences.

Regulation 3 sets out mandatory conditions that will apply to all premises licences.

Regulation 4 provides for various conditions to be attached to casino premises licences. The conditions set out in Part 1 of Schedule 1 will be attached as mandatory conditions to all casino premises licences. In addition, the following mandatory conditions will apply to the following types of premises licence:

- The conditions set out in Part 2 of Schedule 1 will be attached to regional casino premises licences;
- The conditions set out in Part 3 of Schedule 1 will be attached to large casino premises licences;
- The conditions set out in Part 4 of Schedule 1 will be attached to small casino premises licences.
- The conditions set out in Part 5 of Schedule 1 will be attached to converted casino premises licences. Converted casino premises licences are the type of licence granted to persons who were already operating casinos when the Gambling Act came into force.

Regulation 5 provides that the conditions set out in Part 6 of Schedule 1 to the regulations will be attached as default conditions to all casino premises licences. As described above, these conditions can be excluded by licensing authorities under section 169 of the Act. Should they choose to exclude these conditions, licensing authorities have the discretion to attach new conditions to the premises licence which address a matter that was addressed by the excluded condition.

Regulation 6 provides that the conditions set out in Part 1 of Schedule 2 to the regulations will be attached as mandatory conditions to all bingo premises licences. Regulation 7 provides that the conditions set out in Part 2 to that Schedule will be attached as default conditions to all bingo premises licences.

Regulations 8 and 9 provide that the mandatory conditions set out in Schedules 3 and 4 will be attached to Adult Gaming Centre Premises Licences and Family Entertainment Centre Premises licences respectively. No default conditions will attach to these types of premises licence.

Regulation 10 provides that the conditions set out in Part 1 of Schedule 5 will be attached as mandatory conditions to betting premises licences, other than betting premises licences in respect of premises that are tracks. Regulation 11 provides that the conditions set out in Part 2 of that Schedule will be attached as default conditions to betting premises licences (other than in respect of premises that are tracks).

Regulation 12 provides that the conditions set out in Part 1 of Schedule 6 will be attached as mandatory conditions to all betting premises licences in respect of premises that are tracks (“track premises licences”). In addition, it provides that the following mandatory conditions will be attached to the following types of premises licence:

- The conditions set out in Part 2 of Schedule 6 will be attached to betting premises licences in respect of premises that are horseracing tracks.

- The conditions set out in Part 3 of Schedule 6 will be attached to betting premises licences in respect of premises that are dog racing tracks.

Regulation 13 provides that the conditions set out in Part 4 of Schedule 6 will be attached as default conditions to all betting premises licences in respect of premises that are tracks.