

2009 No. XXXX

BETTING, GAMING AND LOTTERIES

The Gambling Act 2005 (Ratio of Gaming Machines to Gaming Tables in Casinos) (Definitions) Regulations 2009

<i>Made</i>	- - - -	2009
<i>Laid before Parliament</i>		2009
<i>Coming into force</i>	- -	2009

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 172(6) and 355(1) of the Gambling Act 2005(a)(“the Act”).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Ratio of Gaming Machines to Gaming Tables in Casinos) (Definitions) Regulations 2009 and come into force on xx 2009.

(2) In these Regulations “wholly automated gaming table” means apparatus that is designed or adapted to enable individuals to play a real(b) game of chance where—

- (a) the design or adaptation is such that the apparatus is not required to be controlled or operated by a person employed or concerned in arranging for others to play the game; and
- (b) the apparatus is not designed or adapted for use in connection with a game the arrangements for which are controlled or operated by an individual.

Gaming table: definition

2. A wholly automated gaming table is not a “gaming table” for the purposes of section 172(3) to (5) of the Act.

Requirements for gaming tables to be treated as being used in a casino

3.—(1) For the purposes of section 172(3) to (5) of the Act, a gaming table is to be treated as being used in a casino at a particular time only if it is—

- (a) being used to play a casino game at that time, or
- (b) available at that time to be used for that purpose.

(2) For the purposes of paragraph (1), a gaming table is available to be used to play a casino game if in the casino where the table is situated arrangements are in effect—

- (a) by which it is made known to customers (by means of a notice placed on or near the table, or otherwise) that the table is available upon request to be used to play a casino game; and
- (b) which ensure that—

(a) 2005 c. 19.

(b) By virtue of section 353(1) of the Act “real” in relation to, inter alia, a game is defined to mean “non-virtual”.

- (i) customers are able to make such a request, and
- (ii) a customer making such a request is able within a reasonable time following the request to use the table for the purpose of playing a casino game.

Gerry Sutcliffe

Parliamentary Under Secretary of State
Department for Culture, Media and Sport

Date: xx 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision with respect to the definition of “gaming table” for the purposes of section 172(3) to (5) of the Gambling Act 2005 (c. 19) (“the Act”), and define the circumstances in which a gaming table is to be treated as being used in a casino for the purposes of those subsections.

Subsections (3) to (5) of section 172 determine the numbers and categories of gaming machines that are authorised to be made available by the holder of different types of casino premises licences. As well as a fixed maximum number of gaming machines for each category of casino premises licence, each subsection prescribes a maximum number of machines expressed in terms of a multiple of the number of gaming tables used in the casino. The maximum number of machines actually allowed in any case is the lesser of the two prescribed maxima. These Regulations set out the definitions needed to enable that limit to be determined in individual cases.

Regulation 2 provides that a wholly automated gaming table is not a “gaming table” for the purposes of section 172(3) to (5) of the Act. A wholly automated gaming table is defined in regulation 1(2) to mean apparatus that is designed or adapted to enable individuals to play a “real” (that is, non-virtual) game of chance, where the design or adaptation is such that the apparatus can function automatically (in other words, it can function without needing to be controlled or operated by a person employed or concerned in arranging for others to play the game); and where the apparatus is not designed or adapted for use in connection with a game the arrangements for which are controlled or operated by an individual.

Regulation 3 provides that for the purposes of section 172(3) to (5) of the Act, a gaming table is used in a casino at a particular time only if it is being used to play a casino game at that time, or if it is available at that time to be used to play such games. For these purposes, regulation 3 provides that a gaming table is available to be used to play a casino game if in the casino where it is situated arrangements are in effect by which it is made known to customers (for example by means of a notice placed on or near the table) that the table is available upon request to be used to play a casino game; and by which customers are able to make such a request and to use the table for the purpose of playing a casino game within a reasonable time thereafter.