Draft Regulations laid before Parliament under section 355(4) of the Gambling Act 2005, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

BETTING, GAMING AND LOTTERIES, ENGLAND AND WALES

The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007

Made - - - -

Coming into force - -

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 167, 168 and 355(1) of the Gambling Act 2005(**1**);

In accordance with section 355(4)(g) and (h) of that Act a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 and shall come into force on whichever is the later of 21st May 2007 or the day after the Regulations are made.

(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(**2**);

"the 2005 Act" means the Gambling Act 2005;

"alcohol" has the same meaning as in section 191 of the Licensing Act 2003(**3**);

"ATM" means a machine located on the premises which enables a person using it to obtain cash on credit;

(**1**) 2005 c.19.
(**2**) 1963 c.2.
(**3**) 2003 c.17.

"betting operator" means a person who in the course of the business of a general betting operating licence holder or pool betting operating licence holder accepts or negotiates bets; and "betting operator's assistant" means a person who carries out any other functions in the course of the business of a general betting operating licence holder or pool betting operating licence holder in connection with the licensed activities;

"betting machine" means a wholly automated machine designed or adapted only for use to bet on future real events(**4**), including—

(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 an individual 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(**5**);

"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;

"game card" means anything (including any electronic device) which provides an individual with the opportunity to win one or more prizes in respect of a game of bingo;

"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 that section;

"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 2005 Act;

"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;

"table gaming" means—

(a) casino games played on ordinary, or partially or wholly automated gaming tables; and

(b) real games of equal chance, other than bingo, played on a table;

"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 a gaming machine in section 235 of the 2005 Act but for its exclusion from that definition by subsection (2)(i) of that section.

(**4**) See section 235(2)(c) of the 2005 Act which provides that such a machine is not a gaming machine for the purposes of the Act.
(**5**) See Part 7 of Schedule 4 to the Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006 (S.I. 2006/3272); amended by S.I. 2006/3361.

Mandatory conditions attaching to every premises licence

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

(2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act 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 customer 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(**6**).

(5) In this regulation—

(a) a "private lottery" means a private society lottery or a work lottery within the meaning of paragraphs 10 and 11 of Schedule 11 to the 2005 Act; and

(b) a "customer lottery" has the same meaning as in Part 3 of Schedule 11 to the 2005 Act.

Mandatory conditions attaching to casino premises licences

4. The conditions specified in Part 1 of Schedule 1 shall be attached to all types of casino premises licences.

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

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

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

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

Default conditions attaching to casino premises licences

9. The conditions specified in Part 6 of Schedule 1 shall be attached to 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

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

Default conditions attaching to bingo premises licences

11. The conditions specified in Part 2 of Schedule 2 shall be attached to bingo 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.

(**6**) See the National Lottery Regulations 1994 (S.I. 1994/189) which prohibits the sale of National Lottery tickets in specified premises licensed for gambling activities.

Mandatory conditions attaching to adult gaming centre premises licences

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

Mandatory conditions attaching to family entertainment centre premises licences

13. The conditions specified in Schedule 4 shall be attached to family entertainment centre premises licences.

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

14. 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

15. The conditions specified in Part 2 of Schedule 5 shall be attached to betting premises licences other than track 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 track premises licences

16.—(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 conditions specified in Part 1 of that Schedule, be attached to track premises licences in respect of premises that are horse-race courses.

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

Default conditions attaching to track premises licences

17. The conditions specified in Part 4 of Schedule 6 shall be attached to track 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.

Minister of State
Department for Culture, Media and Sport

SCHEDULE 1 Regulations 4 to 9

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) No entrance to the premises shall 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 Schedule 10, 12 or 13 to the Act, has effect.

2. A gap of at least 2 metres 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. No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.

4.—(1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.

(2) The condition in sub-paragraph (1) may be satisfied by—

(a) displaying a clear and legible sign setting out the rules; or

(b) making available to customers leaflets or other written material containing the rules.

5. 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, gaming machine or betting 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 floor area of which is no less than 1000m².

(2) Subject to sub-paragraph (3), in determining the 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 minimum required table gaming area shall not be taken into account in determining the table gaming area.