



Gambling Act 2005

2005 CHAPTER 19

PART 12

CLUBS, PUBS, FAIRS, &C.

Pubs, &c.

277 Alcohol licence

In this Act—

- (a) “alcohol licence” means a premises licence under Part 3 of the Licensing Act 2003 (c. 17),
- (b) “on-premises alcohol licence” means a premises licence under that Part which authorises the supply of alcohol for consumption on the licensed premises, and
- [^{F1}(c) “relevant Scottish licence” means a premises licence issued under the Licensing (Scotland) Act 2005, except where such a licence only applies to the sale of alcohol for consumption off the premises.]

Textual Amendments

- F1** S. 277(c) substituted (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.I. 2009/248\)](#), [sch. 1 para. 12\(6\)](#) (with art. 3)

Commencement Information

- I1** S. 277 in force at 21.5.2007 by [S.I. 2006/3272](#), art. 2(3), [Sch. 3](#) (with arts. 7-11, 7-12, Sch. 4) (as amended by [SI 2007/1157](#), art. 3(3), 4(2))
- I2** S. 277 in force at 1.8.2007 by [S.I. 2006/3272](#), art. 2(3A), [Sch. 3A](#) (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/1157](#), arts. 3(4), 6, Sch. 2)

278 Application of sections 279 to 284

- (1) Sections 279 to 284 apply to premises (other than a vehicle)—

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- (a) in respect of which an on-premises alcohol licence or relevant Scottish licence has effect,
 - (b) which contain a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food), and
 - (c) at a time when alcohol may be supplied in reliance on the alcohol licence or sold for consumption on the premises in reliance on the relevant Scottish licence.
- (2) In those sections a reference to a licensing authority includes a reference to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.

Commencement Information

- I3** S. 278 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I4** S. 278 in force at 1.8.2007 by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)

279 Exempt gaming

- (1) Sections 33 and 37 shall not apply to the provision of facilities for equal chance gaming which—
- (a) takes place on premises to which this section applies, and
 - (b) satisfies the conditions of this section.
- (2) The first 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 amount or value of a prize.
- (3) The second condition of gaming for the purposes of subsection (1) is that no amount is deducted or levied from sums staked or won.
- (4) The third condition of gaming for the purposes of subsection (1) is that no participation fee is charged.
- (5) The fourth 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.
- (6) The fifth condition of gaming for the purposes of subsection (1) is that children and young persons are excluded from participation.

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- I5** S. 279 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

280 Section 279: supplementary

- (1) In section 279(2) “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.

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- (2) For the purposes of section 279(5) 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 or value of a prize available in one game is or may be wholly or partly determined by reference to the extent 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.

Commencement Information

- I6** S. 280 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

281 Bingo

- (1) The disapplication of section 33 by section 279 shall not apply to high turnover bingo played during a high turnover period.
- (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 £2,000, or
 - (b) the aggregate of prizes at bingo played on the premises during the period exceeds £2,000.
- (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 £2,000, or
 - (b) the aggregate of prizes at bingo played on the premises exceeds £2,000.
- (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.
- (6) The holder of an on-premises alcohol licence or relevant Scottish 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).
- (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 order vary a monetary amount specified in this section.

Commencement Information

- I7** S. 281 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

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282 Gaming machines: automatic entitlement

- (1) Sections 37 and 242 shall not apply to making one or two gaming machines, each of which is of Category C or D, available for use on premises to which this section applies, provided that the conditions in subsections (2) and (3) are satisfied.
- (2) The first condition is that the person who holds the on-premises alcohol licence or the relevant Scottish licence sends the licensing authority—
 - (a) written notice of his intention to make gaming machines available for use in reliance on subsection (1), and
 - (b) the prescribed fee.
- (3) The second condition is that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with.
- (4) Subsection (1) does not disapply section 37 or 242 in respect of premises at a time when gaming machines are made available for use on those premises in reliance on a club gaming permit or a club machine permit.
- (5) In this section “prescribed” means—
 - (a) in the case of premises in respect of which an on-premises alcohol licence has effect, prescribed by regulations made by the Secretary of State, and
 - (b) in the case of premises in respect of which a relevant Scottish licence has effect, prescribed by regulations made by the Scottish Ministers.

Commencement Information

- I8** S. 282(1)(3)-(5) in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)
- I9** S. 282(2) in force at 1.8.2007 for specified purposes by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)
- I10** S. 282(2) in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

283 Licensed premises gaming machine permits

- (1) A person does not commit an offence under section 37 or 242 if he makes a gaming machine of Category C or D available in accordance with a licensed premises gaming machine permit.
- (2) A licensed premises gaming machine permit is a permit issued by a licensing authority authorising a person to make gaming machines of Category C or D (or both) available for use on premises to which this section applies.
- (3) A licensed premises gaming machine permit shall, by virtue of this subsection, be subject to the condition that the holder comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine.
- (4) Subsection (1) does not disapply section 37 or 242 in respect of premises at a time when gaming machines are made available for use on those premises in reliance on a club gaming permit or a club machine permit.
- (5) Schedule 13, which makes further provision about licensed premises gaming machine permits, shall have effect except in relation to Scotland.

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- I11** S. 283(1)(3)(4) in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)
- I12** S. 283(2) in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I13** S. 283(2) in force at 1.8.2007 by S.I. 2006/3272, art. 2(3A), **Sch. 3A** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)
- I14** S. 283(5) in force at 21.5.2007 for specified purposes by S.I. 2006/3272, art. 2(3), **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I15** S. 283(5) in force at 1.8.2007 for specified purposes by S.I. 2006/3272, art. 2(3A), **Sch. 3A** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)
- I16** S. 283(5) in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

284 Removal of exemption

- (1) A licensing authority may make an order disapplying section 279 or section 282(1) to specified premises.
- (2) A licensing authority may make an order disapplying a section under subsection (1) only if they think that—
 - (a) the application of the section 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,
 - (c) the premises are mainly used or to be used for gaming, or
 - (d) an offence under this Act has been committed on the premises.
- (3) Before making an order under subsection (1) a licensing authority shall—
 - (a) give the holder of the on-premises alcohol licence or of the relevant Scottish licence (“the licensee”) at least 21 days' notice of the authority's intention to consider making an order,
 - (b) consider any representations made by the licensee,
 - (c) hold a hearing if the licensee requests one, and
 - (d) comply with any prescribed requirements for the procedure to be followed in considering whether to make an order.
- (4) If a licensing authority make an order under subsection (1), they shall as soon as is reasonably practicable give the licensee—
 - (a) a copy of the order, and
 - (b) written reasons for the decision to make the order.
- (5) A licensee may appeal against the making of an order under subsection (1).
- (6) An appeal under subsection (5) must be instituted—
 - (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant receives a copy of the order against which the appeal is brought.

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- (7) On an appeal the magistrates' court may—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the order made by the licensing authority;
 - (c) make an order about costs.
- (8) In relation to premises in Scotland—
- (a) subsection (6)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
 - (b) subsection (6)(b) shall not have effect,
 - (c) the reference in subsection (7) to the magistrates' court shall have effect as a reference to the sheriff, and
 - (d) the reference in subsection (7)(c) to costs shall have effect as a reference to expenses.
- (9) In this section, “prescribed” means prescribed by regulations made by the Secretary of State.

Commencement Information

- I17** S. 284 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I18** S. 284 in force at 1.8.2007 by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)

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