
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 266

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 and shall come into force on 30th April 2007.

(2) These Regulations shall extend to Scotland only.

Interpretation

2. In these Regulations—

“the Act” means the Gambling Act 2005;

“the 1963 Act” means the Betting, Gaming and Lotteries Act 1963(1);

“alcohol” has the same meaning as in section 2 of the Licensing (Scotland) Act 2005(2);

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

“betting machine” means a wholly automated machine designed or adapted only for use to bet on future real events and includes—

- (a) a machine that enables the customer to access an account on an internet website by means of which that person is able to place a bet on 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 winnings from a manned counter on the betting premises, or from the machine;

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

“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;

“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 Act;

“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;

(1) 1963 c. 2.
(2) 2005 asp 16.

“partially automated gaming table” means equipment that would fall within the definition of gaming machine in section 235 of the 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 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 gaming tables, 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; and

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

Mandatory 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 conditions 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 conditions 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 conditions 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 conditions specified in Part 1 of that Schedule, be attached to converted casino premises licences.

Default condition attaching to casino premises licences

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

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 betting premises licences (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 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 conditions specified in Part 1 of that Schedule, be attached to converted track premises licences in respect of premises that are horse-racing tracks.

(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-racing tracks.

Default conditions attaching to track premises licences

13. 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 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
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22nd March 2007

GEORGE LYON
Authorised to sign by the Scottish Ministers