



# Gambling Act 2005

## CHAPTER 19

### GAMBLING ACT 2005

#### PART 1

##### INTERPRETATION OF KEY CONCEPTS

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*Changes to legislation:* There are currently no known outstanding effects for the Gambling Act 2005. (See end of Document for details)

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##### *Introduction*

- 1 This Schedule makes provision about the circumstances in which a...

##### *Meaning of payment*

- 2 For the purposes of section 11 and this Schedule a...
- 3 It is immaterial for the purposes of section 11 and...
- 4 It is also immaterial for the purposes of section 11...

##### *Stamps, telephone calls, &c.*

- 5 (1) For the purposes of section 11 and this Schedule...

##### *Payment to discover whether prize won*

- 6 For the purposes of section 11 and this Schedule a...

##### *Payment to claim prize*

- 7 For the purposes of section 11 and this Schedule a...

##### *Choice of free entry*

- 8 (1) For the purposes of section 11 and this Schedule...

##### *Power to make regulations*

- 9 The Secretary of State may make regulations providing that an...

#### SCHEDULE 2 — Lotteries: Definition of Payment to Enter

##### *Introduction*

- 1 This Schedule makes provision about the circumstances in which an...

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*Meaning of payment*

- 2 For the purposes of section 14 and this Schedule a...
- 3 It is immaterial for the purposes of section 14 and...
- 4 It is also immaterial for the purposes of section 14...

*Stamps, telephone calls, &c.*

- 5 (1) For the purposes of section 14 and this Schedule...

*Payment to discover whether prize won*

- 6 For the purposes of section 14 and this Schedule a...

*Payment to claim prize*

- 7 For the purposes of section 14 and this Schedule a...

*Choice of free entry*

- 8 (1) For the purposes of section 14 and this Schedule...

*Power to make regulations*

- 9 Regulations under section 14(7) may, in particular, provide that an...

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*Annual levy*

- 1 After section 10B of the National Lottery etc. Act 1993...

*Consultation with Gambling Commission*

- 2 .....

*Definition of “lottery”*

- 3 In section 20 of the National Lottery etc. Act 1993...

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*Constitution*

- 1 The Gambling Commission shall consist of a chairman and other...

*Tenure*

- 2 (1) A commissioner shall hold and vacate office in accordance...
- 3 The chairman— (a) shall hold and vacate office in accordance...
- 4 The Secretary of State may not appoint a person as...

*Staff*

- 5 (1) The Commission may, with the Secretary of State's consent...
- 6 The Commission may, with the Secretary of State's consent as...

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### *Proceedings*

- 7 The Commission shall— (a) determine arrangements for the conduct of...  
8 (1) The Commission may delegate a function to—

### *Money*

- 9 The Commission may, with the consent of the Secretary of...  
10 The Secretary of State may make payments to the Commission...  
11 The Commission may, with the consent of the Secretary of...  
12 The Commission may pay money into the Consolidated Fund.  
13 The Commission shall keep accounting records in such form as...  
14 (1) The Commission shall prepare a statement of accounts for...  
15 (1) The financial year of the Commission shall be the...

### *Annual report*

- 16 (1) As soon as is reasonably practicable after the end...

### *Status*

- 17 (1) The Commission shall not be regarded as the servant...

### *Consent*

- 18 Consent given by the Secretary of State for the purposes...

#### SCHEDULE 5 — Transfer from Gaming Board to Gambling Commission: Supplementary Provision

- 1 In this Schedule— “the Board” means the Gaming Board for...  
2 Anything done by or in relation to the Board which...  
3 Anything (including any legal proceedings) which immediately before commencement is...  
4 So far as necessary or appropriate in consequence of section...  
5 (1) Section 21(2) shall operate in relation to rights and...

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##### Part 2 — ENFORCEMENT AND REGULATORY BODIES

... The Charity Commission The Financial Conduct Authority .....

##### Part 3 — SPORT GOVERNING BODIES

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(established in...

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2 Where by virtue of an enactment the use that may...  
3 Information provided to a person or body by Her Majesty's...

#### SCHEDULE 7 — Relevant Offences

##### Part 1 — THE OFFENCES

### *Gambling offences*

- 1 An offence under— (a) this Act, (b) the Betting, Gaming...

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*Theft, &c.*

- 2 An offence under any of the following provisions of the...
- 3 An offence under section 1 or 2 of the Theft...
- 3A An offence under the Fraud Act 2006.
- 4 An offence under section 170 or 170B of the Customs...
- 5 An offence under section 58(1) of the Civic Government (Scotland)...
- 6 Both in England and Wales and in Scotland, the offence...
- 7 In Scotland the offences at common law of—

*Miscellaneous*

- 8 An offence listed in Part 2 of Schedule 15 to...
- 8A An offence under any of the following provisions of the...
- 8B An offence under section 3 of the Sexual Offences (Amendment)...
- 9 An offence under the law of England and Wales which...
- 9A An offence of arson under section 1 of the Criminal...
- 10 An offence under— (a) the Firearms Act 1968 (c. 27),...
- 11 An offence under any of the following provisions of the...
- 11A An offence under any of the following provisions of the...
- 12 An offence under the Forgery and Counterfeiting Act 1981 (c....
- 13 An offence under section 3 of the Private Security Industry...
- 14
- 14A An offence under section 42 of the Armed Forces Act...
- 15
- 16
- 17 An offence under section 52 or 52A of the Civic...
- 18 An offence under any of the following provisions of the...
- 18A An offence under either of the following provisions of the...
- 18B An offence under either of the following provisions of the...
- 18C An offence under any of the following provisions of the...
- 19 In Scotland, the offences at common law of—
- 20 In Scotland, the offence at common law of uttering and...
- 21 An inchoate offence relating to an offence listed elsewhere in...
- 22 A reference in this Part of this Schedule to an...
- 22A Section 48 of the Armed Forces Act 2006 (attempts, conspiracy,...
- Part 2 — POWER TO AMEND PART 1
- 23 The Secretary of State may by order amend Part 1...

SCHEDULE 8 — Gambling Appeals Tribunal

*President, deputy and members*

- 1 Gambling Appeals Tribunal
- 2 Gambling Appeals Tribunal

*Tenure*

- 3 Gambling Appeals Tribunal

*Staff*

- 4 Gambling Appeals Tribunal

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### *Money*

- 5 Gambling Appeals Tribunal
- 6 Gambling Appeals Tribunal
- 7 Gambling Appeals Tribunal
- 8 Gambling Appeals Tribunal

### *Sittings*

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- 10 Gambling Appeals Tribunal
- 11 Gambling Appeals Tribunal

### *Procedure*

- 12 Gambling Appeals Tribunal
- 13 Gambling Appeals Tribunal
- 14 Gambling Appeals Tribunal

### *Council on Tribunals*

- 15 Gambling Appeals Tribunal

### *Disqualification, &c.*

- 16 Gambling Appeals Tribunal
- 17 Gambling Appeals Tribunal

## SCHEDULE 9 — Applications for Casino Premises Licences

### *Introduction*

- 1 (1) This Schedule applies to an application for a casino...

### *Competition for licences*

- 2 (1) Before considering an application to which this Schedule applies...

### *Two-stage consideration*

- 3 Paragraph 4 applies where (whether or not as a result...
- 4 (1) The licensing authority shall first consider in respect of...
- 5 (1) This paragraph applies if a licensing authority determine under...
- 6 (1) The Secretary of State may issue a code of...
- 7 (1) Where a licensing authority issue a casino premises licence...
- 8 (1) An appeal may be brought under section 206(1) or...

### *Provisional statements*

- 9 A reference in this Schedule to an application for a...
- 10 (1) This paragraph applies where the process described in paragraphs...

## SCHEDULE 10 — Family Entertainment Centre Gaming Machine Permits

### *Interpretation*

- 1 In this Schedule— “holder”, in relation to a permit, means...



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### *Making of application*

- 2 (1) An application for a permit may be made only...
- 3 An application for a permit may not be made if...
- 4 An application for a permit must be made to a...
- 5 An application for a permit must— (a) be made in...

### *Consideration of application*

- 6 Sections 154 and 155 shall have effect in relation to...
- 7 (1) A licensing authority may prepare a statement of principles...

### *Determination of application*

- 8 (1) On considering an application for a permit a licensing...
- 9 A licensing authority may grant an application for a permit...
- 10 (1) A licensing authority may not refuse an application unless...

### *Form of permit*

- 11 (1) A permit must be in the prescribed form and...

### *Duration*

- 12 A permit shall cease to have effect at the end...
- 13 (1) A permit shall lapse if the holder ceases to...
- 14 A permit shall lapse if the licensing authority notify the...
- 15 (1) A permit held by an individual shall lapse if—...
- 16 A permit shall cease to have effect if the holder...
- 17 (1) Where the holder of a permit is convicted of...

### *Renewal*

- 18 (1) The holder of a permit may apply to the...

### *Maintenance*

- 19 The holder of a permit shall keep it on the...
- 20 (1) An occupier of premises in respect of which a...
- 21 (1) Where a permit is lost, stolen or damaged, the...

### *Appeal*

- 22 (1) The applicant for or holder of a permit may...

### *Register*

- 23 (1) A licensing authority shall— (a) maintain a register of...

### *Vehicles and vessels*

- 24 A permit may not be issued in respect of a...

## SCHEDULE 11 — Exempt Lotteries

### Part 1 — INCIDENTAL NON-COMMERCIAL LOTTERIES

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005. (See end of Document for details)*

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*The exemption*

- 1 (1) A lottery is exempt if— (a) it is incidental...  
2 Exempt Lotteries

*Deductions from proceeds*

- 3 The promoters of an incidental non-commercial lottery may not deduct...  
4 The promoters of an incidental non-commercial lottery may not deduct...

*Purpose of lottery*

- 5 An incidental non-commercial lottery must be promoted wholly for a...

*No rollover*

- 6 The arrangements for an incidental non-commercial lottery must not include...

*Connection between lottery and event*

- 7 (1) No lottery ticket for an incidental non-commercial lottery may...

*Interpretation: “prescribed”*

- 8 In this Part “prescribed” means prescribed by the Secretary of...  
Part 2 — PRIVATE LOTTERIES

*The exemption*

- 9 (1) A lottery is exempt if— (a) it is a...

*Private society lottery*

- 10 (1) A lottery is a private society lottery if—

*Work lottery*

- 11 (1) A lottery is a work lottery if—

*Residents' lottery*

- 12 (1) A lottery is a residents' lottery if—

*Purpose of lottery*

- 13 (1) A private society lottery may be promoted for any...

*Advertising*

- 14 (1) No advertisement for a private society lottery may be—...

*Lottery tickets*

- 15 Each ticket in a private lottery must be a document...  
16 (1) A ticket in a private lottery may be sold...  
17 Exempt Lotteries

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*Price*

18 The price payable for each ticket in a private lottery—...

*No rollover*

19 The arrangements for a private lottery must not include a...  
Part 3 — CUSTOMER LOTTERY

*The exemption*

20 (1) A lottery is exempt if— (a) it is promoted...

*No profits*

21 A customer lottery must be organised in such a way...

*Advertising*

22 No advertisement for a customer lottery may be—

*Lottery tickets*

23 Each ticket in a customer lottery must be a document...

24 (1) A ticket in a customer lottery may be sold...

25 Each ticket in a customer lottery— (a) must state the...

*Price*

26 The price payable for each ticket in a customer lottery—...

*Maximum prize*

27 It must not be possible for the purchaser of a...

*No rollover*

28 The arrangements for a customer lottery must not include a...

*Frequency*

29 A draw in a customer lottery must not take place...

Part 4 — SMALL SOCIETY LOTTERIES

*The exemption*

30 (1) A lottery is exempt if— (a) it is promoted...

31 (1) For the purposes of this Part a society lottery...

*Purpose of lottery*

32 A small society lottery may be promoted for any of...

*Minimum distribution for fund-raising purpose*

33 The arrangements for a small society lottery must ensure that...

*Maximum prize*

34 It must not be possible for the purchaser of a...

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#### *Rollover*

- 35 (1) The arrangements for a small society lottery may include...

#### *Tickets*

- 36 (1) Where a person purchases a lottery ticket in a...

#### *Price*

- 37 (1) The price payable for each ticket in a small...

#### *Registration*

- 38 The promoting society of a small society lottery must, throughout...

#### *Filing of records*

- 39 (1) The promoting society of a small society lottery must...  
40 (1) If after receiving a statement under paragraph 39 a...  
Part 5 — REGISTRATION WITH LOCAL AUTHORITY

#### *Local authority*

- 41 In this Part “local authority” means— (a) in relation to...

#### *Application*

- 42 (1) A society may apply to the relevant local authority...  
43 In relation to the registration of a society, the relevant...

#### *Registration*

- 44 As soon as is reasonably practicable after receipt of an...

#### *Gambling Commission*

- 45 As soon as is reasonably practicable after receipt of notice...  
46 (1) A notice under paragraph 44(c) must be accompanied by...

#### *Refusal of registration*

- 47 A local authority shall refuse an application for registration if...  
48 A local authority may refuse an application for registration if...  
49 A local authority may not refuse an application for registration...

#### *Revocation*

- 50 (1) A local authority may revoke a registration under this...

#### *Appeal*

- 51 (1) If a local authority refuse or revoke registration under...

#### *Cancellation*

- 52 A registered society may apply in writing to the registering...  
53 As soon as is reasonably practicable after receipt of an...

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*Annual fee*

54 (1) A registered society shall pay an annual fee to...

*Retention of records*

55 (1) Where a statement is sent to a local authority...

*Interpretation: "prescribed"*

56 In this Part "prescribed" means prescribed by the Secretary of...  
Part 6 — POWERS TO IMPOSE ADDITIONAL RESTRICTIONS, &C.

*Distributing lottery tickets by post*

57 (1) The Secretary of State may by regulations impose a...

*Rollover*

58 (1) The Secretary of State may by regulations impose in...

*Other additional provision*

59 (1) The Secretary of State may by order impose in...

*Variation of monetary limits and percentages*

60 The Secretary of State may by order vary a monetary...  
Part 7 — GENERAL

*Interpretation: advertisement*

61 For the purposes of this Schedule— (a) "advertisement", in relation...

*Interpretation: business*

62 In this Schedule "business" includes trade and profession.

*Vessels*

63 Nothing in Part 2 or 3 of this Schedule applies...

SCHEDULE 12 — Club Gaming Permits and Club Machine Permits

*Application*

- 1 (1) A members' club or miners' welfare institute may apply...
- 2 An application must— (a) be made to a licensing authority...
- 3 (1) A club or institute making an application for a...

*Consideration of application*

- 4 A person who receives a copy of an application for...
- 5 The licensing authority to whom an application for a permit...
- 6 (1) A licensing authority may refuse an application for a...
- 7 (1) Before refusing an application for a permit a licensing...
- 8 (1) Where a licensing authority grant an application for a...
- 9 Where a licensing authority reject an application for a permit...

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005. (See end of Document for details)*

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*Fast-track procedure for holder of club premises certificate*

- 10 (1) This paragraph applies to an application if—

*Form of permit*

- 11 (1) A permit must be in the prescribed form and...

*Maintenance*

- 12 The holder of a permit shall keep it on the...  
13 (1) An occupier of premises to which a permit relates...  
14 (1) The holder of a permit— (a) shall pay a...  
15 (1) If information contained in a permit ceases to be...  
16 (1) Where a permit is lost, stolen or damaged, the...

*Duration*

- 17 (1) A permit shall cease to have effect at the...  
18 (1) If the holder of a permit ceases to be...  
19 (1) A permit shall cease to have effect upon being...  
20 (1) The licensing authority which issues a permit shall as...

*Cancellation and forfeiture*

- 21 (1) The licensing authority which issued a permit may cancel...  
22 (1) The licensing authority which issued a permit shall cancel...  
23 (1) Where the holder of a permit, or an officer...

*Renewal*

- 24 (1) The holder of a permit may apply to the...

*Appeal*

- 25 (1) Where a licensing authority reject an application for the...

*Register*

- 26 (1) A licensing authority shall— (a) maintain a register of...

*Exercise of functions by licensing authority: general*

- 27 In exercising a function under this Schedule a licensing authority...  
28 (1) Sections 154 and 155 shall have effect in relation...

*Vehicles and vessels*

- 29 A club gaming permit or club machine permit may not...

*Interpretation*

- 30 In this Schedule “prescribed” means prescribed by the Secretary of...  
31 This Schedule shall, in its application to Scotland, have effect...

SCHEDULE 13 — Licensed Premises Gaming Machine Permits

*Changes to legislation:* There are currently no known outstanding effects for the Gambling Act 2005. (See end of Document for details)

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#### *Making of application*

- 1 (1) A person who applies to a licensing authority (in...
- 2 An application for a permit must— (a) be made in...
- 3 Sections 154 and 155 shall have effect in relation to...
- 4 (1) A licensing authority to whom an application is made...
- 5 (1) A licensing authority may not attach conditions to a...
- 6 (1) A licensing authority may grant an application under this...

#### *Form of permit*

- 7 (1) A permit must be in the prescribed form and...

#### *Maintenance*

- 8 The holder of a permit shall keep it on the...
- 9 (1) The holder of a permit— (a) shall pay a...
- 10 (1) An occupier of premises in respect of which a...
- 11 (1) Where a permit is lost, stolen or damaged, the...
- 12 A permit shall continue to have effect unless and until...
- 13 A permit shall cease to have effect if—
- 14 A permit shall cease to have effect if the permit...

#### *Variation*

- 15 (1) The holder of a permit may apply to the...

#### *Cancellation and forfeiture*

- 16 (1) The licensing authority which issued a permit may cancel...
- 17 (1) The licensing authority which issued a permit shall cancel...
- 18 (1) Where a permit holder, or the officer of a...

#### *Transfer of permit*

- 19 (1) A person may apply for the transfer of a...
- 20 (1) This paragraph applies where— (a) the transfer of an...

#### *Appeal*

- 21 (1) The applicant for or holder of a permit may...

#### *Register*

- 22 (1) A licensing authority shall— (a) maintain a register of...

#### *Interpretation*

- 23 In this Schedule— “permit” means a licensed premises gaming machine...

### SCHEDULE 14 — Prize Gaming Permits

#### *Interpretation*

- 1 In this Schedule— “holder”, in relation to a permit, means...
- 2 This Schedule shall, in its application to Scotland, have effect...

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005. (See end of Document for details)*

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### *Making of application*

- 3 (1) An application for a permit may be made only...
- 4 An application for a permit may not be made if—...
- 5 An application for a permit must be made to a...
- 6 An application for a permit must— (a) be made in...

### *Consideration of application*

- 7 Sections 154 and 155 shall have effect in relation to...
- 8 (1) A licensing authority may prepare a statement of principles...

### *Determination of application*

- 9 (1) On considering an application for a permit a licensing...
- 10 A licensing authority may grant an application for a permit...
- 11 (1) A licensing authority may not refuse an application unless...

### *Form of permit*

- 12 (1) A permit must be in the prescribed form and...

### *Duration*

- 13 A permit shall cease to have effect at the end...
- 14 (1) A permit shall lapse if the holder ceases to...
- 15 (1) A permit held by an individual shall lapse if—...
- 16 A permit shall cease to have effect if the holder...
- 17 (1) Where the holder of a permit is convicted of...

### *Renewal*

- 18 (1) The holder of a permit may apply to the...

### *Maintenance*

- 19 The holder of a permit shall keep it on the...
- 20 (1) An occupier of premises in respect of which a...
- 21 (1) Where a permit is lost, stolen or damaged, the...

### *Appeal*

- 22 (1) Where a licensing authority reject an application for the...

### *Register*

- 23 (1) A licensing authority shall— (a) maintain a register of...

### *Vehicles and vessels*

- 24 A permit may not be issued in respect of a...

## SCHEDULE 15 — Private Gaming and Betting

### Part 1 — GAMING

### *Introduction*

- 1 Gaming is private if it satisfies the conditions specified in...



*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005. (See end of Document for details)*

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2 (1) For the purposes of this Part of this Schedule...

*No charge for participation*

3 (1) It is a condition of private gaming that no...

*Equal chance gaming*

4 (1) It is a condition of private gaming that it...

*Privacy*

5 It is a condition of private gaming that it does...

Part 2 — BETTING

*Introduction*

6 Betting is private betting if it is—

*Domestic betting*

7 (1) A betting transaction is domestic betting if made on...

*Workers' betting*

8 A betting transaction is workers' betting if made between persons...

SCHEDULE 16 — Minor and Consequential Amendments

Part 1 — MINOR AMENDMENTS

*Metropolitan Police Act 1839 (c. 47)*

1 In section 44 of the Metropolitan Police Act 1839 (refreshment...

*Libraries Offences Act 1898 (c. 53)*

2 Section 2(3) of the Libraries Offences Act 1898 (offence of...

*Gaming Act 1968 (c. 65)*

3 (1) The Gaming Act 1968 shall be amended as follows....

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

4 Section 8B(2)(c) of the Chronically Sick and Disabled Persons Act...

Part 2 — CONSEQUENTIAL AMENDMENTS

*Parliamentary Commissioner Act 1967 (c. 13)*

5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (bodies...

*Superannuation Act 1972 (c. 11)*

6 In Schedule 1 to the Superannuation Act 1972 (employment to...

*House of Commons Disqualification Act 1975 (c. 24)*

7 In Part II of Schedule 1 to the House of...

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005. (See end of Document for details)*

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*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 8 In section 20(9) of the Local Government (Miscellaneous Provisions) Act...

*Race Relations Act 1976 (c. 74)*

- 9 In Schedule 1A to the Race Relations Act 1976 (bodies...

*London Local Authorities Act 1995 (c. x)*

- 10 In section 14 of the London Local Authorities Act 1995...

*Employment Rights Act 1996 (c. 18)*

- 11 For section 233 of the Employment Rights Act 1996 (betting...

*Police Act 1997 (c. 50)*

- 12 In section 115 of the Police Act 1997 (enhanced criminal...

*Terrorism Act 2000 (c. 11)*

- 13 In paragraph 4 of Schedule 3A to the Terrorism Act...

...

- 14 In paragraph 20A of Schedule 1 to the Regulation of...

*Postal Services Act 2000 (c. 26)*

- 15 In section 7 of the Postal Services Act 2000 (exceptions...

*Freedom of Information Act 2000 (c. 36)*

- 16 In Part 6 of Schedule 1 to the Freedom of...

*Private Security Industry Act 2001 (c. 12)*

- 17 For paragraph 8(3)(e) of Schedule 2 to the Private Security...

*Criminal Justice and Police Act 2001 (c. 16)*

- 18 (1) In Schedule 1 of the Criminal Justice and Police...

*Proceeds of Crime Act 2002 (c. 29)*

- 19 In Part 2 of Schedule 9 to the Proceeds of...

*Licensing Act 2003 (c. 17)*

- 20 (1) The Licensing Act 2003 shall be amended as follows....

*Note*

- 21 The amendments made by this Schedule are without prejudice to...

SCHEDULE 17 — Repeals

SCHEDULE 18 — Transitional

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005. (See end of Document for details)*

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## Part 1 — TRANSITIONAL CONTINUATION OF OLD LICENCES, &C.

### *Introduction*

- 1 (1) In this Part a reference to a commencement order...

### *Transitional continuation of licences, &c.*

- 2 A commencement order may— (a) provide for a licence or...

### *Transitional protection for casinos below minimum licensable size*

- 3 A commencement order may— (a) disapply section 174(1) in respect...

### *References to procedures under this Act*

- 4 A commencement order may include provision for a reference in...

## Part 2 — ADVANCE AND INTERIM APPLICATIONS, AND CONVERSION

### *Advance applications*

- 5 In this Schedule a reference to an advance application for...  
6 The Secretary of State may by order—  
7 An order under paragraph 6— (a) may make provision about...

### *Interim applications*

- 8 The Secretary of State may by order make provision for...

### *Conversion of existing licences, &c.*

- 9 The Secretary of State may by order—  
10 An order under paragraph 9 may provide for conversion of...

### *Orders: general*

- 11 An order under this Part— (a) may include provision modifying...

**Changes to legislation:**

There are currently no known outstanding effects for the Gambling Act 2005.