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**Changes to legislation:** There are currently no known outstanding effects for the Gambling Act 2005, SCHEDULE 16. (See end of Document for details)

## SCHEDULES

### SCHEDULE 16

Section 356

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### MINOR AMENDMENTS

VALID FROM 01/09/2007

*Metropolitan Police Act 1839 (c. 47)*

- 1 In section 44 of the Metropolitan Police Act 1839 (refreshment houses)—
- (a) omit “, or knowingly suffer any unlawful games or any gaming whatsoever therein,” and
  - (b) in the heading, omit “, or gaming”.

VALID FROM 01/09/2007

*Libraries Offences Act 1898 (c. 53)*

- 2 Section 2(3) of the Libraries Offences Act 1898 (offence of annoying library users) shall cease to have effect.

*Gaming Act 1968 (c. 65)*

- 3 (1) The Gaming Act 1968 shall be amended as follows.
- (2) For section 6(2) (premises licensed for the sale of alcohol) substitute—
- “(2) This section applies to any premises in England and Wales—
- (a) in respect of which a premises licence under Part 3 of the Licensing Act 2003 (c. 17) 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 premises licence under Part 3 of the Licensing Act 2003.”
- (3) In section 12(3)—

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- (a) in paragraph (a) the words from “and at that time” to the end of the paragraph shall cease to have effect,
  - (b) in paragraph (b) the words from “and at that time” to the end of the paragraph shall cease to have effect, and
  - (c) in paragraph (c) the words from “and at that time” to the end of the paragraph shall cease to have effect.
- (4) For section 20(5) substitute—
- “(5) Section 12(3) shall not apply in relation to any club to which this section applies.”
- (5) In section 31—
- (a) in subsection (2)(c) for “ten” substitute “ twenty ”,
  - (b) for subsection (3E) substitute—
    - “(3E) The initial amount must not exceed the higher of—
    - (a) the highest coin value, or
    - (b) the charge for playing a game once by means of the machine.”, and
  - (c) in subsection (3G) for “the highest coin value” substitute “the higher of—
    - (a) the highest coin value, or
    - (b) the charge for playing a game once by means of the machine.”
- (6) In section 51(3) after “regulations” insert “ or an order ”.
- (7) In paragraph 10A(1) of Schedule 9, leave out “sub-paragraph (a) or”.
- (8) After paragraph 10A of Schedule 9 insert—
- “10AA A permit in respect of premises to which sub-paragraph (a) of paragraph 1 of this Schedule applies shall be subject to the conditions that a machine must—
- (a) be located on premises 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
  - (b) be made available for use only at a time when alcohol may be supplied in reliance on the premises licence under Part 3 of the Licensing Act 2003.”

#### **Commencement Information**

- I1** Sch. 16 para. 3(1)(3)-(6) in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)
- I2** Sch. 16 para. 3(2) in force at 24.11.2005 by S.I. 2005/2455, art. 2(2) (with art. 3)
- I3** Sch. 16 para. 3(7)(8) in force at 25.11.2005 by S.I. 2005/2455, art. 2(3) (with art. 3)

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

- 4 Section 8B(2)(c) of the Chronically Sick and Disabled Persons Act 1970 (report by Secretary of State on access to betting offices) shall cease to have effect.

**PART 2**

CONSEQUENTIAL AMENDMENTS

*Parliamentary Commissioner Act 1967 (c. 13)*

- 5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (bodies subject to investigation) for “Gaming Board for Great Britain.” substitute “ Gambling Commission. ”

**Commencement Information**

- I4** Sch. 16 para. 5 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

*Superannuation Act 1972 (c. 11)*

- 6 In Schedule 1 to the Superannuation Act 1972 (employment to which superannuation schemes may extend) for “Gaming Board for Great Britain.” substitute “ Gambling Commission. ”

**Commencement Information**

- I5** Sch. 16 para. 6 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

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

- 7 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) for “The Gaming Board for Great Britain.” substitute “ The Gambling Commission. ”

**Commencement Information**

- I6** Sch. 16 para. 7 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

VALID FROM 01/09/2007

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

- 8 In section 20(9) of the Local Government (Miscellaneous Provisions) Act 1976 (sanitation) for the definition of “betting office” substitute—

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““betting office” means premises, other than a track within the meaning of the Gambling Act 2005, in respect of which a betting premises licence under Part 8 of that Act has effect;”.

*Race Relations Act 1976 (c. 74)*

- 9 In Schedule 1A to the Race Relations Act 1976 (bodies subject to general statutory duty) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

**Commencement Information**

**I7** Sch. 16 para. 9 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

VALID FROM 01/09/2007

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

- 10 In section 14 of the London Local Authorities Act 1995 (interpretation of licensing provisions) for the provision excluding premises licensed under Part II of the Gaming Act 1968 substitute: “ does not include premises in respect of which a casino premises licence, bingo premises licence, adult gaming centre premises licence, family entertainment centre premises licence or betting premises licence under Part 8, or a family entertainment centre gaming permit under section 247, of the Gambling Act 2005 has effect; ”.

VALID FROM 01/09/2007

*Employment Rights Act 1996 (c. 18)*

- 11 For section 233 of the Employment Rights Act 1996 (betting workers) substitute—

**“233 Betting workers**

- (1) In this Act “betting worker” means an employee who under his contract of employment is or may be required to do betting work.
- (2) In this Act “betting work” means—
  - (a) work which consists of or includes dealing with betting transactions at a track in England or Wales and which is carried out for a person who holds a general betting operating licence, a pool betting operating licence or a horse-race pool betting operating licence, and
  - (b) work on premises in respect of which a betting premises licence has effect at a time when the premises are used for betting transactions.

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- (3) In subsection (2) “betting transactions” includes the collection or payment of winnings.
- (4) Expressions used in this section and in the Gambling Act 2005 have the same meaning in this section as in that Act.
- (5) In this Act—
- “notice period”, in relation to an opted-out betting worker, has the meaning given by section 41(3),
  - “opted-out”, in relation to a betting worker, shall be construed in accordance with section 41(1) and (2),
  - “opting-in notice”, in relation to a betting worker, has the meaning given by section 36(6),
  - “opting-out notice”, in relation to a betting worker, has the meaning given by section 40(2), and
  - “protected”, in relation to a betting worker, shall be construed in accordance with section 36(1) to (5).”

VALID FROM 01/01/2007

*Police Act 1997 (c. 50)*

- 12 In section 115 of the Police Act 1997 (enhanced criminal record certificates) for subsection (5)(a) to (c) substitute—
- “(a) a process under the Gambling Act 2005”.

*Terrorism Act 2000 (c. 11)*

- 13 In paragraph 4 of Schedule 3A to the Terrorism Act 2000 (regulated sector and supervisory authorities) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

**Commencement Information**

- 18** Sch. 16 para. 13 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 14 In paragraph 20A of Schedule 1 to the Regulation of Investigatory Powers Act 2000 (relevant public authorities) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

**Commencement Information**

- 19** Sch. 16 para. 14 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

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*Postal Services Act 2000 (c. 26)*

15 In section 7 of the Postal Services Act 2000 (exceptions to the restrictions on provision of postal services) for the definition of “authorised promoter” substitute—

““authorised promoter” means—

- (a) the holder of a pool betting operating licence under Part 5 of the Gambling Act 2005,
- (b) a person authorised under section 93(3) of that Act to do anything on behalf of the holder of a pool betting operating licence, and
- (c) an associate, within the meaning of section 184 of the Consumer Credit Act 1974 (c. 39), of a person within paragraph (a) or (b),”.

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

16 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which the Act applies) for “Gaming Board of Great Britain” substitute “Gambling Commission”.

**Commencement Information**

**I10** Sch. 16 para. 16 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

PROSPECTIVE

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

<sup>F1</sup>17 .....

**Textual Amendments**

**F1** Sch. 16 para. 17 repealed (12.1.2009) by Policing and Crime Act 2009 (c. 26), s. 116(6)(b), Sch. 8 Pt. 13

VALID FROM 01/09/2007

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

18 (1) In Schedule 1 of the Criminal Justice and Police Act 2001 (seizure powers to which extending provision of section 50 applies)—

- (a) paragraphs 6, 11 and 20 cease to have effect,
- (b) at the end of Part 1 (renumbering the entry for the Licensing Act 2003 as paragraph 73E) add—

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**“Gambling Act 2005**

- 73F The powers conferred by section 317 of the Gambling Act 2005 (inspection powers).”,
- (c) paragraphs 89, 93 and 97 cease to have effect, and
- (d) at the end of Part 3 (renumbering the entry for the Licensing Act 2003 as paragraph 111) add—

**“Gambling Act 2005**

- 112 The powers conferred by section 317 of the Gambling Act 2005 (inspection powers).”
- (2) For the purposes of the amendments made by this paragraph, the powers in section 317(1)(d), (e) and (f) are powers of seizure.

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

- 19 In Part 2 of Schedule 9 to the Proceeds of Crime Act 2002 (supervisory authorities) in paragraph 4(g) for “Gaming Board for Great Britain” substitute “ Gambling Commission ”.

**Commencement Information**

**III** Sch. 16 para. 19 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)

VALID FROM 01/09/2007

*Licensing Act 2003 (c. 17)*

- 20 (1) The Licensing Act 2003 shall be amended as follows.
- (2) For section 175 (exemption for raffle, tombola, &c.) substitute—

**“175 Exemption for incidental non-commercial lottery**

- (1) The promotion of a lottery to which this section applies shall not constitute a licensable activity by reason only of one or more of the prizes in the lottery consisting of or including alcohol, provided that the alcohol is in a sealed container.
- (2) This section applies to an incidental non-commercial lottery (within the meaning of Part 1 of Schedule 11 to the Gambling Act 2005).”
- (3) In paragraph 10(3) of Schedule 1 (provision of regulated entertainment) for “section 22 of the Lotteries and Amusements Act 1976 (c. 32)” substitute “ section 19(3) of the Gambling Act 2005 ”.
- (4) In Schedule 4 (relevant offences) after paragraph 20 insert—

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“21 An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.”

*Note*

21 The amendments made by this Schedule are without prejudice to the generality of paragraph 4 of Schedule 5.

**Commencement Information**

**I12** Sch. 16 para. 21 in force at 1.10.2005 by S.I. 2005/2455, art. 2(1), Sch. (with art. 3)



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