



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 16

#### ADVERTISING

#### **330 Unlawful gambling**

- (1) A person commits an offence if he advertises unlawful gambling.
- (2) For the purposes of this section advertised gambling is unlawful if—
  - (a) in order for the gambling to take place as advertised without the commission of an offence under this Act it would or might be necessary to rely on a licence, notice, permit or registration under this Act or an exception to an offence under this Act, and
  - (b) at the time of advertising—
    - (i) arrangements for a licence, notice, permit or registration, sufficient to prevent the commission of an offence under this Act if the gambling takes place as advertised, have not been completed, and
    - (ii) the arrangements for the gambling as advertised are not such as to ensure that an exception to the offence will apply.
- (3) Subsection (1) does not apply to anything done by way of promoting a lottery.
- (4) It is a defence for a person charged with an offence under subsection (1) by reference to action of a kind described in section 327(1)(a) or (b) to show that he reasonably believed that the advertised gambling was lawful.
- (5) Where a person acts in a way described in section 327(1)(c) he commits the offence under subsection (1) above only if he knows or should know that the advertised gambling is unlawful.
- (6) A person does not commit an offence under subsection (1) by reason only of delivering, transmitting or broadcasting a communication or making data available if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) he acts in the course of a business of delivering, transmitting or broadcasting communications (in whatever form or by whatever means) or making data available, and
  - (b) the nature of the business is such that persons undertaking it have no control over the nature or content of the communications or data.
- (7) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (8) Where a person commits an offence under this section by causing an advertisement to be displayed or made accessible, he shall be treated as committing the offence on each day during any part of which the advertisement is displayed or made accessible.
- (9) In the application of subsection (7) to Scotland the reference to 51 weeks shall have effect as a reference to six months.