



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 1

#### INTERPRETATION OF KEY CONCEPTS

##### *Principal concepts*

#### **5 Facilities for gambling**

- (1) For the purposes of this Act a person provides facilities for gambling if he—
  - (a) invites others to gamble in accordance with arrangements made by him,
  - (b) provides, operates or administers arrangements for gambling by others, or
  - (c) participates in the operation or administration of gambling by others.
- (2) But a person does not provide facilities for gambling for the purposes of this Act by virtue only of—
  - (a) providing an article other than a gaming machine to a person who intends to use it, or may use it, in the course of any of the activities mentioned in subsection (1)(a) to (c),
  - (b) providing, otherwise than in the course of providing, operating or administering arrangements for gambling or participating in the operation or administration of gambling, an article to a person who intends to use it, or may use it, for gambling, or
  - (c) making facilities for remote communication available for use by—
    - (i) persons carrying on any of those activities, or
    - (ii) persons gambling in response to or in accordance with any of those activities.
- (3) A person provides facilities for gambling (despite subsection (2)(c)) if—
  - (a) he makes facilities for remote communication available for use,
  - (b) the facilities are adapted or presented in such a way as to facilitate, or to draw attention to the possibility of, their use for gambling, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) the nature, adaptation or presentation of the facilities is such that—
  - (i) they cannot reasonably be expected to be used for purposes other than gambling, or
  - (ii) they are intended to be used wholly or mainly for gambling.
- (4) The Secretary of State may by order, for the purposes of subsection (3)(c)—
  - (a) provide that facilities of a specified nature, or adapted or presented in a specified way, cannot reasonably be expected to be used for purposes other than gambling;
  - (b) provide that facilities of a specified nature, or adapted or presented in a specified way, can reasonably be expected to be used for purposes other than gambling;
  - (c) specify criteria by which it is to be determined whether facilities can reasonably be expected to be used for purposes other than gambling;
  - (d) provide that facilities of a specified nature, or adapted or presented in a specified way, shall be taken as being intended to be used wholly or mainly for gambling;
  - (e) provide that facilities of a specified nature, or adapted or presented in a specified way, shall be taken as not being intended to be used wholly or mainly for gambling;
  - (f) specify criteria by which it is to be determined whether facilities are intended to be used wholly or mainly for gambling.