

2007 No. 1944

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations
2007**

<i>Made</i> - - - -	<i>7th July 2007</i>
<i>Laid before Parliament</i>	<i>9th July 2007</i>
<i>Coming into force</i> - -	<i>1st September 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 269(2) and (4), 270(2) and (4), and 355(1) of the Gambling Act 2005(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007 and shall come into force on 1st September 2007.

(2) In these Regulations—

“the Act” means the Gambling Act 2005;

“poker” includes any version of that game, whatever name it is called; and

“relevant club” means—

- (a) a members’ club(b),
- (b) a commercial club(c),
- (c) a club that would be a members’ club but for section 266(1)(a) of the Act,
- (d) a club that would be a commercial club but for section 267(1)(b) of the Act, or
- (e) a miners’ welfare institute(d).

(3) For the purposes of these Regulations, a reference to a day is a reference to a period of 24 hours beginning at midday.

Requirements in relation to poker stakes

2.—(1) This regulation applies to the provision of facilities for games of poker under section 269 of the Act (exempt gaming) and prescribes, for the purposes of subsection (2)(a) of that section, requirements in relation to amounts that may be staked.

(2) Subject to paragraphs (3) and (4), the amount that may be staked by a person on any game of poker must not exceed £10.

(a) 2005 c.19; for the meaning of “prescribed” in sections 269 and 270 of the Act, see section 276 of the Act.
(b) For the meaning of “members’ club” see section 266 of the Act.
(c) For the meaning of “commercial club” see section 267 of the Act.
(d) For the meaning of “miners’ welfare institute” see section 268 of the Act.

(3) Subject to paragraph (4), the aggregate of the amounts that may be staked on games of poker in any one day must not exceed £250.

(4) The aggregate of the amounts that may be staked on games of poker in any period of seven days must not exceed £1,000.

Requirements in relation to poker prize

3. For the purposes of section 269(2)(b) of the Act, the maximum amount or value of a prize that may be won in any game of poker is £250.

Participation fees where no club gaming permit is held

4.—(1) This regulation prescribes the maximum participation fee(a) that may be charged for the purposes of section 269(4) of the Act, where a relevant club does not hold a club gaming permit(b).

(2) The maximum participation fee that a relevant club may charge a person in respect of entitlement to participate in a particular kind of game on any one day is—

- (a) £18 in respect of bridge or whist, if the game is played on a day on which no facilities for any kinds of gaming (other than bridge or whist) are provided by the relevant club on that day; and
- (b) in any other circumstances—
 - (i) subject to paragraph (ii), £1; or
 - (ii) in the case of a commercial club that holds a club machine permit(c), £3.

Participation fees where a club gaming permit is held

5. Where a members' club or miners' welfare institute holds a club gaming permit, the maximum participation fee that it may charge a person in respect of entitlement to participate in a particular kind of game in any one day is—

- (a) £20 (exclusive of value added tax) in respect of bridge or whist, if the game is played on a day on which no facilities for any kinds of gaming (other than bridge or whist) are provided by the relevant club on that day; and
- (b) £3 (exclusive of value added tax) for equal chance gaming(d) in any other circumstances.

7th July 2007

Gerry Sutcliffe
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

(a) For the meaning of "participation fee" see section 344 of the Act.
(b) For the meaning of "club gaming permit" see section 271 of the Act.
(c) For the meaning of "club machine permit" see section 273 of the Act.
(d) For the meaning of "equal chance gaming" see section 8 of the Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the maximum amounts that may be staked and won and the maximum participation fee that may be charged in games of equal chance provided in accordance with section 269 of the Gambling Act 2005 (“the Act”).

Section 269 of the Act authorises members’ clubs, commercial clubs, miners’ welfare institutes and clubs that would qualify as a member’s club or commercial club, but for the fact that they are established and conducted wholly or mainly for the purposes of gaming (all of which are defined in these Regulations as ‘relevant clubs’), to provide facilities for equal chance gaming without the need to obtain further authorisation under the Act (such as an operating licence, premises licence, or a permit), providing they comply with the conditions in section 269.

One of those conditions, under section 269(2) of the Act, is that the arrangements for the gaming must satisfy prescribed requirements in relation to amounts that may be staked or the amount or value of a prize. Regulation 2 sets limits on the maximum amount that may be staked by a person in a game of poker, the aggregate amounts that may be staked on poker in any one day, and in any period of seven days. Regulation 3 limits the maximum amount that may be won by a person in a game of poker.

A further condition under section 269(4) of the Act is that the participation fee must not exceed such maximum as may be prescribed by the Secretary of State. Regulation 4 prescribes the limits on participation fees for relevant clubs that do not hold a club gaming permit. The regulation sets a single limit on games of bridge and whist. For all other games there are two separate limits, one of which applies to commercial clubs that hold a club machine permit, whilst the other applies in all remaining circumstances.

Regulation 5 prescribes the limits on participation fees for members’ clubs and miners’ welfare institutes that hold a club gaming permit (commercial clubs are not entitled to club gaming permits – see paragraphs 1(1) and 6(1)(a) of Schedule 12 to the Act). The regulation sets two different limits, one for games of bridge and whist and the other for all other equal chance gaming.

In addition to authorising the provision of facilities for equal chance gaming, a club gaming permit will also authorise the provision of facilities for prescribed games of chance. Limits on participation fees in respect of such games may be prescribed under section 271(4)(a) of the Act; such limits are not addressed in these Regulations.

A full Regulatory Impact Assessment of the costs and benefits of these Regulations is available from the Gaming and Lotteries Team, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6022.

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£3.00

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E0998 7/2007 170998T 19585