Draft Regulations laid before Parliament under section 355(4) of the Gambling Act 2005, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

BETTING, GAMING AND LOTTERIES

The Gambling Act 2005 (Operating Licence Conditions) Regulations 2007

Made - - - -

Coming into force in accordance with regulation 1(1)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 78, 291(2) and (3) and 355(1) of the Gambling Act 2005(**a**).

In accordance with section 355(4) of that Act, a draft of this instrument was laid before Parliament and approved by resolution of each House.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Operating Licence Conditions) Regulations 2007 and shall come into force on whichever is the later of 1st September 2007 or the day after the day on which these Regulations are made.

(2) In these Regulations—

"the 2005 Act" means the Gambling Act 2005; and

"licensed bingo premises" means premises in respect of which a bingo premises licence for the time being has effect.

Condition to be attached to casino operating licences

2.—(1) The condition specified in this regulation shall be attached to each casino operating licence.

(2) Where, in reliance on the operating licence, a game is played on a wholly automated gaming table, the game must be capable of being played by four persons at the same time using four separate player positions.

(3) In this regulation "wholly automated gaming table" means equipment that would fall within the definition of a gaming machine in section 235 of the 2005 Act but for its exclusion from that definition by subsection (2)(i) of that section.

(**a**) 2005 c.19.

Condition to be attached to bingo operating licences in respect of prize gaming

3.—(1) The condition specified in this regulation shall be attached to each bingo operating licence.

(2) Section 291(1) of the 2005 Act (which authorises the provision of facilities for prize gaming in licensed bingo premises) applies only in respect of facilities for prize gaming provided by the holder of the operating licence in accordance with the following provisions of this regulation.

(3) The amount charged by way of participation fee(**a**) in respect of any one chance to win a prize in a particular game does not exceed 50 pence.

(4) Where in paying for a chance to win a prize in a game a person acquires the chance to win more than one prize, the limit in paragraph (3) shall apply despite the fact that the chance provides the opportunity to win more than one prize.

(5) The aggregate amount of the participation fees charged for participating in a particular game does not exceed £500.

(6) Where a prize for which a game is played is money, the amount of that prize does not exceed—

(a) £50, if no person under the age of 18 years is permitted to be on the premises at any time when the game is being played, and

(b) £35, in all other cases.

(7) For the purposes of paragraph (6)(a) no account shall be taken of any person under the age of 18 years who is permitted to be on the premises if—

(a) he is employed to perform any function on the premises, and

(b) he is on the premises in the course of his employment.

(8) In paragraphs (6)(a) and (7), any reference to the premises is to the licensed bingo premises in which the game referred to in paragraph (6)(a) is being played.

(9) The aggregate amount or value of the prizes for which a game is played does not exceed £500.

Minister of State
Department for Culture, Media and Sport

(**a**) See section 344 of the Gambling Act 2005 for the meaning of "participation fee".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify conditions which are to be attached to operating licences issued under Part 5 of the Gambling Act 2005.

Regulation 2 imposes a condition on casino operating licences in respect of games played on a wholly automated gaming table. Any game played on a wholly automated gaming table must be capable of being played by four persons at the same time using four separate player positions.

Regulation 3 specifies a condition, which is to be attached to bingo operating licences, relating to the provision of facilities for prize gaming. The condition provides for section 291(1) of the Gambling Act 2005 (which authorises the provision of facilities for prize gaming in premises in respect of which a bingo premises licence has effect) to apply only where certain conditions are met. The relevant conditions, which are specified in paragraphs (3) to (9) of regulation 3, relate to the maximum amount which may be charged by way of participation fees and the maximum amount or value of any prizes.

The provision contained in regulation 2 was notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.

A full Regulatory Impact Assessment of the costs and benefits of these Regulations is available from the Gaming and Lotteries Branch, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6479.

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£3.00

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E0853 6/2007 170853T 19585