

Gaming and Gaming Machines in Pubs and Other Alcohol-Licensed Premises under the Gambling Act 2005

This fact sheet is intended to provide a general explanation of the regulatory regime under the Gambling Act 2005 and its subordinate legislation, and does not deal with every detail of the legislative provisions, or with the individual circumstances of a particular case. This fact sheet does not constitute legal advice and is not a substitute for the relevant legislative provisions. If you are in any doubt about the legality of any gambling activities that you intend to promote or for which you intend to provide facilities, you are strongly advised to seek independent legal advice.

Which premises are eligible to provide gaming?

Any premises that have an alcohol licence, and which have a bar at which alcohol is served for consumption on the premises without a requirement that alcohol is served only with food.

What about clubs?

There are separate provisions covering gaming in clubs and miners' welfare institutes – please see the separate fact sheet.

What kind of gaming can pubs and other eligible premises provide?

Section 279 of the Gambling Act allows pubs and other eligible premises to provide what the Act calls “exempt gaming”. There are a number of conditions:

- it must be **equal chance gaming** (examples would be bingo, bridge and certain poker games);
- stakes and prizes must comply with the limits prescribed in regulations ;
- no amount may be deducted or levied from amounts staked or won;
- no participation fees may be charged;
- the games played may only take place on one set of premises, i.e. there may not be any linking of games between premises; and
- children and young people must be excluded from participation.

What limits are there on stakes and prizes?

Different limits apply to different types of gaming.

For dominoes and cribbage there are no limits on either stakes or prizes.

For all other types of equal chance gaming there is a limit on stakes of £5 per person, per game.

For **poker**, a stakes limit of £5 per player **per game** (n.b. not per hand) applies, and the aggregate stakes limit for pub poker is £100 per day for each premises. So, for example, a pub could run a daily poker game involving 20 players staking £5 each. The maximum prize for a game of poker played in a pub is also £100.

What about pub bingo?

Pubs that wish to provide facilities for bingo may do so under the Act's exempt gaming provisions. The following rules apply:

- the maximum amount that may be staked by a player in a game of bingo is £5;
- no amounts may be deducted from sums staked or won;
- players may not be charged a fee for taking part;
- there should be no linking of games between premises; and,
- nobody under 18 may participate.

As with clubs, pubs that wish to offer high turnover bingo (i.e. where stakes or prizes exceed £2000 per week) will require a bingo operating licence from the Gambling Commission. See the Commission's website (details above) for further information.

Can pubs charge customers for taking part in gaming, or make deductions from stakes or prizes?

No charges or deductions may be made.

Can a pub charge a membership fee for gambling?

No – under section 344(3) of the Act any membership fee charged in these circumstances would be regarded as a participation fee.

Do pubs need a gambling permit or licence?

No licence or permit is required for pubs or other eligible premises providing gaming under the exempt gaming provisions (see above).

What if a pub only wants to provide gaming machines?

Under section 282 of the Act alcohol-licensed premises are entitled to a maximum of two gaming machines (each of which may be category C or D) without the need for a permit or licence. To exercise this entitlement the person who holds the relevant alcohol licence should notify their local licensing authority of their intention to make gaming machines available, and pay the required notification fee. If a licensee wishes to make more than two gaming machines available he will need to obtain a **licensed premises gaming machine permit**, once again from the local licensing authority. There are a number of statutory conditions relating to the way in which gaming machines are used, and licensees will also need to ensure compliance with the Gambling Commission's code of practice on the location and operation of

gaming machines. See the Commission's website – www.gamblingcommission.gov.uk - for further details.

What is the maximum number of gaming machines that a pub may have?

There is no statutory limit on the number of gaming machines that individual premises may apply for, but the licensing authority has the discretion to restrict the number of machines on individual premises (or change the category of the machines), having regard to the licensing objectives of the Gambling Act.

What happens if a pub breaks the rules?

Licensees will be expected to monitor any gaming that takes place on their premises, and take all reasonable steps to ensure that it complies with the statutory requirements, including the limits on stakes and prizes. Under section 310(2) of the Act, a constable, Gambling Commission enforcement officer or authorised local authority officer may enter premises that hold an on-premises alcohol licence in order to determine whether gaming carried on there satisfies the statutory conditions. Any breach of those conditions in respect of particular premises would leave them liable to the loss of their entitlement to offer gaming and/or gaming machines, and criminal prosecution. Where a breach of the Gambling Act has implications for alcohol licensing objectives it may, as with breaches of other laws, be taken into account by licensing authorities and others in the exercise of their functions under the relevant legislation.

Is practical advice available about how to operate gaming in pubs and other eligible premises?

The Gambling Commission has issued a statutory code of practice on gaming in clubs and alcohol-licensed premises, which is available from its website (see above).