

Gambling Act 2005 - Guidance Fact Sheet 12

Gaming in Clubs

Under the Gambling Act 2005 all forms of Gambling and Gaming is illegal unless it is undertaken through the permission of a Premises Licence or a Permit issued under the Act or for certain low level gaming the Act states that it is exempt and can take place without a licence or permit .

Types of Clubs

There are three types of club recognized under the Gambling Act 2005;

Members' clubs – these must have at least 25 members and be established or conducted mainly for purposes other than gaming. The club should not be established to make a commercial profit and should be controlled by its members. Examples include most sports clubs, working men's clubs, branches of the Royal British Legion and politically affiliated clubs.

Commercial clubs – these have the same characteristics as members clubs, except that they are established to make a profit. An example of such a club would be a snooker club. Certain bridge and whist clubs may operate as commercial clubs if they are established to make a profit

Miners' welfare institutes – the definition of this class of club has changed to reflect social and economic changes since their establishment. These are associations established for recreational or social purposes. They are managed by a charitable trust which has received funds from one of a number of mining organizations.

Permits for Gaming in Clubs

Club Gaming Permits – Club Gaming permits are issued by the local authority under the Gambling Act 2005. Commercial clubs are not eligible for club gaming permits. These can be issued only to members' clubs and miners' welfare institutes and authorize:

- The provision of no more than three gaming machines - these can be from categories B4, C or D.
- The provision of equal chance gaming subject to the conditions for exempt gaming (described overleaf), except that the limit on stakes and prizes is removed
- The provision of games of chance as prescribed in regulations.

The provision of gambling at clubs in reliance on a **club gaming permit** will be subject to the conditions listed below:

For equal chance gaming:

- The same conditions as for exempt gaming described overleaf apply, with the exception that any limit on stakes and prizes does not apply.

For other games of chance:

- The games offered are limited to those prescribed in regulations and are pontoon and chemin de fer.
- There is no participation fee charged otherwise than in accordance with regulations - see Summary of Gaming entitlements on page 4.
- That no amount is deducted from sums staked or won otherwise than in accordance with any regulations made by the Secretary of State (current proposals are not to exercise this power at present)

For gaming machines:

- No child or young person (under 18) can use category B or C machines on the premises.
- The permit holder needs to comply with any relevant provision of the Gambling Commission code of practice regarding the location and operation of gaming machines.

For all gaming:

- The public, children and young persons are excluded from any area in which gaming is taking place
- In the case of members' clubs and miners' welfare institutes only, those taking part in the gaming must be a member of the club who applied for, or was nominated for membership at least 48 hours prior to participating, or are a guest of a member

Club Machine Permits – If a club does not wish to have the full facilities permitted by a **club gaming permit**, or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Gambling Act 2005), they may apply for a **club machine permit**. This permits the holder to have up to three machines from the categories B4, C or D in addition to providing exempt gaming (subject to the conditions described below and the limit on stakes and prizes). It does not permit games of chance.

Three conditions are automatically attached to a club machine permit, they are:

- Prior membership (as described above) for use of the machines (but not for a commercial club)
- Children and young people must not play category B4 or C machines
- Gambling Commission codes of practice concerning the location and operation of machines (including any associated social responsibility provisions) must be complied with.

The club may provide equal chance gaming, as exempt under section 269 of the Gambling Act 2005, providing the conditions listed in that section are met.

Exempt Gaming in Clubs under Section 269 of the Gambling Act 2005

Clubs may offer games of equal chance without a permit, providing certain conditions are met.

Equal chance gaming as defined in Part 1 of the Act is gaming that does not involve playing or staking against a bank and the chances are equally favourable to all participants.

In order to qualify for exemption, the gaming in a **club** must meet the conditions set out in section 269 of the Act:

- It must be equal chance gaming, as defined in Part 1 of the Act (examples would include bingo, poker or bridge)

- Stakes and prizes must be in accordance with any rules or limits prescribed in regulations - See Summary on page 4
- The club must not deduct any amounts from sums staked or won in the gaming
- Any charge for participation must not exceed amounts prescribed in regulations - See Summary of Gaming on page 4
- The games played may only take place on one set of premises, meaning there may not be any linking of games between premises: Games may be considered linked if the game is split by sites so that part of one game is played elsewhere and:
 - The result of one game is, or may be wholly or partly determined by reference to the result of the other game; or
 - The amount of winnings is wholly or partly determined by the participation of more than one set of players;
- In the case of members' clubs and miners' welfare institutes only, people may only participate in the gaming if they have been a member (or applied or were nominated for membership) at least 48 hours before playing, or are genuine guests of such a person.
-

High turnover bingo – providing bingo played on the premises does not exceed £2000 in stakes or prizes in a seven day period (this is known as 'high turnover bingo'), it can be provided as an exempt (equal chance) game in clubs. However, if high turnover bingo is played, the club will have to (a) notify the Gambling Commission, and (b) if, at the end of the seven days, it wants to continue to offer high turnover bingo in the following twelve months, it must obtain a bingo operating licence.

Code of Practice for gaming in clubs

The Gambling Commission are planning to issue an additional Code of Practice under section 24 of the Act for non-machine gaming in clubs and pubs. Whilst the provisions of this code will not be binding on operators and licensees, it will be designed to help them meet their obligations and responsibilities under the Act, and would for example be admissible as evidence in any court proceedings and may be taken into account by the Commission in the exercise of its functions.

SUMMARY OF GAMING ENTITLEMENTS FOR CLUBS AND PUBS

	Members' Club or WM Institute with Club Gaming Permit	Members' Bridge or Whist Club with Club Gaming Permit	Commercial Club with Club Machine Permit	Members' Club, Commercial Club or WM Institute without a Permit	Pubs and other alcohol licensed premises
Equal Chance Gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Cribbage & Dominoes No limit All other gaming £5 per person per game Poker £100 per premises per day
Limits on prizes	No limit	No limit	Poker £250 Other gaming No limit	Poker £250 Other gaming No limit	Poker £100 All other gaming No limit
Maximum Participation Fees – per person per day	Bridge and/or Whist £20 Other gaming £3	£20	Bridge and/or Whist £18 Other gaming £3	Bridge and/or Whist £18 Other gaming £1	None permitted
Banker's or Unequal Chance Gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	N/A	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence

