

Gambling Act 2005 Offences

Find out here about the specified offences created by the legislation regulating the provision of gaming facilities, lotteries and gambling premises.

The Gambling Act 2005 is underpinned by a number of specified offences that are supported by a system of criminal sanctions and penalties. While the Gambling Commission is the main regulator for gambling in the UK, enforcement of various provisions within the Act also falls to the local licensing authority.

To avoid breaking the law, it is important that applicants and licence holders are familiar with the law and its specified offences.

The following tables give a brief outline of the offences created by the Act, the defences and exemptions associated with each offence, together with an explanation of the penalties involved.

| Providing Gambling Facilities | | | |
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| Section | Description of Offence | Prosecuting Authority | PENALTY* |
| 33 | Providing gambling facilities without licence/permit | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| 37 | Any person using premises to provide gambling facilities | Gambling Commission/Licensing Authority | 51 weeks' imprisonment and/or level 5 fine |
| 41 | Manufacturer, supply, install or adapt gambling software without operating licence | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| 42 | Cheat, attempt to cheat, or assisting another person to cheat at gambling | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine 2 years on indictment |
| 43 | Invite another person to join chain-gift scheme or participation in promoting a scheme | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| Children and Young People | | | |
| Section | Description of Offence | Prosecuting Authority | PENALTY* |
| 46 | Invite, cause or permit child or young person to gamble, including intentional distribution of advertising documentation with intent to | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine Level 3 fine |

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| | encourage gambling | | if by young person |
| 48 | Gambling by young person where not permitted (eg allowed to use Cat D machine) | | Level 3 fine |
| 49 | Young person enters certain premises offering gambling facilities (eg betting office) | Gambling Commission | Level 3 fine |
| 50 | Young person providing facilities for gambling | Gambling Commission | Level 3 fine |
| 51 | Employing young person to provide gambling facilities | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| 52 | Employing child/young person to provide lottery/football pools gambling facilities | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine Level 3 fine if young person |
| 53 | Employing child for any purposes when bingo provided or gambling provided in accordance with club gaming permit or club machine permit | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine Level 3 fine if young person |
| 54 | Employing child/young person in connection with provision of category A – D machines on licensed premises | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine Level 3 fine if young person |
| 55 | Employing child/young person in respect of casino, betting premises or adult gaming centre | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine Level 3 fine if young person |
| 56 | Invite, cause or permit child to take part in non-exempt lottery | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine Level 3 fine if young person |
| 57 | Invite, cause or permit child to take part in football pools | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine Level 3 fine if young person |
| 58 | Failure to comply with operating licence condition to return stake to child or young person | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine Level 3 fine if young person |
| Operating Licences | | | |
| Section | Description of Offence | Prosecuting Authority | PENALTY* |

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| 101 | Failing without reasonable excuse to notify Commission of change of circumstances | Gambling Commission | Level 2 fine |
| 108 | Licensee failing without reasonable excuse to produce operating licence when requested by constable or enforcement officer | Gambling Commission | Level 2 fine |
| 109 | Operating licence holder failing to notify without reasonable excuse GC as soon as reasonably practicable of conviction of offence | Gambling Commission | Level 2 fine |
| 109 | Failing to notify court on conviction for relevant offence of being operating licence holder | Gambling Commission | Level 2 fine |
| 122 | Failing without reasonable excuse to produce records relating to operating licensed activities or information about licensed activities | Gambling Commission | Level 2 fine |

Personal Licences

| Section | Description of Offence | Prosecuting Authority | PENALTY* |
|---------|---|-----------------------|--|
| 134 | Failure without reasonable excuse to produce personal licence to constable or enforcement officer | Gambling Commission | Level 2 fine |
| 138 | Personal licence holder failing to notify without reasonable excuse GC as soon as reasonably practicable of conviction of offence | Gambling Commission | Level 2 fine |
| 139 | Failure to act in accordance with terms and conditions of personal licence | . | 51 weeks' imprisonment and/or level 5 fine |

Premises Licences

| Section | Description of Offence | Prosecuting Authority | PENALTY* |
|---------|---|---|--------------|
| 185 | Failure of premises licence holder without reasonable excuse to keep premises licence on premises and to make available for inspection by constable, enforcement officer or authorised person | Gambling Commission/Licensing Authority | Level 2 fine |
| 186 | Failure to notify without reasonable excuse the licensing authority of a change of residential address or other specified details on the premises licence | Gambling Commission/Licensing Authority | Level 2 fine |

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| 229 | Premises licence holder fails without reasonable excuse to prominently display temporary use notice or make available for inspection to constable, customs and excise officer or authorised officer | Gambling Commission/Licensing Authority | Level 2 fine |
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Machines

| Section | Description of Offence | Prosecuting Authority | PENALTY* |
|---------|--|---|--|
| 242 | Making a machine available for use without licence/permit | Gambling Commission/Licensing Authority | 51 weeks' imprisonment and/or level 5 fine |
| 242 | Making a machine available for use in contravention of regulations under s 240 | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| 243 | Manufacture, supply, install, adapt, maintain, repair gaming machine without operating licence or as sale of scrap or sale of previously licensed property | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| 243 | Supply, install or maintain a machine contrary to regulations under s 241 | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| 245 | Supply, install or make available gaming machine allowing payment by a credit card | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |

Lotteries

| Section | Description of Offence | Prosecuting Authority | PENALTY* |
|---------|---|---|--|
| 258 | Promoting a non-exempt lottery without an operating licence | Gambling Commission/Licensing Authority | 51 weeks' imprisonment and/or level 5 fine |
| 259 | Facilitating a non-exempt lottery | Gambling Commission/Licensing Authority | 51 weeks' imprisonment and/or level 5 fine |
| 260 | Misusing profits of lottery | Gambling Commission/Licensing Authority | 51 weeks' imprisonment and/or level 5 fine |

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| 261 | Misusing profits of exempt lottery | Gambling Commission/Licensing Authority | 51 weeks' imprisonment and/or level 5 fine |
| . | Breach of small society lottery condition | Gambling Commission/Licensing Authority | 51 weeks' imprisonment and/or level 5 fine |
| Bingo etc. | | | |
| Section | Description of Offence | Prosecuting Authority | PENALTY* |
| 275 | Failing without reasonable excuse to inform Gambling Commission of high turnover bingo period | Gambling Commission | Level 3 fine |
| 301 | Misusing profits for non-specified purpose of non-commercial prize gaming | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| 316 | Holder of operator licence failing without reasonable excuse to produce authorisation | Gambling Commission | Level 2 fine |
| Obstructing Enforcement Officer etc. | | | |
| Section | Description of Offence | Prosecuting Authority | PENALTY* |
| 326 | Obstructing or failing to cooperate without reasonable excuse with constable, enforcement officer or authorised person seeking to exercise powers under Part 15 | Gambling Commission/Licensing Authority | Level 3 fine |
| 342 | Without reasonable excuse providing false or misleading information to Gambling Commission or licensing authority for a purpose connected with the Act | Gambling Commission/Licensing Authority | 51 weeks' imprisonment and/or level 5 fine |
| Advertising of Gambling | | | |
| Section | Description of Offence | Prosecuting Authority | PENALTY* |
| 328 | Contravention of regulations relating to advertising | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| 330 | Knowingly advertising unlawful gambling without reasonable | Gambling | 51 weeks' imprisonment |

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| | belief | Commission | and/or level 5 fine |
| 331 | Advertising foreign gambling facilities | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| Permits | | | |
| Section | Description of Offence | Prosecuting Authority | PENALTY* |
| 345 | Failure to comply with a forfeiture order or co-operate with steps to comply | Gambling Commission | 51 weeks' imprisonment and/or level 5 fine |
| sch 10, para 20 | Occupier of premises failing without reasonable excuse to produce family entertainment centre gaming machine permit to constable, enforcement officer or authorised officer | Gambling Commission/Licensing Authority | Level 2 fine |
| . | Fail without reasonable excuse to produce club gaming permit or club machine permit on request of constable or enforcement officer | Gambling Commission | Level 2 fine |
| sch 12, para 15 | Fail without reasonable excuse to have to have club gaming permit/club machine permit varied as soon as practicable upon a change of circumstances | Gambling Commission | Level 2 fine |
| . | Failure without reasonable excuse to produce licensed premises gaming machine permit on request of constable, enforcement officer or authorised officer | Gambling Commission/Licensing Authority | Level 2 fine |
| . | Failure to produce without reasonable excuse prize gaming permit on request of constable, enforcement officer or authorised officer | Gambling Commission/Licensing Authority | Level 2 fine |

* Reference to 51 weeks' imprisonment should be substituted for 6 months in relation to Scotland

Standard Scale of Fines

Fine 'levels' refer to the concept of the standard scale of fines, which was introduced in 1982. The amount equating to each level may be increased from time to time, allowing fine levels to maintain a sensible level relative to inflation. The current fine levels are shown below.

| Standard scale of Fines | |
|--------------------------------|---------------------|
| | |
| Level | Maximum Fine |
| | |
| 1 | £200 |
| 2 | £500 |
| 3 | £1,000 |
| 4 | £2,500 |
| 5 | £5,000 |