

## 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.

<b>Providing Gambling Facilities</b>			
<b>Section</b>	<b>Description of Offence</b>	<b>Prosecuting Authority</b>	<b>PENALTY*</b>
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
<b>Children and Young People</b>			
<b>Section</b>	<b>Description of Offence</b>	<b>Prosecuting Authority</b>	<b>PENALTY*</b>
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

	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
<b>Operating Licences</b>			
<b>Section</b>	<b>Description of Offence</b>	<b>Prosecuting Authority</b>	<b>PENALTY*</b>

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

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

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
<b>Bingo etc.</b>			
<b>Section</b>	<b>Description of Offence</b>	<b>Prosecuting Authority</b>	<b>PENALTY*</b>
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
<b>Obstructing Enforcement Officer etc.</b>			
<b>Section</b>	<b>Description of Offence</b>	<b>Prosecuting Authority</b>	<b>PENALTY*</b>
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
<b>Advertising of Gambling</b>			
<b>Section</b>	<b>Description of Offence</b>	<b>Prosecuting Authority</b>	<b>PENALTY*</b>
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

	belief	Commission	and/or level 5 fine
331	Advertising foreign gambling facilities	Gambling Commission	51 weeks' imprisonment and/or level 5 fine
<b>Permits</b>			
<b>Section</b>	<b>Description of Offence</b>	<b>Prosecuting Authority</b>	<b>PENALTY*</b>
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.

<b>Standard scale of Fines</b>	
<b>Level</b>	<b>Maximum Fine</b>
<b>1</b>	<b>£200</b>
<b>2</b>	<b>£500</b>
<b>3</b>	<b>£1,000</b>
<b>4</b>	<b>£2,500</b>
<b>5</b>	<b>£5,000</b>