

ORKNEY ISLANDS AREA LICENSING BOARD

GAMBLING ACT 2005

INFORMATION/GUIDANCE – BINGO

(March 2008)

The Gambling Act 2005 can be accessed on the Internet at www.opsi.gov.uk

Further information can also be accessed on the Internet at the following websites –

Department for Culture, Media and Sport – www.culture.gov.uk

Gambling Commission – www.gamblingcommission.gov.uk

Scottish Government – www.scotland.gov.uk

The following is taken from a Fact Sheet prepared by DCMS and from guidance issued by the Gambling Commission (“the Act” means the Gambling Act 2005) –

Bingo for “good causes”

Organisations that wish to provide bingo (or other types of gaming) for charitable or other non-commercial purposes (e.g. to raise funds for a society) may do so under Part 14 of the Act. The Act permits non-commercial gaming if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if none of the proceeds are for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised –

- by or on behalf of a charity or for charitable purposes; or
- to enable participation in, or support, sporting, athletic or cultural activities.

The Act identifies 2 types of permissible non-commercial gaming –

1. Prize gaming

Provided that the conditions set out in section 299 of the Act are met, the organiser does not need to have an operating or premises licence nor a prize gaming permit. In summary, the conditions are –

- players are told that the purpose of the gaming is to raise money for a specified charitable, sporting, athletic or cultural purpose;
- profits are not for private gain;
- the event cannot take place in a venue (other than a track) which has a premises licence, if at a track the premises licence cannot be in use (i.e. no betting can be taking place) and no temporary use notice can have effect;
- the gaming must be on the premises and not be remote gaming;
- the prizes will be determined by the operator before play commences;
- the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

There are no statutory limits on stakes, prizes, participation fees or other charges for this type of non-commercial gaming.

2. Equal chance gaming

Where the amount or value of the prizes varies according to the number of players who participate and/or the amount of money they stake, the non-commercial equal chance gaming provisions in section 300 of the Act apply. These are –

- all players must be told what purpose the money raised from the gaming is going to be used for (this must be something other than private gain) and the profits must be applied for that purpose;
- the maximum amount that a player may be charged is £8 per day (and this includes entrance or participation fees, stakes and any other charges for playing);
- the total value of prizes must not exceed £600 in one day, although where an event is the final one of a series in which all of the players have previously taken part, a higher prize fund of up to £900 is permitted;
- the event cannot take place on premises which hold a premises licence or a temporary use notice (such premises can run charitable or other gambling events to raise money for good causes, but they should do so using the gambling permissions granted to them by their premises licence or use notice) (a non-commercial event can take place at a track, provided no licensed gambling activities are taking place at the same time);
- the authorisation can only apply to gaming which takes place at events, on premises and for gaming in person and cannot be remote gaming.

If someone uses any profits from non-commercial gaming for something other than the specified purpose, then they commit an offence under section 301 of the Act. The maximum penalty, upon conviction for such an offence, is a term of imprisonment not exceeding 6 months (in Scotland) and/or a level 5 fine (currently £5,000).

Cash Bingo

Cash bingo is primarily a commercial activity, and is licensed and regulated by the Gambling Commission. If you wish to provide cash bingo on a commercial basis you should consult the Commission (see the website address above).

Prize Bingo

Prize bingo is the kind normally played in funfairs and amusement arcades, for small participation fees and modest prizes.

It is typical of the prize gaming defined in section 288 of the Act, in which neither the nature nor the size of the prize are determined by the number of people playing or the amount paid for or raised by the gaming. Instead, the prize is put up in advance by the organiser of the game.

Under their existing permissions, bingo halls, adult gaming centres, travelling fairs, licensed family entertainment centres and holders of family entertainment centre gaming machine permits are automatically entitled to offer prize bingo. It may also be provided, for example in holiday camps and theme parks, under a prize gaming permit issued by a local licensing authority.

The maximum participation fee that may be charged for any one chance to win a prize in a game of prize bingo, wherever it is played, is 50p. The aggregate amount of participation fees, and the amount or value of prizes for which a game may be played, may not exceed £500.

Where prize bingo is played for money prizes, the following limits apply to the amount of a prize:

- Adult Gaming Centres: £50
- Licensed bingo premises (where under 18s are excluded): £50
- Licensed bingo premises (where under 18s are permitted): £35
- All other cases: £35

Club Bingo

Clubs and miners' welfare institutes that wish to provide facilities for bingo may do so under the "exempt gaming" provisions in Part 12 of the Act (section 269). Clubs need to meet a number of statutory criteria before they can offer gaming (there is a separate fact sheet on gaming in clubs available on the DCMS website – see the website address above).

The following rules apply to bingo played in clubs and institutes:

- no amounts may be deducted from sums staked or won;
- the maximum participation fee is £1 per person, per day (or £3 where a club gaming permit is held);
- there should be no linking of games between premises; and
- in the case of members' clubs and institutes, 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.

There are no limits on stakes and prizes for individual games of club bingo.

However, clubs or institutes 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.

Pub Bingo

Pubs that wish to provide facilities for bingo may do so under section 279 of the Act. 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.

Note

This information/guidance sheet is intended to provide a general explanation of the circumstances in which "bingo" can be played under the Gambling Act 2005. It 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 legal 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. DCMS – August 2007

Anyone requiring further information about this topic should contact the Legal Clerks' Office at the Council Offices, Kirkwall, Orkney KW15 1NY –

by email licensing@orkney.gov.uk

by telephone: 01856 873535 extensions 2229 / 2232

by fax: 01856 876941