



GAMBLING ACT 2005

GUIDANCE NOTES ON GAMBLING IN CLUBS AND MINERS' WELFARE INSTITUTES

The Gambling Act 2005 defines three club categories.

- Members' clubs
- Commercial clubs
- Miners' welfare institutes

There are three types of gaming permissions available under the Act:

- exempt gaming
- club gaming permits - existing Part II registrations under the Gaming Act 1968
- club machine permits - existing Part III registrations under the Gaming Act 1968

Exempt gaming and club machine permits are available to all three club categories. Club gaming permits are available only to members' clubs and miners' welfare institutes. The categories are explained further in the *Guidance notes for club gaming permits* and *Guidance notes for club machine permits* available on our website.

MEMBERS' CLUBS

Members' clubs must have at least 25 members, and be established and conducted, wholly or mainly, for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent, not established to make commercial profit, and controlled by its members equally. These include working men's clubs, branches of the Royal British Legion, and clubs with political affiliations.

COMMERCIAL CLUBS

Commercial clubs are similar to members' clubs, but are established to make a profit. For example, a snooker club is a commercial club.

MINERS' WELFARE INSTITUTES

These are associations established for recreational or social purposes. Their definition has changed to reflect social and economic changes since their establishment. They are managed by representatives of miners, or use premises regulated by a charitable trust that has received funds from a mining organisation. Miners' welfare institutes can site category B3A gaming machines, offering lottery games, in their clubs.

EXEMPT GAMING

Section 269 of the Act allows clubs and institutes to provide certain facilities for gaming, without the need for a licence or a permit. It includes clubs established and conducted for the purposes of gaming, and which meet the requirements for a members' or commercial club. To qualify for this exemption, this non-machine gaming must meet the following conditions:

- The gaming must comply with the regulations set by the Secretary of State limiting the stakes and prizes
- it must be equal chance gaming (for example, bingo, bridge and certain poker games)
- no amount is deducted from the sums staked or won
- any charge for participation must not exceed the prescribed maximum

- the gaming offered must not be linked to gaming in other premises
- people under 18 cannot participate in the gaming.
- **in the case of members' clubs and miners' welfare institutes only**, people can 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 a member.

Bingo

The Act sets limits on stakes and prizes, beyond which the exemption is lost. In any seven day period, the aggregate stakes or prizes for bingo must not exceed £2,000. If that limit is breached, the club must hold a bingo operator's licence, and the relevant operating, personal and premises licences must be sought. The Commission's code of practice must be complied with. This is covered under section 281, or in accordance with a permit under section 271, and provided that the restrictions in section 275 are complied with.

Please refer to the guidance notes from the Department for Culture, Media and Sport for further information on the limits of stakes and prizes for exempt gaming – **Gaming and gaming machines in clubs and miners' welfare institutes under the Gambling Act 2005** at www.gamblingcommission.co.uk These can also be found on our website under **DCMS fact sheet gaming and machines clubs**

Poker

There is a limit on stakes and prizes for poker played in clubs and institutes under exempt gaming. The introduction of these limits reflects significant recent growth in the popularity of poker, and the need to address the particular risks associated with the game. The stake limit is now £10 per player per game, and applies to a game of poker, not a single hand. Aggregate stake limits of £250 per day and £1000 per week are allowed for each individual club or institute. For example, a club could run a poker game for 25 players paying £10 each four times per week. The maximum prize in a game of poker is £250. The maximum charge that a club or institute can make for participating in poker is £1 per player per day. No deductions or levies are permitted from either stakes or prizes.

CLUB GAMING PERMITS

Under section 271 of the Act, we can grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits. These authorise the establishments to provide gaming machines, equal chance gaming, and games of chance, as prescribed by the regulations. This is in addition to the exempt gaming authorisation under section 269 of the Act.

Club gaming permits allow the provision of no more than three gaming machines from categories B3A, B4, C or D. The club is permitted to choose the combination of machines for its premises.

This permit also allows the club to provide facilities for gambling, providing the gambling meets certain conditions.

For further information, see *Guidance notes on club gaming permits*, available on our website.

CLUB MACHINE PERMITS

If a members' club or miners' welfare institute does not wish to have the full range of facilities permitted by a **club gaming permit**, they can apply for a **club machine permit** under section 273 of the Act.

A club machine permit authorises the holder to have up to three gaming machines from categories B3A, B4, C and D. Commercial clubs are not permitted to provide non-machine

gaming (other than exempt gaming under section 269 of the Act). They must, therefore, apply for a club machine permit. However they will not be able to site category B3A gaming machines offering lottery games in their club.

For further information, see *Guidance notes on club machine permits*, available on our website.

CODES OF PRACTICE

Under section 273, no child or young person can use a category B or C machine on the premises. The holder of the club permit must comply with a code of practice on the location and operation of machines. Information about this can be found on the Commission's website. Clubs are not required to have a permanent premises or alcohol licence to comply.

CATEGORIES OF MACHINES

Category of machine	Maximum stake	Maximum prize
B3A (not available for use in commercial clubs)	£1	£500
B4	£1	£250
C	50p	£70
D*	10p/30p	£5/£8

**Category D machines with a 10p stake are entitled to offer prizes of up to £5 in cash, or up to £5 in cash and £3 in non-monetary prizes. Category D machines with a 30p stake can offer £8 in non-monetary prizes only.*

Reference materials available on our website www.basingstoke.gov.uk include:

- **Guidance notes on gaming machines**
- **Guidance notes on club gaming permits**
- **Guidance notes on club machine permits**

Reference materials available on the Gambling Commission website <http://www.gamblingcommission.gov.uk> include:

- **Gambling Act 2005**
- **Gaming Machine Permits Code of Practice**
- **Gaming in Clubs and Premises with an Alcohol Licence**

Our contact details for:

Licensing Team
Basingstoke and Deane Borough Council
Civic Offices
London Road
Basingstoke
RG21 4AH

Tel no 01256 844844
Fax 01256 845200
e-mail licensing@basingstoke.gov.uk