

Casino Nights under the Gambling Act 2005

This fact sheet is intended to provide a general explanation of the circumstances in which “casino nights” can be operated 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.

Casino gaming includes games like roulette and blackjack where players compete against the “house” or a banker, rather than against one another on equal terms.

Commercial casino gaming

Commercial casino gaming is licensed and regulated by the Gambling Commission. If you wish to provide casino gaming on a commercial basis you should consult the Commission: www.gamblingcommission.gov.uk.

Casino gaming in clubs

Clubs and miners’ welfare institutes that hold a club gaming permit issued by their local licensing authority may provide facilities for two specific types of “banker’s” game: chemin de fer and pontoon (blackjack is not permitted). A maximum participation fee of £3 per person, per day may be charged for this gaming, but no amounts may be deducted from either stakes or prizes. See the separate fact sheet on “Gaming in clubs” for further details.

Non-commercial casino gaming

Organisations that wish to provide casino games for charitable or other non-commercial purposes (e.g. to raise funds for a club or society) may do so under the prize gaming provisions in Part 14 of the Act. Non-commercial gaming of this kind may only take place at events where none of the proceeds from the event itself are used for private gain. For these purposes, the proceeds of an event constitute the sums raised by its *organisers* (including sums raised by way of participation fees, sponsorship, commission from traders, or otherwise) minus the costs reasonably incurred in organising the event. However, sums raised by other persons will not form part of the proceeds of the event and so may be appropriated for private gain. An example would be refreshments provided at the event by an independent third party.

Non-commercial gaming may be an ancillary activity or the only or principal purpose of the event. To qualify as prize gaming, the prizes (whether in cash or in kind) should be put up in advance, and must not be dependent on the number of players taking part or the amount of money staked. The players participating in non-commercial gaming must also be told what “good cause”

is to benefit from the profits from the gaming. There are no statutory limits on stakes, prizes, participation fees or other charges for this type of non-commercial gaming. No licence, permit or other form of permission is required to operate this kind of gaming provided that the statutory conditions are complied with.

Private casino gaming

Private casino gaming may take place in two sets of circumstances.

Domestic gaming: in a private dwelling, on a domestic occasion.

Residential gaming: in a hostel, hall of residence or similar establishment (but not on premises operated as a trade or business) provided that the majority of those taking part are residents.

No charge may be made for participation in private gaming (and that includes an entrance fee or other charge for admission), nor may any amounts be deducted from stakes or prizes. Private gaming may not be provided in any place to which the public have access, and no profits may be made from it, regardless of the purpose to which they may be put.