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STATUTORY INSTRUMENTS

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**2005 No. 2455 (C.103)**

**BETTING, GAMING AND LOTTERIES**

**The Gambling Act 2005 (Commencement  
No. 2 and Transitional Provisions) Order 2005**

Made - - - - 28th August 2005

The Secretary of State, in exercise of the powers conferred upon her by sections 355(1) and 358(1) and (2) of the Gambling Act 2005<sup>(1)</sup>, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Gambling Act 2005 (Commencement No.2 and Transitional Provisions) Order 2005.

(2) In this Order—

“the Act” means the Gambling Act 2005;

“the Gaming Board” means the Gaming Board for Great Britain established under section 10 of the Gaming Act 1968<sup>(2)</sup>.

**Commencement of provisions of the Gambling Act 2005**

2.—(1) The provisions of the Act specified in column 1 of the Schedule to this Order shall come into force on 1st October 2005, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date for that purpose only.

(2) Paragraph 3(2) of Schedule 16 to the Act, and section 356(1) and (2) of the Act in so far as it relates to that provision, shall come into force on 24th November 2005<sup>(3)</sup>.

(3) Paragraph 3(7) and (8) of Schedule 16 to the Act, and section 356(1) and (2) of the Act in so far as it relates to those provisions, shall come into force on 25th November 2005.

**Transitional provisions**

3.—(1) The persons who are, by virtue of subsection (3) of section 21 of the Act, to be treated as if on the commencement of that section they were appointed as commissioners of the Gambling

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(1) 2005 c. 19.

(2) 1968 c. 65.

(3) This is the second appointed day as prescribed for the purposes of Part 1 of Schedule 8 to the Licensing Act 2003 (c. 17); see the Licensing Act 2003 (Second appointed day) Order 2005 (S.I. 2005/2091).

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Commission under paragraph 1 of Schedule 4 to the Act shall, subject to paragraph (3), be treated as if they had been so appointed on the same terms as they were appointed as members of the Gaming Board.

(2) The person who is, by virtue of subsection (4) of section 21 of the Act, to be treated as if on commencement of that section he was appointed as the chairman of the Gambling Commission under paragraph 1 of Schedule 4 to the Act shall, subject to paragraph (3), be treated as if he had been so appointed on the same terms as he was appointed as the chairman of the Gaming Board.

(3) Each such commissioner or chairman shall hold office for a period beginning on 1st October 2005 and ending on the date on which immediately before 1st October 2005 his appointment as a member or chairman of the Gaming Board was due to come to an end.

28th August 2005

*Richard Caborn*  
Minister of State  
Department for Culture, Media and Sport

SCHEDULE

Article 2(1)

Provisions coming into force on 1st October 2005

<i>Column 1</i>	<i>Column 2</i>
Sections 1 to 6	
Section 7(1) to (4)	
Sections 8 and 9	
Section 10(1) and (2)	
Section 11 to 14 and Schedules 1 and 2	
Section 15(1) to (4)	
Section 15(5)	In so far as it relates to the provisions of Schedule 3 specified below.
Sections 16 to 19	
Section 20 and Schedule 4	
Section 21 and Schedule 5	
Sections 22 and 23	
Section 24(1) to (8), (10) and (11)	
Section 25 and 26	
Section 30 and Schedule 6	
Sections 31 and 32	
Section 65(2)	
Section 75(1) and (2)	
Section 76(1) to (3)	
Section 79	In so far as it relates to section 75(1) and (2) and section 76(1) to (3).
Section 80	In so far as it has effect to define “management office” and “operational function” for the purposes of section 127.
Section 127	
Section 128	In so far as it applies to section 75(1) and (2), section 76(1) to (3) and section 79.
Section 258(5)	In so far as it relates to the provisions of Schedule 11 specified below (whose purposes are limited as specified below).
Section 352	
Section 354	
Section 356(1) and (2)	In so far as it relates to the provisions of Schedule 16 specified below.

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<i>Column 1</i>	<i>Column 2</i>
Section 356(4) and (5)	In so far as it relates to the entry in Schedule 17 specified below (whose purpose is limited as specified below).
Section 357	
In Schedule 3, paragraph 2	
In Schedule 11—	For the purposes of sections 17 and 18.
paragraphs 1 to 8, 10 to 12, 20, 30 and 31	
In Schedule 16—	
paragraph 3(1)	
paragraph 3(3) to (6)	
paragraphs 5 to 7	
paragraphs 9, 13, 14, 16, 19 and 21	
In Schedule 17, the entry relating to the Gaming Act 1968	In so far as it relates to the repeal of section 10 of, and Schedule 1 to, the Gaming Act 1968.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Gambling Act 2005.

### Provisions brought into force on 1st October 2005

The provisions of the Act listed in column 1 of the Schedule to the Order will come into force on 1st October 2005. Unless otherwise stated in column 2 of the Schedule, those provisions will come into force on that date for all purposes. Where a particular purpose is specified in column 2 the corresponding provision comes into force for that purpose only.

Sections 1 to 6, 7(1) to (4), 8 and 9, 10(1) and 10(2), and 11 to 14, 15(1) to (4) and 16 to 19 introduce the fundamental concepts used in the Act. These include the licensing objectives and definitions for “gambling”, “betting”, “gaming”, “lottery”, “casino”, “remote gambling” and “licensing authorities”. These sections also make provision for situations where activities may fall into more than one category of gambling.

Section 20 establishes the Gambling Commission and section 21 repeals section 10 of the Gaming Act 1968 which establishes the Gaming Board for Great Britain. Section 21 also makes provision for transferring the Gaming Board’s functions, rights and liabilities to the Commission.

Article 3 of the Order makes transitional provisions relating to the terms of appointment of those persons appointed to be the chairman and other members of the Gambling Commission by virtue of section 21.

Section 22 imposes a general duty on the Commission to have regard to the licensing objectives in exercising its functions under the Act and to permit gambling in so far as it is consistent with the pursuit of the licensing objectives. Sections 23 to 26 require the Commission to prepare, publish and keep under review a statement of principles that will govern the exercise of its functions under the Act; to publish codes of practice about the manner in which facilities for gambling are provided; to issue and publish guidance to local authorities as to the manner in which local authorities are to exercise their functions under the Act; and to give advice to the Secretary of State on matters relating to gambling as described in section 26.

Section 30 makes provision for exchanging information. Sections 31 and 32 require the Commission to consult the National Lottery Commission and HM Revenue and Customs in specified circumstances.

Sections 75, 76 and 79 are brought into force so far as is necessary to enable the Gambling Commission to specify and publish general conditions which will be attached to operating licences under the Act. Section 128 is brought into force to the extent necessary to enable the Gambling Commission to specify and publish general conditions which will be attached to personal licences under the Act. Sections 65(2) and 127 respectively define the terms “operating licence” and “personal licence”.

Sections 354, 356(1) and (2) and 357 are general provisions which provide for: the application of the Act to the Crown, minor and consequential amendments under Schedule 16 of the Act and expenditure by a Minister of the Crown.

### **Provisions brought into force on 24th and 25th November 2005**

The provisions of the Act referred to in paragraphs (2) and (3) of article 2 are to come into force respectively on 24th and 25th November 2005. These dates are the second appointed day as prescribed for the purposes of Part 1 of Schedule 8 of the Licensing Act 2003 and the day after the second appointed day. The provisions of Schedule 16 referred to in paragraphs (2) and (3) of Article 2 are amendments to Schedule 9 to the Gaming Act 1968. The relevant provisions of the 1968 Act are concerned with gaming, and the making available of gaming machines, in premises licensed under the 2003 Act for the supply of alcohol.

### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 355	28th August 2005	<a href="#">2005/2425</a>