

JOELSON WILSON

POKER IN PUBS

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- The Gambling Act 2005, which came into full force and effect in September of last year, has opened up greater opportunities for the playing of poker in pubs
- The Gambling Commission (the independent regulator of all gaming activities in Great Britain) issued updated advice in February 2008 on poker games, including tournaments and leagues, which take place in pubs and clubs
- Strictly speaking, that advice does not represent the law, which is instead set out in the 2005 Act and its associated regulations. However, anyone deciding to disregard that advice (and the Commission's code of practice on poker in pubs and clubs) will risk prosecution
- The emphasis of the regulations and code of practice is on self-regulation by the management of pubs and clubs offering poker. Where breaches are detected, a strong line should be expected from the Commission, licensing authorities and the police, as occurred, for example, with the successful prosecution of the Gutshot Club in London
- Despite arguments raised by the Gutshot Club and others, poker involves elements of both chance and skill and is therefore classified as gaming under the 2005 Act, but only if it is played for prizes of money or money's worth
- Unlike the position under the previous legislation, the 2005 Act automatically permits pubs and clubs to allow the playing of poker subject to specified stakes and prize limits. No participation charge or entry fee may be made and no deductions or levies may be made from either stakes or prizes
- The Commission's code of practice introduces the concept of the "gaming supervisor" (the DPS in pubs), who is responsible for ensuring that gaming on the premises is conducted in compliance with the code and for making sure that the limits on stakes and prizes are not breached
- The code of practice specifically discourages cash games recommending that, instead, chips provided by the premises be used
- Since 2004, pub poker tournaments and leagues have sprung up, mainly based on playing for points although in some instances the organisers offer prizes at the end of a series of games for the players with the most points. If the eventual prize is worth more than the prescribed £100 maximum prize, it is likely to be regarded as unlawful gaming, unless it can be "topped up", which is possible in certain circumstances
- The position is a bit more complicated where the prize being offered is the opportunity to play in "invitational cash tournaments", typically to be held in a casino, since the 2005 Act prohibits gaming in pubs being linked to gaming in any other premises.
- So far, there has been no test case other than the Gutshot case, but, with 25 years of experience advising the pub and gaming industries and with lawyers

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independently recommended by existing clients for “*steering our business and giving us an excellent assessment of our needs*”, we are able to advise you how to maximise your pub poker offer whilst staying on the right side of the law

Need to know more?

Ask us. “*Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...*” – *Chambers Guide to the UK Legal Profession 2008*. For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:

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