

Poker under the Gambling Act 2005

What is poker?

Poker is a card game which, like bridge, involves elements of both chance and skill. It is therefore classified as a game of chance under the Gambling Act 2005. There are many variations on the game of poker, but the information in this fact sheet relates to **equal chance** poker games, like "Texas Hold 'Em", where players compete against each other, on equal terms. In most forms of the game players bet or stake progressively into a communal pot or kitty, with the player holding the best hand at the end of the betting winning the accumulated stakes. Unequal chance poker (e.g. "Casino stud poker" where the banker or dealer participates in the game and holds a mathematical edge over the other players) may only be played in licensed casinos or, if it is 'domestic' or 'residential', under the Act's private gaming provisions (see below).

Where can poker be played?

- In **licensed casinos**, usually in dedicated card rooms or salons – there are no statutory limits on stakes, prizes or other charges for poker played in casinos.
- In **clubs and miners' welfare institutes** – but unless a club or institute holds a club gaming permit from their local licensing authority there are statutory limits on stakes, prizes and participation fees for poker played in these types of premises.
- In **pubs** – once again there are limits on stakes and prizes; no participation fee or other charge may be made.
- At **non-commercial events** where none of the proceeds of the event are used for private gain.
- **On a private occasion** – for example, in a private house or on residential premises, such as a hostel, to which the public do not have access.

Poker in clubs and institutes

Members' clubs, commercial clubs and miners' welfare institutes may provide facilities for equal chance poker for their members under the exempt gaming provisions in Part 12 of the Gambling Act. There is a stakes limit of £10 per player per game (n.b. the limit applies to a **game of poker**, not a single hand), as well as aggregate stakes limits of £250 per day and £1000 per week for each individual club or institute. So, 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 also £250. The maximum charge that a club or institute may make for participating in poker is £1 per player per day, and no deductions or levies are permitted from either stakes or prizes. Where a club holds a club gaming permit issued by their local licensing authority (or, in the case of a commercial club, a club machine permit) the maximum participation fee is £3. Where a club gaming permit is held there are no statutory limits on

stakes or prizes. The Gambling Commission has issued a statutory code of practice on gaming in clubs and pubs, which is available from its website: www.gamblingcommission.gov.uk. See also the separate DCMS fact sheet on "Gaming in clubs and miners' welfare institutes" for further details.

Poker in pubs

A limited amount of low stakes, social poker may be played in pubs. There is a stakes limit of £5 per player **per game** (not per hand), and the aggregate stakes limit for pub poker is £100 per day for each premises. So, for example, a pub could run a daily poker game involving 20 players staking £5 each. The maximum prize for a game of poker played in a pub is also £100. No charge or entry fee may be made for participating in pub poker and, as with clubs, no deductions or levies may be made from either stakes or prizes. The Gambling Commission has issued a statutory code of practice on gaming in clubs and pubs, which is available from its website: www.gamblingcommission.gov.uk. See also the separate DCMS fact sheet on "Gaming in pubs and other alcohol-licensed premises" for further details.

Poker at non-commercial events

Poker may be played at non-commercial events under section 300 of the Gambling Act. Poker, or equal chance gaming more generally, may be the main or sole purpose of the event, but none of the proceeds of a non-commercial event may be used for private gain. These provisions are intended to be used by charities and other non-commercial societies for fund-raising purposes. There are limits on the amounts that players may be charged to take part, and on the amount or value of the prizes. The maximum amount that a player may be charged is £8 per day (and this includes entrance fees, stakes and any other charges in relation to the gaming). The total amount paid out in prizes may not exceed £600, 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 (please note that the earlier events must have taken place on a different day to the final).

Private poker

Equal chance poker may be played under the private gaming provisions in section 296 of, and Schedule 15 to, the Act. Private gaming may only occur in a place to which the public does not have access (e.g. a private dwelling, hostel or hall of residence). 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.

If private gaming is domestic or residential, the above conditions will apply, but unequal chance poker may also be played. Private gaming is 'domestic' if it takes place in a private dwelling and on a domestic occasion. Private gaming is 'residential' if it takes place in a hostel, hall of residence or similar establishment which is not administered in the course of a trade or business,

and more than half of the participants are residents of that hostel, hall of residence or establishment.

NB. This fact sheet is intended to provide a general explanation of the regulatory regime under the Gambling Act 2005 and its subordinate legislation, and 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 legislative 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.

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