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Fundraising via Race Nights, Casino Nights, Poker Nights and Associated Lotteries

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Aim

- Fundraising - Non-Commercial Events
- Casino Nights
- Poker Nights
- Race Nights – including as an incidental lottery
- Other Methods of Running These Kind of Events
- Enforcement
- Questions

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Fundraising - Non-Commercial Events

- An event where participants stake money on games where **NONE** of the money the organisers raised from the event is used for private gain.
- Except for reasonable costs. This would include costs incurred by providing the prizes.
- If third parties are selling goods or services at the event, this does not count as money raised for the charity or good cause and can be retained by that third party.

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Fundraising - Non-Commercial Events

- Proceeds must not be used for private gain, and must all be given to a good cause.
- Proceeds include any entrance fees, sponsorship, the difference between stakes placed and pay out made.
- A non-commercial event can be run without a licence, or any other form of permission, as long as it falls into one of the following three categories:
 - Non-commercial prize gaming
 - Non-commercial equal chance gaming
 - Private gaming

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The Act – Non-Commercial Gaming & Betting

- S.297(1) & (2) of the Act states:
 - (1) For the purposes of this Act, gaming is non-commercial if it takes place at a non-commercial event (whether as an incidental activity or as the principal or only activity).
 - (2) An event is non-commercial if the arrangements for the event are such that no part of the proceeds are to be appropriated for the purpose of private gain.

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Proceeds

- S.297(3) of the Act: the act defines proceeds as:
 - (1) The sums raised by the organisers, whether by way of fees for entrance of for participation, by way of sponsorship, by way of commission from traders, or otherwise.
 - (2) Minus amounts deducted by the organisers in respect of costs reasonably occurred in organising the event.

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Proceeds

- However, sums raised by other persons will not form part of the proceeds of the event, and may be appropriated for private gain. An example would be refreshments provided at the event by an independent third party.

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Money's Worth

- Please be aware that for stakes and prizes, the maximum values include both money and money's worth.
- Money's worth is the fair or full equivalent of the money that is paid, and includes: payment in kind, vouchers, goods, donated items, goody bags, buy-ins at other poker tournaments, or other items which have a value.

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Fundraising – Commercial Events

- It is illegal to organise a commercial event outside a licensed premises.
- However, applications can be made for temporary use notices (TUNs) in respect of other premises to offer gaming on a commercial basis.
- Occasional Use Notices (OUNs) can also be used.

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Casino Nights



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Casino Nights

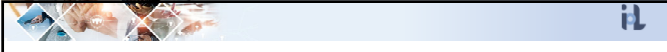
- A non-commercial casino night is an event where participants stake money on casino style games, again where none of the money the organisers raise is used for private gain.

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Casino Nights as Non-Commercial Prize Gaming

- Here, players must be told what the good cause or benefit from the profits of the gaming is before placing a bet.
- The prizes must be advertised in advance, and must depend on the number of people playing or the stakes raised.
- The casino gaming determines the individual winner or winners, for example, by counting who has the most casino chips at a set time.
- The winners are then awarded the prizes that had been advertised in advance.


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Casino Nights as Non-Commercial Equal Chance Gaming

- This is where the chances are equally favourable to all participants, and players are not competing against a bank.
- Charitable funds in this instance are usually raised through an entrance fee, participation fee or through other payments relating to the gaming.
- The maximum amount that a player may be charged is £8 per day, which includes entrance or participation fees, stakes and any other payments in relation to the gaming.
- Organisers must ensure that the total amount paid out in prizes remains below £600 in total across all players.

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Casino Nights as Non-Commercial Equal Chance Gaming

- However, if 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 allowed.

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Casino Nights as Private Gaming

- A casino night may be run under private gaming provisions in the Act.
- It may only occur in a place to which the public does not have access, normally a private dwelling, hostel, hall of residence or similar establishment.
- No charge may be made for participation in private gaming, including an entrance fee or other charge for admission, nor may any amount be deducted from stakes or prizes.
- No profits can be made from private gaming, irrespective how the organiser intended to use the profits and thus even if intended for charitable purposes.

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Casino Nights as Private Gaming

- It is irrelevant whether the charge is said to be voluntary or compulsory, particularly if customers are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.
- People joining a club to attend and take part in a 'private' event are unlikely to still be regarded as members of the public, particularly if club membership is required only a short time before the event, and in order to attend the event.
- Membership status is not allowed to be abused in order to circumvent the law in this way.
- By way of reminder, profits cannot be made from private gaming, irrespective of how the organiser intends to use these profits, even if intended for charitable purposes.

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Poker Nights




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Poker Night as Non-Commercial Gaming


- The Act permits non-commercial gaming if it takes place at a non-commercial event, either as an incidental or principle activity at the event.
- Again, no part of the proceeds can be for private profit or gain.
- Superficially, proceeds of such events may benefit one or more individuals if the event is organised:
 - By, or on behalf of, a charity or charitable premises.
 - To enable participation in, or support of, sporting, athletic or cultural activity.

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 **Poker as Non-Commercial Gaming**


- Therefore, it would be possible to raise funds for an individual, providing that the proceeds were going toward, for example, a wheelchair or sporting endeavour.

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 **Penalties**

- If someone uses any profits from non-commercial gaming for something other than the specified purpose, then they commit an offence under S.301 of the Act.
- Maximum penalty, upon conviction for such an event, is a term of imprisonment not exceeding 51 weeks for England and Wales (6 months in Scotland) and/or a level 5 fine. (A level 5 fine is unlimited for offences committed after 13th March 2015.)

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 **Poker Nights as Non-Commercial Prize Gaming**

- Poker can be offered as a non-commercial prize gaming without the need for an operating licence or premises licence, or a prize gaming permit, if:
 - The nature and size of the prizes is not determined by the number of people playing, or the amount paid for, or raised, by the gaming.
 - Normally the prizes will be determined by the organiser, before play commences.

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Poker Nights as Non-Commercial Equal Chance Gaming

- Poker can be offered as non-commercial equal chance gaming without the need to have an operating licence or premises licence.
- In non-commercial equal chance gaming, the charitable funds are usually raised through an entrance fee, participation fee, or through other payments related to the gaming.
- The maximum amount that a player can be charged is £8 per day (this includes entrance and participation fees, stakes and any other payments in relation to the gaming.)
- Organisers must ensure that the total amount paid out in prizes remains below £600 in total across all players.


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Poker Nights as Non-Commercial Equal Chance Gaming

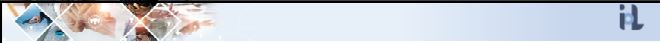
- However, where an event is the final one in a series in which all players have previously taken part, a higher prize fund of up to £900 is allowed.
- If you're running more than one event on the same premises and on the same day, you must still comply with the £8 participation fee and £600 total prize limit.

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Race Nights




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Race Nights

- Again, there are broadly three types of race night:
 - Non-commercial race nights as non-commercial gaming (incidental lottery/ non-commercial prize gaming/non-commercial equal chance gaming)
 - Under an occasional use notice
 - Race night as private gaming

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Race Nights as Non-Commercial Gaming

- This is where the selection of a horse by a participant is totally dependent on chance, and no 'odds' or 'form' are available to assist in selection.
- An example would be the use of archive films or horse racing without revealing the details of each race.

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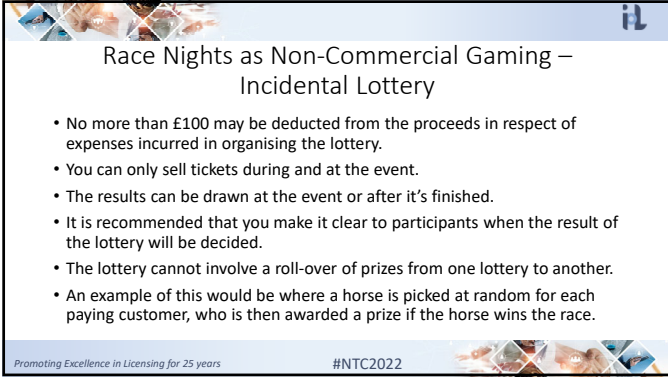


Race Nights as Non-Commercial Gaming – Incidental Lottery

- A race night can be done as an incidental lottery whereby the lottery is incidental to an event.
- The lottery must be promoted wholly for a purpose other than that of a private game.
- There are no limits on the amount that the players may be charged to participate in an incidental lottery, but not more than £500 may be deducted from the proceeds of the lottery for the cost of prizes which may be in cash or in kind.
- There is no maximum value of 'donated' prizes.

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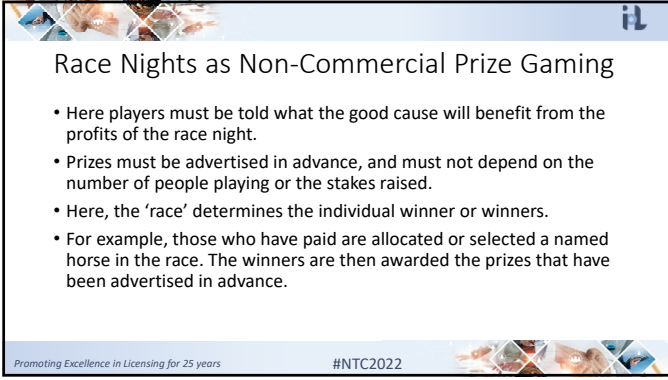




Race Nights as Non-Commercial Gaming – Incidental Lottery

- No more than £100 may be deducted from the proceeds in respect of expenses incurred in organising the lottery.
- You can only sell tickets during and at the event.
- The results can be drawn at the event or after it's finished.
- It is recommended that you make it clear to participants when the result of the lottery will be decided.
- The lottery cannot involve a roll-over of prizes from one lottery to another.
- An example of this would be where a horse is picked at random for each paying customer, who is then awarded a prize if the horse wins the race.

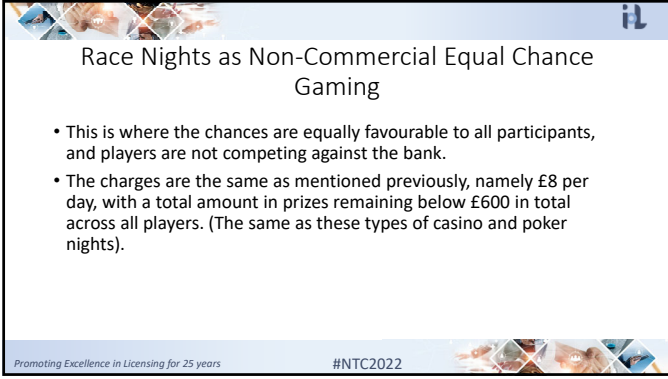
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Race Nights as Non-Commercial Prize Gaming

- Here players must be told what the good cause will benefit from the profits of the race night.
- Prizes must be advertised in advance, and must not depend on the number of people playing or the stakes raised.
- Here, the 'race' determines the individual winner or winners.
- For example, those who have paid are allocated or selected a named horse in the race. The winners are then awarded the prizes that have been advertised in advance.

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Race Nights as Non-Commercial Equal Chance Gaming

- This is where the chances are equally favourable to all participants, and players are not competing against the bank.
- The charges are the same as mentioned previously, namely £8 per day, with a total amount in prizes remaining below £600 in total across all players. (The same as these types of casino and poker nights).

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Occasional Use Notices

- These can be run by licensed operators, whereby odds and form, for example in race nights, can be made available to gamblers.
- It can only be organised at sporting venues under an occasional use notices (OUN).
- It does not matter if the sporting event on which the bets are taken is held at the venue.
- Also, the sporting event on which the bets are taken does not need to be taking place at the same time as the betting under the OUN.

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Occasional Use Notices

- The person administrating the betting under an OUN must have a Gambling Commission operating licence (must be licensed bookmaker.)
- An OUN must be sent in writing to the relevant local authority in advance of the event, and be copied to the chief officer of Police for the area in which the venue is located. (Or, in Scotland, the chief constable of Police Force for the area.)
- OUNs may not be used for more than 8 days in a calendar year in respect of any one venue.

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Occasional Use Notices

- The purpose of these really is to ensure that at point-to-point racecourses which are used for only a few days a year, and tracks such as golf courses where betting facilities are provided for major competitions, but not otherwise, do not have to obtain a full premises licence.

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Temporary Use Notice

- These allow operating licence holders to serve notice that they intend to offer facilities for gambling in a premises not licensed to provide gambling, on a temporary basis.
- The gambling activity requested in the notice, must be one for which the operating licence already authorizes.
- They are limited to a maximum of 21 Days, in a 12 month period.

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Enforcement

- <https://www.birminghammail.co.uk/news/midlands-news/give-your-details-youll-arrested-20109584>
- <https://www.lancashiretelegraph.co.uk/news/19144963.26-fines-issues-illegal-poker-tournament-discovered-town-centre-bar/>
- <https://www.surreycomet.co.uk/news/14476613.pair-running-illegal-poker-tournaments-in-kingston-pool-bar-ordered-to-pay-30000/>

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Questions

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