

# arte poker

5 - Poker as private gaming

29.46. Poker offered as private gaming can take place anywhere to which the public do not have access, and this would include a workplace.

Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

Domestic gaming is permitted without the need for permissions if:

- it takes place in a private dwelling
- it is on a domestic occasion
- no charge or levy is made for playing.

Residential gaming is permitted when:

- it takes place in a hall of residence or hostel not administered in the course of a trade or business
- more than 50 percent of the participants are residents.

29.47. Private gaming can potentially take place on commercial premises in circumstances where a members club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel, or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club. The law in this area is complex and organisers should be advised to seek their own legal advice before proceeding with the event.

29.48. It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed 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. A relevant