

# GAMING HISTORY & LAW

W Bryce Neilson

---

The following is a short summary of some of the more important pieces of legislation relating to games and gambling from the earliest times till the year 2000. It should help researchers into specific games or historical periods to understand the legal background or to locate the appropriate legislation for further study.

---

----- Common law - games and gaming not unlawful unless against morality, decency or sound policy.

1388 Royal edict / Unlawful Games Act to encourage archery and discourage playing games. “Servants and labourers shall have Bows and Arrows and use the same the Sundays and Holydays, and leave all playing at tennis or football, and other games called Coits, Dice, Casting of the Stone, Kailes (skittles), and other such importune Games”

1409 Above re-enacted and added that offenders were to be imprisoned

1477 Added to 1388 list of games - closh, kailes, half-bowl, hand-in, hand-out, and queckboard. Penalty 3 years imprisonment for suffering playing of illegal games and 2 years for playing same

1541 Unlawful Games Act for the maintaining of Artillery, and the debarring of unlawful games. Repealed all previous statutes but re-enacted that all games previously rendered illegal to remain so ... “dicing, table, or carding or any other manner of game prohibited by any statute heretofore made or any unlawful new game now invented ... or hereafter to be invented, found, had or made”. Games themselves not rendered unlawful - the offence being the keeping of any common house, alley or place where the games were played for gain, lucre or living.

Also placed restrictions on the lower classes “No manner of artificer or craftsman ....., husbandman, apprentice, labourer, servant at husbandry, journeymen or servant of artificer, mariners, fishermen, watermen, or any serving man, shall ... play at the tables, tennis, dice, cards, bowls, clash, coyting, logating, or any other unlawful game, out of Christmas, .... and in Christmas to play at any of the said games only in their masters’ houses, or in their masters’ presence ....”

Parts of this Act remained in force until repealed by the 1960 Betting and Gaming Act. The 1845 Gaming Act made some of the games mentioned lawful.

1555 Gaming Act. All licenses for keeping of “Bowling Alleys, Dysing Houses, or any other unlawful games” revoked. (not repealed till 1863)

1605 (Case or clarification of 1541 Act) If guests at an inn or tavern call for a pair of dice or tables and play for their recreation this is not within the above statute if the house is not kept for gaming, lucre or gain (from gaming)

1625 Sunday Observance Act to prevent people on Sundays meeting out of their own parishes for any sport or pastime whatever and to prevent meeting in own parishes for unlawful games.

1664 Gaming Act. Sums in excess of £100 lost in gaming not recoverable (First statute against gambling as opposed to playing games)

- 1698 Lotteries Act - lotteries illegal except State lotteries.
- 1708 Wagering Act - wagers relating to the then War with France null and void.
- 1710 Gaming Act. All wagers rendered null and void and loser of £10 or more could sue for recovery of money lost. If convicted of cheating at cards, dice .....shall forfeit five times the amount involved and be deemed infamous, and suffer such corporal punishment as in cases of wilful perjury.
- 1721 Lotteries Act
- 1728 Unlawful Games Act - for more effectually debarring unlawful games.
- 1738 Gaming Act - the games of ace of hearts, pharaoh, basset and hazard declared to be lotteries by cards or dice and subject to new penalties under the lotteries legislation. Does not apply to gaming in royal palaces.
- 1739 Gaming Act - game of passage and all other dice games except backgammon to be treated as lotteries by dice.
- 1744 Gaming Act - game of roulette or roly-poly added to the games listed in 1738-39.
- 1751 Disorderly Houses Act - to encourage prosecutions against keepers of bawdy, gaming and other disorderly houses. Bribe of £10 offered to any two citizens for information leading to a successful prosecution.
- 1757 Obtaining Money by False Pretences Act - Gaming in Public Houses prohibited. An offence if any person licensed to sell liquor knowingly suffers any gaming with cards, dice, draughts, shuffleboards, mississippi, or billiard-tables, skittles, ninepins, or with any other implement of gaming by any journeymen, labourers, servants, or apprentices.
- 1802 Gaming Act - all games or lotteries called little goes declared public nuisance. Penalty for organising lotteries increased to £500 and offenders deemed to be rogues and vagabonds and punishable as such.
- 1806 Lotteries Act - now an offence for "aiding and abetting or knowingly allowing a lottery to be kept" Increased penalties for taking part in a lottery.
- 1823 Lotteries Act - made advertising foreign lotteries an offence. "Advertising" could include selling tickets.
- 1823 Alehouse Act - keeping of a cock-pit forbidden
- 1824 Vagrancy Act
- 1828 Alehouse Act - interpretation ... the law relative to gaming-houses will here apply ... however if the guests at an inn or tavern call for dice or tables, and for their recreation play with them, or if any neighbours play at bowls for their recreation or the like, these are not within the statute 33 Hen.VIII.c.9,s.11, if the house be not kept for gaming, nor the gaming be for lucre or gain.
- 1828 Customs & Excise or Duty Act - teetotums or other dice substitutes subject to same duty as dice.
- 1835 Gaming Act re securities given in respect of gaming debts.

- 1839 Metropolitan Police Act - offence to knowingly allow unlawful games or gaming on premises where provisions, liquor or refreshments sold or consumed. Magistrates empowered to use force in entering suspected common gaming houses.
- 1845 Lotteries Act
- 1845 Gaming Act. "Whereas the laws heretofore made in restraint of unlawful gaming have been found of no avail to prevent the mischiefs which may happen therefrom, and also apply to sundry games of skill from which the like mischiefs cannot arise ...".  
The Act is principally concerned with the suppression of gaming houses but also differentiates between games of chance and games of skill, the latter now being legal. A house kept for playing any unlawful game where a bank is kept or where the chances are not equally favourable to all players is deemed to be a common gaming house.  
The Act makes it easier to enter suspect premises and to prosecute those involved. Allows for indemnity of participating witnesses and renders all contracts by gaming or wagering null and void. It also reintroduces licenses for billiards, bagatelle and the like and makes cheating at play punishable as obtaining money by false pretences.
- 1849 Cruelty to Animals Act - keeper of cock-pit liable to £5 fine or one month's imprisonment.
- 1853 Betting Act - for suppression of betting houses. All betting houses deemed to be common gaming houses and severe penalties imposed on keepers, advertisers and resorters to same. (Effect was to drive betting on to the streets)
- 1854 Gaming-Houses Act - gave additional powers to the police, increased penalties and generally made it easier to prosecute those involved. £500 fine or one year imprisonment for keeping a common gaming house or knowingly allowing the play of unlawful games.
- 1859 Vexatious Indictments Act - to curtail number of prosecutions alleging the keeping of a gaming house.
- 1860 Refreshment Houses Act. Games of skill and chance differentiated.
- 1867 Metropolitan Streets Act - an offence for three or more persons to assemble in a street for the purpose of gaming.
- 1872 Licensing Act - offence for a holder of a justice's license to suffer any unlawful game or gaming on his premises. Penalty of £10 for first offence, £20 thereafter. Illegal to use licensed house for betting.
- 1873 Vagrant Act Amendment Act - person betting or gaming in the street or other public place deemed a rogue and vagabond and punishable as such.
- 1874 Betting Act - to suppress advertising of betting.
- 1892 Betting and Loans (Infants) Act - to prevent inciting school boys etc. to betting, wagering or borrowing money
- 1906 Street Betting Act - to suppress street betting (resulted in betting at hairdressers, tobacconists etc). Penalties for any person loitering etc. for purpose of betting.
- 1898 John Ashton (page 149) notes that after the 1845 Act "... professional gaming-houses in London were a tradition of the past. Now, however, they abound, thanks to the laxity of the law with regard to so-called clubs.
- 1910 Licensing (Consolidation) Act - as 1872 above.

- 1910 or earlier. Court case re gaming machine thrown out because amounts involved were trivial.
- 1911 Court case re Pickwick type machine in pub settled out of court.
- 1912 Pickwick type of machine deemed game of skill and therefor legal.
- 1936 Court case decreed play on a machine for money is gaming even if game of skill.
- 1960 Pre 1960 playing games for money not unlawful unless unlawful games (chance v. skill) or keeping a common gaming house.
- 1960 Betting and Gaming Act. Complete revision of gaming law and generally legalising betting shops and gaming houses with some conditions. Chances in any game must be equally favourable to all and all money staked to be paid out as winnings.

(As a consequence games of skill eg. darts, shove-ha'penny etc can be played in pubs for money and if gaming gets out of hand Justices can restrict games or impose conditions. Gaming can take place in pubs if in private room hired to a club and with no public access.)

Gaming machines restricted to private clubs and to two per premises. Maximum stake 6d and all stakes hazarded to be applied as winnings or for purposes other than private gain. Amusement machines - maximum stake 1/-, maximum prize 1/- plus free plays on machine (or unlimited if in kind?). Note that there were no restrictions on innocuous machines with prize limited to replays or delivery back of coin inserted.

- 1963 Betting, Gaming and Lotteries Act - to consolidate 1960 Act with various Lotteries Acts.
- 1964 Betting, Gaming and Lotteries Act - to amend 1963 Act with respect to machines. Amusement machines - maximum prize 1/- in cash or 5/- in kind.
- 1966 Finance Act - Casinos to be licensed with fee based on rateable value of premises.
- 1968 Betting, Gaming and Lotteries Act

Gaming board advises secretary of state on granting of licenses for casinos, which games should be allowed therein and what rules are acceptable for each game.

Post 1968 Act - attitude of authorities - small stake gaming in pubs acceptable providing not primary inducement to resort to the premises and no bankers' games allowed and no levy or charges made. Dominoes and cribbage allowed by statute. Poker and brag type games should be discouraged.

Amusement machines - maximum prize 2/- cash or 5/- in kind which could include up to 2/- cash.

- 2000 Amusement machines in pubs etc. maximum stake 30p, maximum prize £15. Where under 18's have access, maximum prize £5. No longer any real need for tokens.