



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 5

#### OPERATING LICENCES

##### *Maintenance*

#### **100 Annual fee**

- (1) The holder of an operating licence—
  - (a) shall pay a first annual fee to the Commission within such period after the issue of the licence as may be prescribed, and
  - (b) shall pay an annual fee to the Commission before each anniversary of the issue of the licence.
- (2) In this section—

“annual fee” means a fee of such amount as may be prescribed, and  
“prescribed” means prescribed by the Secretary of State by regulations.
- (3) Regulations under this section may, in particular, make different provision for—
  - (a) different kinds of operating licence, or
  - (b) different circumstances.
- (4) Subsection (1)(b) does not apply in relation to an anniversary of the issue of a licence on or immediately before which the licence ceases to have effect by virtue of section 111.

#### **Modifications etc. (not altering text)**

- C1** Pt. 5 modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), [Sch. 4 para. 72](#)
- C2** Pt. 5 modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), [Sch. 4 para. 50](#)

*Changes to legislation: There are currently no known outstanding effects for the  
 Gambling Act 2005, Cross Heading: Maintenance. (See end of Document for details)*

- C3** S. 100 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 42(7)(a)**
- C4** S. 100(1) modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 35**

**Commencement Information**

- I1** S. 100 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

**101 Change of circumstance**

- (1) The Secretary of State may make regulations requiring the holder of an operating licence—
- (a) to notify the Commission of any change of circumstance of a prescribed kind in relation to him or to a licensed activity, and
  - (b) to give the Commission prescribed details of the change.
- (2) If a change of circumstance notified under subsection (1) falsifies information contained in the operating licence in accordance with section 66 the notification must be accompanied by—
- (a) the prescribed fee, and
  - (b) either—
    - (i) the licence, or
    - (ii) an application to the Commission for the issue of a copy of the licence under section 107.
- (3) Where notification is accompanied by the licence, the Commission shall—
- (a) make such alteration to the information contained in the licence as appears to it to be required by the change in circumstance, and
  - (b) return the licence to the licensee.
- (4) Where the notification is accompanied by an application for a copy of the licence, the Commission shall, if it grants the application, issue the copy in a form which appears to the Commission to reflect the change in circumstance.
- (5) In this section “prescribed” means prescribed by regulations under this section.
- (6) The holder of an operating licence commits an offence if he fails without reasonable excuse to comply with regulations under this section.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) This section does not prevent the imposition of a requirement to notify the Commission of a specified change of circumstance by way of the attachment of a condition to an operating licence.

**Commencement Information**

- I2** S. 101 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

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## 102 Change of corporate control

- (1) This section applies where the holder of an operating licence is a company limited by shares (“the company”).
- (2) If a person becomes a controller of the company (“the new controller”), within the meaning of section 422 of the Financial Services and Markets Act 2000 (c. 8), the company shall inform the Commission and either—
  - (a) surrender the operating licence under section 113, or
  - (b) apply to the Commission under this section for a determination that the operating licence shall continue to have effect.
- (3) An application under subsection (2)(b) must be accompanied by such information as the Commission may direct about—
  - (a) the new controller,
  - (b) his interest in the company, and
  - (c) his interest in any company of which the company is a subsidiary (within the meaning of <sup>F1</sup>section 1159 of the Companies Act 2006]).
- (4) On considering an application under section (2)(b) the Commission shall—
  - (a) make the determination sought, if satisfied that the Commission would have granted the operating licence to the licensee had the new controller been a controller of the company when the application for the operating licence was made, and
  - (b) otherwise, revoke the operating licence.
- (5) If the Commission becomes aware that a company has failed to comply with the duty under subsection (2) within the period of five weeks beginning with the day on which the duty began to apply to the company, the Commission shall revoke the relevant operating licence.
- (6) But the Commission may extend the period under subsection (5)—
  - (a) before it expires, or
  - (b) after it expires (if the relevant operating licence has not yet been revoked).

### Textual Amendments

- F1** Words in s. 102(3)(c) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 247** (with art. 10)

### Modifications etc. (not altering text)

- C5** Ss. 102 103 excluded (1.1.2007) by [Gambling \(Personal Licences\) \(Modification of Part 5 of the Gambling Act 2005\) Regulations 2006 \(S.I. 2006/3267\)](#), regs. 1(1), 2(1), **Sch. Table 1**

### Commencement Information

- I3** S. 102 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

## 103 Section 102: supplemental

- (1) The Secretary of State may by regulations provide for section 102 not to apply to the holder of a specified description of operating licence.

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- (2) An application under section 102(2)(b) must be accompanied by the prescribed fee.
- (3) An application may be made under section 102(2)(b) in respect of a person who is expected to become a controller of a company.
- (4) The Commission shall as soon as is reasonably practicable inform an applicant under section 102(2)(b) of—
  - (a) the Commission's decision, and
  - (b) the reasons for it.
- (5) In giving a direction under section 102(3) the Commission shall have regard to normal commercial practices in relation to the confidentiality of information.
- (6) Regulations under subsection (2) above may, in particular, provide for a reduction of fee where the application is a result of—
  - (a) the merger of more than one company, or
  - (b) the division of a company.
- (7) Revocation of an operating licence under section 102 shall be treated for all purposes (including the application of section 119) as revocation under section 119.

**Modifications etc. (not altering text)**

**C5** Ss. 102 103 excluded (1.1.2007) by [Gambling \(Personal Licences\) \(Modification of Part 5 of the Gambling Act 2005\) Regulations 2006 \(S.I. 2006/3267\)](#), regs. 1(1), 2(1), **Sch.** Table 1

**Commencement Information**

**I4** S. 103 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, **Sch.** 4)

**104 Application to vary licence**

- (1) The holder of an operating licence may apply to the Commission to vary the licence by—
  - (a) adding, amending or removing a licensed activity,
  - (b) amending another detail of the licence, or
  - (c) adding, amending or removing a condition attached to the licence under section 77.
- (2) A licence may not be varied under this section so as to authorise anyone other than the person to whom it was issued to provide facilities for gambling.
- (3) The provisions of this Part shall apply in relation to an application for variation as they apply in relation to an application for a licence—
  - (a) subject to the provisions of this section, and
  - (b) with any other necessary modifications.
- (4) Regulations under this Part which relate to an application for an operating licence may make—
  - (a) provision which applies only in the case of an application for variation;
  - (b) provision which does not apply in the case of an application for variation;
  - (c) different provision in relation to an application for variation from that made in relation to an application for an operating licence;

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- (d) different provision in relation to applications for variations of different kinds.
- (5) An application for variation must (in addition to anything required by section 69) be accompanied by—
  - (a) a statement of the variation sought, and
  - (b) either—
    - (i) the licence to be varied, or
    - (ii) a statement explaining why it is not reasonably practicable to produce the licence.
- (6) In granting an application for variation the Commission—
  - (a) shall specify a time when the variation shall begin to have effect, and
  - (b) may make transitional provision.

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**Modifications etc. (not altering text)**

**C6** Ss. 104-107 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 42(7)(b)**

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**Commencement Information**

**I5** S. 104 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

## 105 Amendment

- (1) The Commission may require the holder of an operating licence to submit it to the Commission for the purpose of amendment to reflect—
  - (a) a general variation of conditions under section 75,
  - (b) a change notified under section 101,
  - (c) the grant of an application for variation under section 104,
  - (d) the attachment of an additional condition, or the amendment of a condition, under section 117,
  - (e) the grant of an application for renewal under section 112, or
  - (f) anything done in relation to a personal licence under Part 6.
- (2) A licensee shall comply with a requirement under subsection (1) within the period of 14 days beginning with the day on which he receives notice of the requirement.
- (3) A person commits an offence if he fails without reasonable excuse to comply with a requirement imposed under subsection (1).
- (4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) Subsection (1)(a) is without prejudice to section 76(4)(c).

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**Modifications etc. (not altering text)**

**C6** Ss. 104-107 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 42(7)(b)**

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#### Commencement Information

**I6** S. 105 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), [Sch. 1](#) (with arts. 7-11, 7-12, Sch. 4)

### 106 Register of operating licences

- (1) The Commission shall—
- (a) maintain a register of operating licences containing such details of and relating to each licence as the Commission thinks appropriate,
  - (b) make the register available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register to a member of the public on request.
- (2) The Commission may refuse to provide access to the register or to provide a copy of an entry unless the person seeking access or a copy pays a fee specified by the Commission.
- (3) The Commission may not specify a fee under subsection (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the Commission may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

#### Modifications etc. (not altering text)

**C6** Ss. 104-107 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), [Sch. 4 para. 42\(7\)\(b\)](#)

#### Commencement Information

**I7** S. 106 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), [Sch. 1](#) (with arts. 7-11, 7-12, Sch. 4)

### 107 Copy of licence

- (1) The Commission may make arrangements to issue to a licensee on request a copy of an operating licence which has been lost, stolen or damaged.
- (2) The arrangements may, in particular, include a requirement—
- (a) for the payment of a fee not exceeding such sum as may be prescribed for the purposes of this subsection by the Secretary of State by regulations;
  - (b) in the case of a licence being lost or stolen, that the licensee has complied with specified arrangements for reporting the loss or theft to the police.
- (3) A copy of a licence issued under this section shall be treated as if it were the licence.

#### Modifications etc. (not altering text)

**C6** Ss. 104-107 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), [Sch. 4 para. 42\(7\)\(b\)](#)

**C7** S. 107 modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), Sch. 4 paras. 44, 47

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Maintenance. (See end of Document for details)*

#### Commencement Information

**18** S. 107 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), [Sch. 1](#) (with arts. 7-11, 7-12, Sch. 4)

### 108 Production of licence

- (1) A constable or enforcement officer may require the holder of an operating licence to produce it to the constable or enforcement officer within a specified period.
- (2) A licensee commits an offence if he fails without reasonable excuse to comply with a requirement under subsection (1).
- (3) A person guilty of an offence under subsection (2) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### Commencement Information

**19** [S. 108](#) in force at 1.9.2007 by [S.I. 2006/3272](#), art. 2(4)(5), [Sch. 3B](#) (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)

### 109 Conviction

- (1) If the holder of an operating licence is convicted of an offence by or before a court in Great Britain he shall as soon as is reasonably practicable notify the Commission of—
  - (a) his conviction, and
  - (b) any sentence passed in respect of it.
- (2) If the holder of an operating licence is convicted of a relevant offence by or before a court in Great Britain he shall immediately inform the court that he is the holder of an operating licence.
- (3) If the holder of an operating licence is convicted of a relevant offence by or before a court outside Great Britain he shall as soon as is reasonably practicable notify the Commission of—
  - (a) his conviction, and
  - (b) any sentence passed in respect of it.
- (4) A person commits an offence if he fails without reasonable excuse to comply with any of subsections (1) to (3).
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### Commencement Information

**110** S. 109 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), [Sch. 1](#) (with arts. 7-11, 7-12, Sch. 4)

**Changes to legislation:**

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