



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 5

#### OPERATING LICENCES

##### *Conditions*

#### **80 Requirement for personal licence**

- (1) The Commission shall use its powers under sections 75 and 77 to ensure that in respect of each operating licence at least one person—
  - (a) occupies a specified management office in or in respect of the licensee or in connection with the licensed activities, and
  - (b) holds a personal licence authorising the performance of the functions of the office.
- (2) A condition under either of those sections may impose requirements which relate to a management office and are in addition to any required by subsection (1).
- (3) A condition attached to an operating licence by virtue of section 75, 77 or 78 may, in particular, provide that if a specified management office is held in or in respect of the licensee or in connection with a licensed activity (whether or not in pursuance of another condition)—
  - (a) it must be held by an individual who holds a personal licence authorising the performance of the functions of the office, and
  - (b) anything done in the performance of the functions of the office must be done in accordance with the terms and conditions of the personal licence.
- (4) A condition attached to an operating licence by virtue of section 75, 77 or 78 may, in particular, provide that if a specified operational function is performed in connection with a licensed activity it must be performed—
  - (a) by an individual who holds a personal licence authorising performance of the function, and
  - (b) in accordance with the terms and conditions of the personal licence.

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*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Section 80. (See end of Document for details)*

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- (5) In this section “management office” in relation to a licensee means—
- (a) if the licensee is a company, the office of director,
  - (b) if the licensee is a partnership (including a limited liability partnership), the office of partner,
  - (c) if the licensee is an unincorporated association, any office in the association, and
  - (d) in any case, any position the occupier of which is required, by the terms of his appointment, to take or share responsibility for—
    - (i) the conduct of a person who performs an operational function in connection with a licensed activity, or
    - (ii) facilitating or ensuring compliance with terms or conditions of the operating licence.
- (6) In this section “operational function” means—
- (a) any function which enables the person exercising it to influence the outcome of gambling,
  - (b) receiving or paying money in connection with gambling, and
  - (c) manufacturing, supplying, installing, maintaining or repairing a gaming machine.
- (7) Provision by virtue of subsection (1) may be general or may relate only to specified—
- (a) kinds of operating licence,
  - (b) cases, or
  - (c) circumstances.
- (8) The Secretary of State may by order amend the definition of “management office” or “operational function” for the purposes of this section.
- (9) In relation to a bingo operating licence issued to a members' club, a commercial club or a miners' welfare institute—
- (a) subsection (1) shall not apply, and
  - (b) a condition attached by virtue of section 75, 77 or 78 may not—
    - (i) require that a person hold a personal licence, or
    - (ii) operate by reference to whether a person holds a personal licence.

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**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**
- C3** S. 80 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**
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**Commencement Information**

- I1** S. 80 in force at 1.10.2005 for specified purposes by [S.I. 2005/2455](#), art. 2(1), **Sch.** (with art. 3)
- I2** S. 80 in force at 1.1.2007 in so far as not already in force by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, **Sch. 4**) (as amended by [S.I. 2006/3361](#), art. 2(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Gambling Act 2005, Section 80.