



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 5

#### OPERATING LICENCES

##### *Rules for particular kinds of licence*

#### **93 Pool betting operating licence**

- (1) A pool betting operating licence shall, by virtue of this section, be subject to the condition that bets may be accepted on behalf of the licensee only—
  - (a) by the licensee,
  - (b) by a person employed by the licensee under a written contract of employment,
  - (c) by the holder of another pool betting operating licence, or
  - (d) in accordance with subsection (2) or (3).
- (2) A bet is accepted by a person (“the agent”) on behalf of a licensee in accordance with this subsection if—
  - (a) the agent is authorised by the licensee in writing to accept bets on behalf of the licensee,
  - (b) the agent is an adult,
  - (c) at the time of accepting the bet the agent is on a track,
  - (d) the bet is accepted in reliance on an occasional use notice, and
  - (e) the bet is in connection with a horse-race or a dog race.
- (3) The holder of a pool betting operating licence that authorises (whether expressly or impliedly) the provision of facilities for football pools may in writing authorise an adult or young person—
  - (a) to make documents or other facilities available in connection with the licensed activities;
  - (b) to receive entries on behalf of the licensee;
  - (c) to receive payments on behalf of the licensee;

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*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Section 93. (See end of Document for details)*

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- (d) to make payments of winnings on behalf of the licensee.
- (4) An authorisation under subsection (3)—
- (a) shall be treated for the purposes of section 33 as if it were a pool betting operating licence, but
  - (b) shall have no effect in relation to any activity, entry or payment that relates partly to a football pool and partly to another form of gambling.
- (5) An authorisation under subsection (3) may be issued on terms and conditions which may, in particular, include—
- (a) provision for payment by the person issuing the authorisation;
  - (b) provision for commission.
- (6) A condition of a pool betting operating licence (whether attached by virtue of section 75, 77 or 78) may make provision regulating or restricting the activities of persons authorised under subsection (3).
- (7) A pool betting operating licence shall, by virtue of this subsection, contain an implied term permitting the use of postal services for the making of bets.
- (8) The effect of the term implied by subsection (7) may not be disapplied or restricted by a condition attached under section 75, 77 or 78.
- (9) The Secretary of State may by order—
- (a) amend or repeal subsection (2)(e);
  - (b) amend subsection (3) so as to permit authorisation in relation to betting of a specified kind that relates to a sport but is not a football pool.

**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** Ss. 89-99 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**

- I1** S. 93 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:**

There are currently no known outstanding effects for the Gambling Act 2005, Section 93.