Gambling Act 2005

2005 CHAPTER 19

PART 5

OPERATING LICENCES

Duration

110 Indefinite duration

An operating licence shall continue to have effect unless and until it ceases to have effect in accordance with—

(a) a determination under section 111, or

(b) section 113, 114, 115, 118 or 119.

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. 110 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. 42(8)**

C4 Ss. 110-112 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. 110 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.)

111 Power to limit duration

(1) The Commission may determine that operating licences, or a specified class of operating licence, shall cease to have effect at the end of a specified period (unless terminated earlier in accordance with section 113, 114, 115 or 119).

(2) The period specified under subsection (1)—

(a) in the case of an operating licence issued after the determination, must begin with the date on which the licence is issued, and

(b) in the case of an operating licence issued before the determination, must begin with the date of the determination.

(3) The Commission—

(a) may determine different periods under subsection (1) for operating licences authorising different classes of activity (but may not otherwise determine different periods for different licences),

(b) may alter a determination under subsection (1) (but an alteration shall have effect only in relation to licences issued after the alteration), and

(c) may revoke a determination under subsection (1) (in which case the determination shall cease to have effect in relation to licences already issued).

(4) The Commission shall publish any determination under subsection (1) as part of a statement (or revised statement) under section 23.

Modifications etc. (not altering text)

C4 Ss. 110-112 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

C5 S. 111 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)(c)**

Commencement Information

I2 S. 111 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.)

112 Renewal of licence

(1) Where an operating licence is subject to a determination under section 111, the licensee may apply to the Commission for renewal of the licence.

(2) The provisions of this Part shall apply in relation to an application for renewal 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.

(3) An application for renewal of an operating licence may be made only during the period which—

(a) begins three months before the date on which the licence would otherwise expire by virtue of section 111, and

(b) ends one month before the date on which the licence would otherwise expire by virtue of that section.

(4) Where an application for renewal of an operating licence is awaiting determination on the date when it would expire by virtue of section 111, the licence shall continue to have effect by virtue of this subsection until the application is determined (unless it ceases to have effect by virtue of section 113, 114, 115, 118 or 119).

(5) A direction or 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 renewal;
- (b) provision which does not apply in the case of an application for renewal;
- (c) different provision in relation to an application for renewal from that made in relation to an application for an operating licence.

(6) An application for renewal must (in addition to anything required by section 69) be accompanied by—
- (a) the licence to be renewed, or
- (b) a statement explaining why it is not reasonably practicable to submit the licence to be renewed.

(7) The Commission shall determine the period during which a renewed operating licence is to have effect (subject to sections 113, 114, 115, 118 and 119); and the Commission—
- (a) may determine different periods for operating licences authorising different classes of activity (but may not otherwise determine different periods for different licences),
- (b) may alter a determination (but an alteration shall have effect only in relation to licences issued after the alteration), and
- (c) shall publish any determination under this subsection as part of a statement (or revised statement) under section 23.

(8) The Secretary of State may by order amend subsection (3) so as to substitute a different time for a time specified.

Modifications etc. (not altering text)

C4 Ss. 110-112 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

C6 S. 112 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)(c)**

Commencement Information

I3 S. 112 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.)

113 Surrender

An operating licence shall cease to have effect if the licensee—
- (a) notifies the Commission of his intention to surrender the licence, and
- (b) gives the Commission either—
  - (i) the licence, or

(ii) a written statement explaining why it is not reasonably practicable to produce the licence.

Modifications etc. (not altering text)

C7 S. 113 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**

Commencement Information

I4 S. 113 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

114 Lapse

(1) In the case of an operating licence issued to an individual, the licence shall lapse if—

(a) the licensee dies,

(b) the licensee becomes, in the opinion of the Commission as notified to the licensee, incapable of carrying on the licensed activities by reason of mental or physical incapacity,

(c) the licensee becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c. 45)), **[**[F1]or a debt relief order is made in respect of the licensee (under Part 7A of the Insolvency Act 1986),**]** or

(d) sequestration of the licensee's estate is awarded under section **[**[F2]22(1) of the Bankruptcy (Scotland) Act 2016**]** .

(2) In any other case an operating licence shall lapse if the licensee—

(a) ceases to exist, or

(b) goes into liquidation (within the meaning of section 247(2) of the Insolvency Act 1986).

Textual Amendments

F1 Words in s. 114(1)(c) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 55(2)** (with art. 5)

F2 Words in s. 114(1)(d) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 28(2)**

Modifications etc. (not altering text)

C8 S. 114 applied (with modifications) (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(2), **Sch.** Table 2

C9 S. 114 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**

Commencement Information

I5 S. 114 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

115 Forfeiture

(1) Where the holder of an operating licence is convicted of a relevant offence by or before a court in Great Britain the court may order forfeiture of the licence.

(2) Forfeiture under this section shall be on such terms (which may include terms as to suspension) as may be specified by—
   (a) the court which orders forfeiture,
   (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
   (c) the High Court, if hearing proceedings relating to the conviction.

(3) Subject to any express provision made under subsection (2), an operating licence shall cease to have effect on the making of a forfeiture order under subsection (1).

(4) The terms on which a forfeiture order is made under this section shall, in particular, include a requirement that the licensee deliver to the Commission, within such time as the order may specify—
   (a) the licence, or
   (b) a statement explaining why it is not reasonably practicable to produce the licence.

(5) As soon as is reasonably practicable after making an order for forfeiture under this section the court shall notify the Commission.

Modifications etc. (not altering text)

C10 S. 115 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**

Commencement Information

I6 S. 115 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

Status:
Point in time view as at 30/11/2016.

Changes to legislation:
There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Duration.