



Gambling Act 2005

2005 CHAPTER 19

PART 6

PERSONAL LICENCES

127 Nature of personal licence

- (1) For the purposes of this Act a “personal licence” is a licence which authorises an individual to perform the functions of a specified management office, or to perform a specified operational function, in connection with—
 - (a) the provision of facilities for gambling, or
 - (b) a person who provides facilities for gambling.
- (2) In this section “management office” and “operational function” have the same meaning as in section 80.

128 Application of provisions of Part 5

- (1) The provisions of Part 5 (other than section 65(2), (4) and (5)) shall apply to a personal licence as they apply to an operating licence, with—
 - (a) the modifications and exclusions specified in this Part,
 - (b) such modifications and exclusions as the Secretary of State may specify by regulations, and
 - (c) any other necessary modifications.
- (2) Regulations under a provision of Part 5—
 - (a) may make different provision for purposes of this Part and for purposes of that Part, and
 - (b) in making provision for purposes of this Part, may make different provision in relation to personal licences authorising—
 - (i) the performance of different kinds of function, or
 - (ii) the performance of functions in different circumstances.

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129 Exemption for small-scale operators

- (1) A condition may not be attached to an operating licence under section 75, 77 or 78 requiring possession of a personal licence if the licensee is a small-scale operator.
- (2) In this section “small-scale operator” shall have such meaning as the Secretary of State may prescribe by regulations.
- (3) Regulations under subsection (2) may, in particular, make provision by reference to—
 - (a) the size or value of business carried on, or expected to be carried on, in reliance on an operating licence;
 - (b) the number of persons employed, or expected to be employed, by the licensee.
- (4) A constable or enforcement officer may under section 108(1) require a small-scale operator to produce his operating licence—
 - (a) within a specified period, or
 - (b) while the operator is carrying on a licensed activity, immediately.

130 Application

- (1) A direction under section 69(2)(c) or (f) (as applied by section 128) may, in particular, require that an application—
 - (a) be signed by the applicant’s employer;
 - (b) contain or be accompanied by information provided by the applicant’s employer or relating to his employment.
- (2) The Commission may under section 73(1)(a) (as applied by section 128) require an applicant to obtain information from his employer.
- (3) For the purposes of this section a reference to an applicant’s employer is a reference to any person for whom the applicant, in the course of a business (but whether or not under a contract of employment)—
 - (a) provides services,
 - (b) has provided services, or
 - (c) intends to provide services.
- (4) Neither this section nor any other provision of this Act shall be treated as preventing a person who is not employed from applying for a personal licence.

131 Duration

A personal licence shall continue to have effect unless and until it ceases to have effect in accordance with section 113, 114, 115 or 119 (as applied by section 128).

132 Fees

- (1) Section 100 shall not have effect in relation to personal licences.
- (2) The Secretary of State may make regulations requiring the holder of a personal licence to pay to the Commission specified fees in respect of specified periods during which the licence is held.
- (3) Regulations under this section may, in particular, make different provision for—
 - (a) different kinds of licence, or

(b) different circumstances.

(4) In its application to this part by virtue of section 128, the reference in section 119(3) to failure to pay an annual fee shall be construed as a reference to failure to comply with regulations under this section.

133 Multiple licences

(1) The Commission may not issue a personal licence to an individual who already holds one.

(2) But a personal licence may authorise the performance of more than one function.

134 Production of licence

(1) A constable or enforcement officer may under section 108 (as applied by section 128) require the individual who holds a personal licence to produce the licence—

- (a) within a specified period,
- (b) while the individual is carrying on a licensed activity, immediately, or
- (c) while the individual is on premises in respect of which a premises licence has effect, immediately.

(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.

135 Review

Section 116(1) shall not apply in relation to personal licences.

136 Disqualification

(1) A court which may order the forfeiture of an individual's personal licence under section 115 (as applied by section 128) may, whether or not it makes an order for forfeiture, make an order disqualifying the individual from holding a personal licence for a specified period, not exceeding ten years, beginning with the date of the order.

(2) The Commission shall not issue a personal licence to a person while a disqualification order under this section has effect in respect of him.

(3) Subsections (2) to (5) of section 115 shall have effect in relation to an order under this section (and in relation to a licence held by the person disqualified) as they have effect in relation to an order under that section (and in relation to the licence forfeited).

137 Notification of operating licensee

(1) This section applies where the Commission—

- (a) suspends a personal licence under section 118 (as applied by section 128),
- (b) revokes a personal licence under section 119 (as applied by section 128),
- (c) is informed by a court of the making of a forfeiture order in respect of a personal licence under section 115 (as applied by section 128), or

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- (d) is informed by a court of the making of a disqualification order under section 136.
- (2) If the Commission believes that the holder of the personal licence, or the subject of the disqualification order, is providing services to the holder of an operating licence in connection with the licensed activities, the Commission shall as soon as is reasonably practicable notify the holder of the operating licence of the matter specified in subsection (1).

138 Conviction

- (1) This section applies if the holder of a personal licence is convicted of a relevant offence by or before a court (whether inside or outside Great Britain).
- (2) The holder of any relevant operating licence shall notify the Commission of the conviction, and of any sentence passed in respect of it, as soon as is reasonably practicable after becoming aware of it.
- (3) A person commits an offence if he fails without reasonable excuse to comply with subsection (2).
- (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) For the purposes of subsection (2) an operating licence is relevant if the holder of the personal licence acts in connection with activities authorised by the operating licence.
- (6) The duty under subsection (2) is in addition to any duty of the holder of the personal licence under section 109 (as applied by section 128).

139 Breach of personal licence condition

- (1) This section applies where—
 - (a) a condition attached to an operating licence includes provision for a personal licence in accordance with section 80,
 - (b) an individual who holds a personal licence under this Part acts in the course of or in connection with any of the activities authorised by the operating licence, and
 - (c) the individual's action is not in accordance with the terms and conditions of the personal licence.
- (2) The individual commits an offence.
- (3) The individual may be proceeded against for the offence under subsection (2) whether or not the holder of the operating licence is proceeded against for an offence under section 33 (by reason of a breach of the condition under section 80).
- (4) An individual guilty of an offence under this section shall be liable on summary conviction to—
 - (a) imprisonment for a term not exceeding 51 weeks,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.
- (5) In the application of subsection (4) to Scotland the reference to 51 weeks shall have effect as a reference to six months.