



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 8

#### PREMISES LICENCES

##### *Conditions*

#### **167 Mandatory conditions**

- (1) The Secretary of State may by regulations provide for a specified condition to be attached to premises licences.
- (2) Regulations under this section may, in particular—
  - (a) make provision which applies generally, only to premises licences in a specified class or only in specified circumstances;
  - (b) make different provision for different classes of licence or for different circumstances.
- (3) In relation to premises licences issued in Scotland subsection (1) shall have effect as if the reference to the Secretary of State were a reference to the Scottish Ministers.

#### **168 Default conditions**

- (1) The Secretary of State may by regulations prescribe for a specified condition to be attached to any premises licence unless excluded by the authority who issue the licence.
- (2) Regulations under this section may, in particular—
  - (a) make provision which applies generally, only to premises licences in a specified class or only in specified circumstances;
  - (b) make different provision for different classes of licence or for different circumstances.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) In relation to a premises licence issued by an authority in Scotland subsection (1) shall have effect as if the reference to the Secretary of State were a reference to the Scottish Ministers.

#### **169 Conditions imposed or excluded by licensing authority**

- (1) Where a licensing authority issue a premises licence they may—
- (a) attach a condition to the licence;
  - (b) exclude a condition that would otherwise be attached to the licence by virtue of section 168.
- (2) A condition attached to the licence under subsection (1)(a) may, in particular, address a matter addressed by a condition excluded under subsection (1)(b).
- (3) A condition attached to the licence under subsection (1)(a) may apply in relation to the premises generally or only in relation to a specified part of the premises.
- (4) A licensing authority may not attach a condition to a premises licence which prevents compliance with a condition of the operating licence which authorises the holder to carry out the activity in respect of which the premises licence is granted.

#### **170 Membership**

A premises licence may not be subject to a condition (whether imposed by virtue of section 167, 168 or 169)—

- (a) requiring all or part of the premises, or any activity taking place on the premises, to be operated or carried on as a club or other body with membership, or
- (b) restricting use of any part of the premises wholly or partly by reference to membership of a club or other body.

#### **171 Stakes, &c.**

- (1) A premises licence may not be subject to a condition (whether imposed by virtue of section 167, 168 or 169) imposing limits on—
- (a) stakes,
  - (b) fees,
  - (c) winnings, or
  - (d) prizes.
- (2) The prohibition in subsection (1)(b) shall not prevent the imposition by virtue of section 167 of a condition about fees for admission to a track.