



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 5

#### OPERATING LICENCES

##### *General*

### 123 Levy

- (1) The Secretary of State may make regulations requiring holders of operating licences to pay an annual levy to the Commission.
- (2) The regulations shall, in particular, make provision for—
  - (a) the amount of the levy;
  - (b) timing of payment of the levy.
- (3) The regulations may, in particular, make provision—
  - (a) determining the amount of the levy by reference to a percentage of specified receipts of an operating licence holder,
  - (b) determining the amount of the levy by reference to a percentage of specified profits of an operating licence holder,
  - (c) determining the amount of the levy by reference to a percentage of the annual fee under section 100,
  - (d) providing for the determination of the amount of the levy according to a specified formula, or
  - (e) providing for the determination of the amount of the levy in some other way.
- (4) Any sum due by way of levy by virtue of this section shall be treated for the purposes of this Act as if it were due by way of annual fee under section 100.
- (5) The Commission shall, with the consent of the Treasury and of the Secretary of State, expend money received by way of levy for purposes related to, or by providing financial assistance for projects related to—
  - (a) addiction to gambling,

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- (b) other forms of harm or exploitation associated with gambling, or
  - (c) any of the licensing objectives.
- (6) In subsection (5) the reference to financial assistance is a reference to grants, loans and any other form of financial assistance, which may be made or given on terms or conditions (which may include terms and conditions as to repayment with or without interest).
- (7) The Secretary of State shall consult the Commission before making regulations under this section.

**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. 123 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. 123 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.)

**124 Directions and requirements**

Where the Commission has power under this Part to give a direction or impose a requirement it may give different directions or impose different requirements in relation to different cases or circumstances.

**Commencement Information**

- I2** S. 124 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

**125 Relevant offence: disapplication of rehabilitation**

Section 4 of the Rehabilitation of Offenders Act 1974 (c. 53) (effect of rehabilitation) shall not apply for the purposes of or in connection with—

- (a) section 69(2)(d), or
- (b) section 71(1).

**Commencement Information**

- I3** S. 125 in force at 1.1.2007 by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

**126** <sup>F1</sup>**Interpretation**

- (1) In this Part—  
“conviction”—

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- (a) has the meaning given by section 1(4) of the Rehabilitation of Offenders Act 1974, and
  - (b) includes, to the extent required by section 125, a spent conviction within the meaning of that Act,
    - “holder”, in relation to an operating licence, means the person to whom the licence is issued,
    - “the licensed activities” in relation to an operating licence means the activities which it authorises, and
    - “licensee”, in relation to an operating licence, means the person to whom the licence is issued.
- (2) In this Act “relevant offence” means—
- (a) an offence listed in Schedule 7, and
  - (b) an offence under the law of a country or territory outside the United Kingdom (a “foreign offence”) which prohibits a kind of activity prohibited by an offence listed in that Schedule (a “domestic offence”).
- (3) For the purpose of subsection (2)(b) it is immaterial—
- (a) whether or not the foreign offence prohibits all the kinds of activity prohibited by the domestic offence, and
  - (b) whether or not the foreign offence prohibits kinds of activity not prohibited by the domestic offence.

#### **Textual Amendments**

- F1** S. 126 for specified purposes in force in so far as not already in force (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

#### **Modifications etc. (not altering text)**

- C4** S. 126(1) 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**

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