



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 5

#### OPERATING LICENCES

##### *Introductory*

#### **65 Nature of licence**

- (1) The Commission may issue operating licences in accordance with the provisions of this Part.
- (2) An operating licence is a licence which states that it authorises the licensee—
  - (a) to operate a casino (a “casino operating licence”),
  - (b) to provide facilities for playing bingo (a “bingo operating licence”),
  - (c) to provide facilities for betting other than pool betting (a “general betting operating licence”),
  - (d) to provide facilities for pool betting (a “pool betting operating licence”),
  - (e) to act as a betting intermediary (a “betting intermediary operating licence”),
  - (f) to make gaming machines available for use in an adult gaming centre (a “gaming machine general operating licence” for an adult gaming centre),
  - (g) to make gaming machines available for use in a family entertainment centre (a “gaming machine general operating licence” for a family entertainment centre),
  - (h) to manufacture, supply, install, adapt, maintain or repair a gaming machine, or a part of a gaming machine (a “gaming machine technical operating licence”),
  - (i) to manufacture, supply, install or adapt gambling software (a “gambling software operating licence”), or
  - (j) to promote a lottery (a “lottery operating licence”).
- (3) The issue of an operating licence does not affect the application of section 37.
- (4) The Secretary of State may by order amend subsection (2) so as to—

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- (a) add a kind of operating licence,
  - (b) remove a kind of operating licence, or
  - (c) vary a kind of operating licence.
- (5) An order under subsection (4) may, in particular, make consequential amendment of this Part (or a provision of this Act or another enactment that relates to this Part).

**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**

**Commencement Information**

- I1** S. 65(1) (3)-(5) in force at 1.1.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)
- I2** S. 65(1)(3)-(5) in force at 1.9.2007 in so far as not already in force 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.)
- I3** S. 65(2) in force at 1.10.2005 by [S.I. 2005/2455](#), art. 2(1), **Sch.** (with art. 3)

**66 Form of licence**

- (1) An operating licence must specify—
- (a) the person to whom it is issued,
  - (b) the period during which it is to have effect, and
  - (c) any condition attached by the Commission under section 75 or 77.
- (2) The Secretary of State may by regulations require the Commission to ensure that an operating licence—
- (a) is issued in such form as the regulations may specify, and
  - (b) contains, in addition to the matters specified in subsection (1), such information as the regulations may specify (which may, in particular, include information about conditions attached to the licence by virtue of section 78).

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

- C3** S. 66(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**

**Commencement Information**

- I4** S. 66 in force at 1.1.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)
- I5** S. 66 in force at 1.9.2007 in so far as not already in force 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.)

**67 Remote gambling**

- (1) An operating licence is a “remote operating licence” if it authorises activity to be carried on—

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- (a) in respect of remote gambling, or
  - (b) by means of remote communication.
- (2) A remote operating licence may not also authorise activity which is neither—
- (a) in respect of remote gambling, nor
  - (b) carried on by means of remote communication.
- (3) An operating licence must state whether it is a remote operating licence or not.
- [<sup>F1</sup>(4) The power of the Commission to issue a remote operating licence to the holder of a licence suspended or revoked pursuant to a direction given under Schedule 27 to the Finance Act 2014 is subject to paragraph 7 of that Schedule (requirement for HMRC's consent).]

#### Textual Amendments

- F1** S. 67(4) inserted (1.12.2014) by [Finance Act 2014 \(c. 26\)](#), s. 198(2)(c), **Sch. 28 para. 23** (with [Sch. 29](#))

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

- C4** S. 67 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**
- C5** S. 67(2)(3) 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. 69(5)**

#### Commencement Information

- I6** S. 67 in force at 1.1.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, [Sch. 4](#))
- I7** S. 67 in force at 1.9.2007 in so far as not already in force 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.](#))

## 68 Combined licence

- (1) An operating licence may be a licence of more than one of the kinds described in section 65(2).
- (2) Subsection (1) is subject to the following provisions of this section.
- (3) A casino operating licence authorises the holder, by virtue of this subsection, to provide facilities—
- (a) for betting on the outcome of a virtual game, race, competition or other event or process, subject to any exclusion or restriction provided for by way of condition under section 75 or 77;
  - (b) for any game of chance other than bingo (and this paragraph does not prevent the combination of a casino operating licence and a bingo operating licence in reliance on subsection (1)).
- (4) A general betting operating licence authorises the holder, by virtue of this subsection, to provide facilities for betting on the outcome of a virtual race, competition or other event or process other than a game of chance, subject to any exclusion or restriction provided for by way of condition under section 75 or 77.

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- (5) The following kinds of operating licence authorise the holder, by virtue of this subsection, to make one or more gaming machines within Categories A to D available for use (in addition to authorising the activities specified in accordance with section 65(2))—
- (a) a non-remote casino operating licence,
  - (b) a non-remote bingo operating licence,
  - (c) a non-remote general betting operating licence, and
  - (d) a non-remote pool betting operating licence.
- (6) No other kind of operating licence (other than a gaming machine general operating licence) may authorise the holder to make a gaming machine available for use.

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**Commencement Information**

- 18** S. 68 in force at 1.1.2007 for specified purposes by [S.I. 2006/3272](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 7-11](#), [7-12](#), [Sch. 4](#))
- 19** S. 68 in force at 1.9.2007 in so far as not already in force 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.](#))

**Changes to legislation:**

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