



Gambling Act 2005

2005 CHAPTER 19

PART 5

OPERATING LICENCES

Regulation

121 Financial penalty

- (1) The Commission may require the holder of an operating licence to pay a penalty if the Commission thinks that a condition of the licence has been breached.
- (2) Before imposing a requirement on a licensee to pay a penalty under this section the Commission must notify him—
 - (a) that the Commission proposes to require him to pay a penalty,
 - (b) of the amount of the proposed penalty,
 - (c) of the Commission's reasons, and
 - (d) of a period within which he may make representations to the Commission.
- (3) The Commission may not give a notice under subsection (2) in respect of the breach of a condition after the end of the period of two years beginning with—
 - (a) the day on which the breach occurred or began to occur, or
 - (b) if later, the day on which the breach came to the knowledge of the Commission.
- (4) After the end of the period specified under subsection (2)(d) the Commission may give the licensee a notice requiring him to pay a penalty under this section.
- (5) A penalty imposed by notice under subsection (4)—
 - (a) shall be payable by the licensee to the Commission,
 - (b) may be enforced as if it were a debt owed by the licensee to the Commission, and

Status: This is the original version (as it was originally enacted).

- (c) on receipt by the Commission shall be paid into the Consolidated Fund after deduction of a sum which represents the direct costs to the Commission of, and a reasonable share of expenditure by the Commission which is indirectly referable to—
 - (i) the investigation by the Commission of the matter in respect of which the penalty is imposed (whether by review under section 116 or otherwise), or
 - (ii) the imposition and enforcement of the penalty.
- (6) The Commission shall—
 - (a) prepare a statement setting out the principles to be applied by the Commission in exercising the powers under this section,
 - (b) review the statement from time to time,
 - (c) revise the statement when the Commission thinks it necessary,
 - (d) as soon as is reasonably practicable—
 - (i) send the statement and any revision to the Secretary of State, and
 - (ii) publish the statement and any revision, and
 - (e) have regard to the statement when exercising a power under this section.
- (7) The statement maintained under subsection (6) must, in particular, require the Commission in considering the imposition of a penalty under this section or the amount of a penalty to have regard, in particular, to—
 - (a) the seriousness of the breach of condition in respect of which the penalty is proposed,
 - (b) whether or not the licensee knew or ought to have known of the breach, and
 - (c) the nature of the licensee (including, in particular, his financial resources).
- (8) Before preparing or revising a statement under subsection (6) the Commission shall consult—
 - (a) the Secretary of State,
 - (b) the Lord Chancellor, and
 - (c) such other persons as the Commission thinks appropriate.