

BETTING AND GAMING LAW: **THE RELAXATION OF SUNDAY RESTRICTIONS IN** **NORTHERN IRELAND AND OTHER JURISDICTIONS**

INTRODUCTION

1. This short briefing paper has been prepared on behalf of the Committee for Social Development to provide an overview of betting and gaming legislation with regards to the opening of bookmaking offices and commercial bingo clubs on Sundays. The purpose of this paper is to provide a broad overview of:
 - the legislation in Northern Ireland which prohibits bookmaking offices and commercial bingo clubs from opening for business on Sundays;
 - the proposals to permit the Sunday opening bookmaking offices and commercial bingo clubs in Northern Ireland, including an outline of arguments presented in favour and against the proposals; and
 - the relaxation of Sunday and other daily opening hours for bookmaking offices and commercial bingo halls in Scotland, England, Wales and the Republic of Ireland.
2. In order to provide further contextual background it is recommended that this briefing paper is read in conjunction with another Northern Ireland Assembly Research Paper (19/09) entitled '[Regulation and Control of Gambling](#)'¹. This paper provides further detailed information on the gambling and gaming legislative frameworks in Northern Ireland, Great Britain and the Republic of Ireland. It also touches on other important issues such as problem gambling.

SECTION ONE: PROPOSALS FOR THE SUNDAY OPENING OF BOOKMAKING OFFICES IN NORTHERN IRELAND

3. Licensed bookmaking offices in Northern Ireland are prohibited from opening for business on any Sunday, Christmas Day and Good Friday under Article 31 of the [Betting, Gaming, Lotteries and Amusements \(Northern Ireland\) Order 1985](#). The situation is somewhat different for on-course betting on Sundays which has been permitted in Northern Ireland since 2004 (as amended by Article 4 of the [Betting and Gaming Northern Ireland Order 2004](#)).
4. In December 2006, the Department for Social Development published a [consultation paper](#) on proposed changes to Betting and Gaming Law in Northern Ireland². One of the aims of the consultation was to test local opinion on the

¹ Northern Ireland Assembly Research Paper (2009). Regulation and Control of Gambling. www.niassembly.gov.uk/io/research/2009/1909.pdf

² Department for Social Development (2006). Betting and Gaming Law: Proposed changes including relaxation of Sunday restrictions.

potential removal of the Sunday opening restriction on betting shops in Northern Ireland. The paper set out three main proposals:

- To **remove the prohibition** on the opening of bookmaking offices on Sundays (other than Christmas Day) but retain the prohibition on opening on Christmas Day and Good Friday;
 - To restrict the Sunday **opening hours** of book making offices from 10.30am to 6.30pm; and
 - To provide **new employment protection rights** for betting workers in bookmaking offices on the same basis as those currently available to on-course betting workers in Northern Ireland and to on and off-course betting workers in Great Britain.
5. With regard to the proposed new employment protection rights, off-course betting workers (like on-course betting workers) would be given the following rights in regards to Sunday working:
- The right not to be dismissed for refusing to work on a Sunday;
 - The right not to be selected for redundancy for refusing to work on a Sunday;
 - The right not to suffer any other detriment for refusing to work on a Sunday (e.g. denial of overtime, promotion or training opportunities).
6. The rights would apply to 'protected workers' irrespective of age, length of service or hours of work. The consultation paper defined a 'protected worker' as, *"someone who is employed in a bookmaking office or a licensed bingo club when the legislation comes into operation, even if they had previously agreed to a contract requiring them to work on a Sunday; or any worker recruited after the law changed and whose contract of employment does not require Sunday working but whose employer asks them to work on a Sunday. Workers employed to work on a Sunday after the introduction of the proposed legislation can exercise a right to 'opt-out' of Sunday working"*³.

SUNDAY OPENING OF LICENSED BOOKMAKING OFFICES IN OTHER JURISDICTIONS

7. In Great Britain, Sunday betting (except where it falls on Christmas Day) on and off-course has been lawful since January 1995. Prior to the Gambling Act 2005, the restrictions on opening hours for bookmaking offices was seasonally adjusted, i.e. 7am-10pm (April to August) and 10.30am to 6.30pm (September to March). In addition to these restrictions, betting offices were not permitted to open for business on Christmas Day and Good Friday.
8. However, the implementation of the [Gambling Act 2005](#) has led to a number of significant changes for bookmaking offices in Great Britain. Firstly, it introduced extended opening hours which permits bookmaking offices to open **7.00am to 10.00pm**, Monday to Sunday. The 7.00am to 10.00pm hours are default conditions attached to the bookmakers' premises licences. All bookmaking offices must have a premises licence obtained from their local licensing authority.

www.dsdni.gov.uk/betting_and_gaming_law_proposed_changes_including_relaxation_of_sunday_restrictions.doc

³ Ibid, p6.

Licensing authorities have flexibility to amend the default opening hours. However, guidance issued by the Gambling Commission states that licensing authorities should note that such default conditions are intended to be the basic industry norm and that licensing authorities should have clear regulatory reasons for excluding default conditions and replacing them with more restrictive conditions⁴.

9. Since March 2008 betting shops have also been permitted to open on Good Friday in Great Britain (but the ban on opening on Christmas Day is retained). It was estimated that around 4,000 bookmakers' shops opened for business for the first time on Good Friday on 21 March 2008 including almost all branches of Ladbrokes and Coral. A BBC News article at this time reported a mixed response to the new development⁵:

".....A spokesperson for the Methodist Church said that they would prefer people to think about the day's religious significance rather than placing bets.

But Ladbroke's defended its decision to open, saying the new law only brought betting shops in to line with other retailers who can already open on Good Friday.

Spokesman Ciaran O'Brien said: 'You can bet online any day of the week, any time of the day. That's another reason why the shops should be able to compete'

He added: "I wouldn't want to moralise about how people spend their leisure time."

But John Heaton, chief executive of The Betting & Gaming Consultancy and ex-head of the Tote, told Radio Five Live the bookies were unsure if it was a good idea. He said: "I think, for the operators themselves, time will tell".

"There's no horse racing, so how many punters will be in the shops today I can't really tell".

"From the staff's point of view they are used to working lots of bank holidays ... for them this is no different."

10. In the Republic of Ireland, Section 21 of the Betting Act 1931 banned the opening of betting shops on Sundays, Christmas Day and Good Friday and the permitted opening hours on weekdays were 9.00am to 6.00pm. However, Section 21 of the 1931 Act was amended by the Finance Act 1998 and from 1999 betting shops in the Republic of Ireland were permitted to open on Sundays for the first time.
11. The current permitted hours of business for bookmaking premises in the Republic of Ireland are set out in Section 66 of the [Finance Act 2007](#). This Section retains the ban on opening for business on Christmas Day, Good Friday and Easter Sunday. The current permitted opening hours are seasonally adjusted, i.e. **7.00am**

⁴ Gambling Commission (2009) Guidance to Licensing Authorities. 3rd edition, p9/5.
www.gamblingcommission.gov.uk/UploadDocs/publications/Document/Guidance%20to%20licensing%20authorities%20-%20third%20edition%20-%20May%202009.pdf

⁵ BBC News. 'Good Friday opening for bookies'. 21 March 2008.
<http://news.bbc.co.uk/1/hi/uk/7308075.stm>

to 6.30pm (1 September – 31 March) and 7.00am to 10.00pm (1 April – 31 August). However, there is an exception in that during the period from 1 September to 31 March it is permissible for a bookmaking office to open beyond the 6.30pm deadline (i.e. 7.00am to 10.00pm) if a race meeting at an authorised racecourse in Ireland is taking place on or after 6.30pm that day.

Table 1: Summary of Licensed Bookmaking Offices Sunday Opening Hours

Jurisdiction	Sunday Opening Hours
N. Ireland	<i>Proposed hours (in 2006 consultation):</i> 10.30am-6.30pm
Great Britain	<i>Default hours:</i> 7.00am-10.00pm
Republic of Ireland	<i>Seasonal hours:</i> 7.00am-6.30pm (1 Sept-31 Mar) 7.00am-10pm (1 Apr – 31 Aug) *(7.00am-10pm opening allowed during 1 Sept – 31 Mar if a race meeting at an authorised racecourse is taking place after 6.30pm that day)

THE NORTHERN IRELAND BETTING AND GAMING LAW CONSULTATION

12. The Northern Ireland consultation paper on betting and gaming law set out three options with regard to the proposals on the Sunday opening of betting shops:

- **Option 1:** was to do nothing and retain the status quo but the consultation paper maintained that this option *‘may not adequately reflect changing social attitudes, the needs of the gambling sector and the expectations of customers. It may contribute to the stagnation of this area of social law and unjustifiably penalise the business interests involved.’*
- **Option 2:** was to proceed with the removal of the prohibition on the opening of bookmaking offices on Sundays (other than Christmas Day); and restricting the Sunday opening hours to 10.30am and 6.30pm.
- **Option 3:** was the same as Option 2 but with unrestricted Sunday opening hours.

At the time the consultation document was published in December 2006, the Government’s preferred option was Option 2:

13. The final decisions in relation to betting and gaming law in Northern Ireland are yet to be announced. In answer to an Assembly Question tabled April 2008, the Minister for Social Development indicated that she believed that there was a case to allow bookmaking offices to open for business on Sundays but that she would seek the views of Executive colleagues on this issue⁶:

‘I have given considerable thought to this matter having regard to the commercial interests involved including small businesses, the rise in Sunday events that attract a betting audience and other forms of gambling that take place on a Sunday. Although I know there are those who have differing opinions, the response to my predecessor’s consultation exercise demonstrated overwhelming support and I am convinced that there is a case for a change in the law to allow bookmaking offices to open for business on Sundays, subject to restricted

⁶ Assembly Question for Oral Answer (AQO 3252/08). Tabled 22 April 2008.

hours. This would also provide greater parity with Great Britain and the Republic of Ireland. I intend shortly to seek the views of my Executive colleagues on such a change which would be accompanied, with the agreement of the Minister for Employment and Learning, by the provision of new employment protection rights for those employees who may not wish to work on Sundays”.

14. The Betting and Gaming Law consultation received a significant response from a wide range of organisations (including churches and bookmakers), elected representatives, individuals (including public petitions) and District Councils. Outlined below are *some* examples of the arguments presented for and against the proposals⁷.

EXAMPLES OF ARGUMENTS AGAINST THE SUNDAY OPENING PROPOSALS

- That the proposal was contrary to one of the Ten Commandments, i.e. regarding the special nature of the Sabbath Day;
- That the relaxation of Sunday restrictions on opening hours would lead to an proliferation in gambling;
- Concerns over the potential impact of the relaxation of Sunday opening on problem gambling and the impact that this may have on families and public expenditure in terms of treatment;
- That any proposals must also be accompanied by policies and procedures which will prevent problem gambling in addition to funding for the treatment of problem gamblers;
- That the proposals would lead to further reductions in opportunities for families to enjoy time off together on Sundays;
- That proposed restrictions on Sunday opening hours (i.e. to 6.30pm) went beyond the permitted opening hours available for many shops on a Sunday;
- The potential impact on employees of betting shops and their ‘work-life balance’;
- The potential impact of the proposals on rising levels of personal debt; and
- That the proposals should extend restrictions on betting shops opening for business on Easter Sunday.

EXAMPLES OF ARGUMENTS IN SUPPORT OF THE SUNDAY OPENING PROPOSALS

- That the proposals will bring Northern Ireland more on an equal footing with regulations in Great Britain and the Republic of Ireland;
- The growth of online gambling has resulted in existing legislation becoming unfair and potentially discriminatory to longer established sectors of the betting industry;
- That the continued prohibition of Sunday betting in Northern Ireland may encourage gambling with illegal bookmakers and thus lead to loss of revenue for bookmakers and the Treasury;
- The impact of Sunday restrictions is particularly noticeable for local bookmakers in border areas where customers cross the border to place bets in the Republic of Ireland;
- That the proposals may lead to increased employment opportunities and inward investment opportunities for Northern Ireland; and
- With the continued growth of major sporting events on a Sunday a relaxation in Sunday opening hours would meet customer demand.

⁷ The consultation responses are available at www.dsdni.gov.uk/print/index/consultations/archived_consultations2/consultations-betting_and_gaming/betting-gaming-consultations-responses.htm

**SECTION TWO: PROPOSALS RELATING TO SUNDAY BINGO IN LICENSED BINGO CLUBS
NORTHERN IRELAND**

15. Under Article 76(7) of the [Betting, Gaming, Lotteries and Amusements \(Northern Ireland\) Order 1985](#), bingo is prohibited in licensed bingo clubs in Northern Ireland on any Sunday, Christmas Day or Good Friday. The same restrictions apply to gaming for prizes in licensed bingo clubs under Article 77 of the 1985 Order. Article 108(3) also prohibits gaming machines from being made available for gaming in licensed bingo clubs on any Sunday, Christmas Day or Good Friday⁸.
16. The Department for Social Development's consultation paper on Betting and Gaming Law proposed to test local opinion on a relaxation of the statutory prohibitions to allow the playing of bingo, gaming for prizes and gaming machines in licensed bingo clubs on Sundays (other than Christmas Day). It was further proposed that the Sunday hours for bingo and other gaming in licensed bingo clubs would be **2pm to 11pm**, and that this would be restricted to midnight where the Sunday is a New Year's Eve. Similar to the proposals for betting shop workers, workers in licensed bingo clubs would be provided with employment protection rights with regards to Sunday working.

A BRIEF OVERVIEW OF SOME OF THE CURRENT ISSUES FACING COMMERCIAL BINGO CLUBS

17. There are reportedly over 675 licensed bingo clubs in operation in Great Britain and over 1,000 other clubs and smaller institutions where bingo is played. Bingo is the only gambling activity women are more likely to engage in than men, it is estimated that 70% of bingo players are women⁹. The Budd Report (published in 2001) commissioned by the Government to review the gambling industry, highlighted the social dimension of bingo clubs in communities,

"Bingo is said to have a place at the heart of many communities and companionship and the chance to make and meet friends are often cited as reasons why people play.....Bingo clubs are viewed as a safe and comfortable, particularly for women".¹⁰

18. The financial difficulties faced by bingo clubs over recent years are well documented. The rise in online bingo sites and the Smoking Ban are amongst the reasons offered for the decline in bingo clubs. The 2009 budget statement which increased the level of tax on the bingo industry from 15% to 22% has been cited as the most recent threat to the industry and is reported to place many clubs at risk of closure¹¹. It is reported that this tax increase will cost the bingo industry around £33m per year¹².

SUNDAY OPENING OF COMMERCIAL BINGO CLUBS IN OTHER JURISDICTIONS

19. In Great Britain commercial bingo clubs are required to have a premises licence issued by their local licensing authority. The premises licence must set out the permitted opening hours for the premises. Similar to the regulations regarding licensed bookmaking premises, there are general default hours for playing bingo in

⁸ Department for Social Development (2006). Op Cit, p8.

⁹ Information extracted from the Gambling Commission website - www.gamblingcommission.gov.uk/Client/detail.asp?ContentId=255

¹⁰ Department for Culture, Media and Sport (2001). Gambling Review Body. Gambling Review Report, p145. www.culture.gov.uk/reference_library/publications/4642.aspx

¹¹ Rank Press Release. 'Keep Bingo Taxation at 15%'. 17 June 2009. www.rank.com/

¹² Information extracted from www.backbingo.com – a campaign to abolish the 22% bingo tax.

commercial bingo clubs which are **9.00am** to **midnight** (Monday-Sunday)¹³. Licensing authorities can amend the default opening hours if they feel it is necessary, or commercial bingo clubs can set their own hours but these must be approved by the licensing authority.

20. There has been some opposition to the setting of default hours by some commercial bingo operators. Carlton Bingo (operating in Scotland and England), for example, maintained that the default hours should be mandatory and universally applied to promote consistency amongst neighbouring clubs in different local authority areas. By way of illustration, in 2006 Carlton stated that it had 17 clubs in 14 different local authorities in both England and Scotland with potentially 14 different sets of conditions attached depending on the local authority area. It also expressed some concern whether local authorities had the expertise and resources to determine appropriate conditions for the gambling industry¹⁴.

18 June 2009

¹³ Department for Culture, Media and Sport (2007). Gambling Act 2005: Transitional Arrangements.

www.culture.gov.uk/images/publications/070518_NPB_amendedtransitionalguidance.pdf

¹⁴ Carlton Bingo Response to the Department of Culture, Media and Sport's Draft Gambling (Premises Licences: Mandatory and Default Conditions) Regulations. October 2006.

www.scotland.gov.uk/Resource/Doc/166828/0045556.pdf