

## **Betting, Gaming, Lotteries and Amusements (Amendment) Bill**

At the outset may I thank the Chairperson and members of The Committee for Communities for providing Ulster GAA with the opportunity to present oral evidence to you in relation to the Betting, Gaming, Lotteries and Amusements (Amendment) Bill as it progresses through the Assembly.

My name is Brian McAvoy the Chief Executive Officer and Provincial Secretary of Ulster GAA and I'm joined here this morning – albeit virtually – by senior staff members Diarmaid Marsden and Brian Mallon.

The Gaelic Athletic Association (GAA) is the world's largest amateur, sporting, community and cultural organisation. The Ulster Council of the GAA is the Provincial Council and governing body for the GAA in Ulster. Covering the two political jurisdictions, Ulster GAA oversees the work of nine County Committees and 373 clubs, as well as GAA activity in over 1,500 schools and colleges and there are some 250,000 volunteer members that are actively involved in the GAA in the province.

Ulster GAA welcomes this review of the gaming legislation. The existing law is based on the 1985 Order, which itself is largely based on GB law dating back to 1963. So, the current legislation is largely modelled on law which is almost 60 years old. No one can deny, therefore, that a review is long overdue. The world is a different place since the 1985 Order was enacted and existing gambling legislation is very much out of step with the industry and technological changes that have taken place in the intervening years.

We also fully recognise the need for regulatory control and welcome the broad principle of the Bill to strengthen protections for the young and more vulnerable members of society.

The GAA, as a community-based organisation, takes its responsibility to educating and raising awareness of gambling among its members very seriously. Our rules do not permit any betting related sponsorship of competitions, teams, playing gear or facilities. Additionally, no member of any team panel, team management or match official is permitted to bet on any aspect of a game in which they are involved.

Many clubs have Gambling policies in place to support the health and wellbeing of its members, to protect the integrity of the games and the players, and to provide a positive example in breaking the societal link between sport and betting. The aim of the GAA's gambling awareness campaign "Reduce the odds" is to protect the wellbeing of GAA members and the integrity of Gaelic Games.

A few examples of ULSTER GAA responsibility towards gambling awareness include;

- In 2021 Ulster GAA partnered with GamCare to promote their Gambling Awareness programme to clubs. GamCare delivered this training to staff in the autumn of 2021
- Ulster GAA are represented on the Wellbeing in Sport Forum which have offered the Sporting Chance workshop, which specifically deals with mental

health in relation to addiction. The Sporting Chance workshop has been delivered to many of our GAA clubs and will be delivered to GAA staff in mid-Feb 2022.

- Promotion of National GAA's "Reduce the Odds" gambling awareness programme. More information at: <https://www.gaa.ie/my-gaa/community-and-health/community-personal-development/gambling-awareness-training>.
- Development of a Club Responsible Gambling Policy for Healthy Club Officers to take forward within their clubs in conjunction with Club Executive. This is a requirement of our Club Accreditation scheme "Club Maith"
- Ulster GAA provides support to clubs who wish raise more awareness of problem gambling.

Some provisions of the Bill are more relevant to us than others and therefore we believe that on issues such as opening hours for bookmakers, for example, there are other more qualified than us to represent their views. We will therefore concentrate on the aspects of the Bill most relevant to us as an organisation.

## **SOCIETIES' LOTTERIES**

An aspect of the Bill of particular significance to us relates to Societies' Lotteries. Ulster GAA does not envisage any objections to reforming Societies' Lotteries as this is quite often seen as fundraising as opposed to gambling - most people who purchase such tickets do so primarily to support the benefactor and do so, knowingly, with low expectations of winning. Fundraising is vital for GAA clubs and many make use of lotteries and raffles to generate much needed funds.

The current rules for Societies' Lotteries limit the fundraising capacity of GAA clubs, other sports clubs and charitable organisations. Ulster GAA warmly welcomes the provision to remove the £1 ticket price of a Society Lottery ticket. We believe that GAA units themselves are best placed to set the price of their ticket, based on their particular circumstances and requirements. We understand the requirement for upper limits, so for a ticket we suggest the maximum purchase price should be in the ballpark of £100-£150 with a maximum prize fund in the ballpark of £400-£500k.

We would be concerned that in respect of Societies' Lotteries that the required changes in respect of any cap on ticket price or overall prize fund may not happen by secondary legislation, as envisaged, unless the primary legislation allows for in-built periodic reviews. We understand that the 1985 Order does give provision to the Department to amend lottery stakes, prizes, caps etc but it does not provide for periodic review - and given that this legislation was enacted 36 years ago, obviously hasn't happened. We therefore recommend that the primary legislation in this Bill should include a clause making it a statutory requirement for periodic review – we suggest a period in the region of three to five years and any revisions arising hereunder can be enacted via secondary legislation.

We would also propose that organisers of societies' lotteries are able to sell tickets with free chances as part of their selling strategy e.g. 6 tickets in a book for the price

of 5 tickets. We do however accept that this will require the organisers to apply strict governance controls.

As an all-island organisation we are fully cognisant of the disadvantage our units in the north are compared to their southern counterparts when it comes to trying to organise fundraising lotteries, particularly in relation to ticket price and prize fund. Our units are at a similar disadvantage when compared to their counterparts in England, Scotland and Wales.

Equally as an all-island organisation we are disadvantaged by the current provisions that restrict the sale of tickets in NI when the draw is being organised in another political jurisdiction. This restriction needs to be removed under this Bill. It is our clear view that there should be no bar on the sale or purchase of tickets on an all-island or all UK basis.

## **OTHER LOTTERIES**

Ulster GAA notes that there are currently no provisions in this Bill to amend the rules on 'Private Lotteries' and 'Small Lotteries at Exempt Entertainments.' Many of our clubs do what are known as half-time draws at games where tickets are sold on-site amongst the attendees. For most games the £1,000 limit for tickets sold on the 'premises' will not be breached but on occasion it is undoubtedly threatened. This legislation provides an ideal opportunity for this £1,000 cap to be reviewed and incorporated in primary legislation.

In relation to 'Small Lotteries at exempt entertainments' we would ask that the requirement to notify police seven days in advance of such a raffle is removed. Many clubs at this time of year, for example, run Christmas Bazaars and have raffles for small prizes (e.g. Christmas hampers). At present these tickets can only be sold 'on the premises' but it would be beneficial to allow such tickets to be also sold prior to the event. This legislation is overly restrictive and outdated.

## **CHEATING**

As outlined earlier in our statement, the GAA prohibits anyone directly involved in a game from betting on any aspect of that game, so we welcome the provisions of Clause 12 of the Bill making it an offence to do so, irrespective of what the final result of the game turns out to be.

## **REGULATION**

Ulster GAA proposes that a Gambling and Lotteries Regulator be appointed and they should have day to day regulatory and enforcement powers, rather than the PSNI.

We again thank the committee for affording us this opportunity to present evidence on this very important issue for our units.

## Response ID ANON-T16K-FZVY-N

Submitted to Betting, Gaming, Lotteries and Amusements (Amendment) Bill - Call for evidence and views  
Submitted on 2021-11-25 15:38:37

### Introduction

1 How would you like your response to be published?

I would like my response to be published.

2 Are you content that any of your suggestions which have been published to the Committee or the Assembly may inspire the text of an amendment?

Yes

3 What is your name?

Name:  
DIARMAID MARSDEN

4 What is your email address?

Email:  
diarmaid.marsden.ulster@gaa.ie

5 Please indicate if you are providing a response:

On behalf of a organisation or business

If on behalf of an organisation or business, please state its name::

Ulster GAA

### Policy objectives of the Bill

6 Do you think that the Bill will meet its overall policy objectives to: address a number of specific anomalies with regard to the current regulation of land based betting, gaming, lottery and amusement activities and to strengthen existing regulatory protections for operators and consumers as well as young people and those who may be vulnerable to gambling harm?

Yes

Please explain your answer:

The Bill will address specifically the current regulation with respect to societies' lotteries. Ulster GAA does not envisage any objections to reforming societies' lotteries as this is quite often seen as fundraising as opposed to gambling - most people who purchase such tickets do so primarily to support the benefactor and do so, knowingly, with low expectations of winning. Fundraising is vital for GAA clubs and many make use of lotteries and raffles to generate much needed funds.

7 Do you foresee any unintended consequences of any of the policy objectives of the Bill?

Yes

Please explain your answer:

We would be concerned that in respect of Societies' lotteries that the required changes may not happen by secondary legislation as anticipated unless the primary legislation allows for in-built periodic reviews. We understand that the Order does give provision to the Department to amend lottery stakes, prizes, caps etc but it does not provide for periodic review and we believe that this should be the case.

### Clauses 1, 2 and 3

8 Clause 1: "Interpretation": confirms that all references to "the 1985 Order" within the Bill mean the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. Do you have any comments on this?

Comments on References as per Clause 1:

9 Clause 2: "Opening of licensed offices on Sunday and Good Friday". Do you agree with this clause, which amends Article 31 of the 1985 Order to allow licensed offices to be opened for the transaction of business on Sundays and Good Fridays, but not on Christmas Day including Christmas Days which fall on a Sunday?

Not Answered

Please explain your answer:

10 Clause 3: "Sunday working in a licensed office". This clause will amend Schedule 8A of the 1985 Order to ensure that the rights of individuals employed in a licensed bookmakers' office will now mirror those of individuals who work at a track for a bookmaker with respect to Sunday working. Do you agree with this Clause?

Not Answered

Please explain your answer:

11 Do you think Clause 3 will allow sufficient protection for those working on a Sunday in this industry?

Not Answered

Please explain your answer:

#### Clauses 4, 5 and 6

12 Clause 4: "Pool betting". This clause will amend Article 44 of the 1985 Order to restrict any person, other than a registered pool promoter, from carrying on any pool betting business except at a licensed track and except by means of a totalisator operated in accordance with Article 45. Do you agree that it is right to restrict pool betting business to registered pool promoters?

Not Answered

Please explain your answer:

13 Clause 5: "Persons who may participate in bingo at a bingo club". This Clause will amend Article 75 of the 1985 Order to ensure that only members of a bingo club and their guests are allowed to participate or take part in bingo at a bingo club premises. The amendment also means that members of the bingo club and their guests may also take part in bingo at the premises irrespective of any time elapsing since application for club membership was made. Do you agree with this cause?

Not Answered

Please explain your answer:

14 Clause 5 also removes the current exemption which allows cleaners or certain other employees of the bingo club as may be prescribed by regulations, to play bingo. Do you agree with this cause?

Not Answered

Please explain your answer:

15 Clause 6: "Days when bingo and use of gaming machines permitted on bingo club premises". Do you agree with this clause which will amend Articles 76 and 108 of the 1985 Order to allow bingo to take place and gaming machines to be made available on bingo club premises on Sundays and Good Fridays, but not on Christmas Day including Christmas Days which fall on a Sunday?

Not Answered

Please explain your answer:

#### Clauses 7, 8 and 9

16 Clause 7: "Offence of inviting, etc. person under 18 to play gaming machine". This clause inserts a new entry into the 1985 Order to create a new offence in relation to the playing of gaming machines by persons under the age of 18. Punishment can be imprisonment for 6 months. Do you agree with this new offence?

Not Answered

Please explain your answer:

17 Clause 7: Do you agree with the proposed level of punishment?

Not Answered

Please explain your answer:

18 Clause 8: "Arrangements not requiring persons to pay to participate". This clause amends Article 131 of the 1985 Order and introduces a new Schedule 15A to the Order with the result that it removes free to enter prize competition arrangements from the definition of a lottery.

Do you agree with the removal of free to enter prize competition arrangements from the definition of a lottery?

Other

Please explain your answer:

Broadly agree with this but we would propose that societies' lotteries are able to sell tickets with free chances as part of their selling strategy e.g. 6 tickets in a book for the price of 5 tickets though we do accept that this will require the organisers to apply strict governance controls.

19 Clause 9: "Rules for societies' lotteries". This clause amends Article 137 of the 1985 Order to remove the £1 ticket price for society lotteries – do you agree with this removal?

Yes

Please explain your answer:

The current rules for societies' lotteries are outdated and limits the fundraising capacity of GAA clubs, other sports clubs and charitable organisations. Ulster GAA warmly welcomes the provision to remove the £1 ticket price of a society lottery ticket. GAA clubs will be best placed to set their own ticket price and we feel there should be no restriction on this. Club members view lotteries and draws/raffles as a way of supporting the activities of their club rather than an ambition to win a prize.

An increase on the cap on ticket sales and prizes has not been included in this Bill and we feel that an increased cap should be initially included and subject to periodic review - or amend the Order to stipulate a maximum time period for review (see Q7 above and para. below). We would suggest a maximum of between £100-£150 per ticket with a maximum prize fund of £500,000 and no limit on the amount of tickets that may be sold.

We understand that the Minister would be considering amending these caps by secondary legislation (as opposed to inclusion in primary legislation). While it would be our preference that this is done under primary legislation rather than secondary legislation, if the primary legislation included the periodic review mechanism (see Q7 above) that would also be acceptable – though there would need to be a maximum time period (e.g. every 5 years) that these reviews take place.

20 Clause 9 will also amend Article 137 of the 1985 Order to alter the limit on the amount which may be appropriated for the expenses of a society lottery to 20% of the whole proceeds. Do you feel that this is an appropriate limit?

Yes

Please explain your answer:

This would seem appropriate? We also suggest amending the order to create a maximum time between reviews (see Q7 and Q19 above).

## Clauses 10 and 11

21 Clause 10: "Qualifications by age, residence or corporate status for licences, certificates and permits". This Clause amends Articles 7, 61, 84 and 141 respectively of the 1985 Order to reduce the lower age limit from 21 to 18 years of age and remove the residency restrictions for grant of a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate. Do you feel that it is appropriate to lower the age limit from 21 years to 18 years of age in any or all of these categories?

Not Answered

Please explain your answer:

22 Clause 10: Do you feel that it is appropriate to remove the residency restrictions?

Yes

Please explain your answer:

The current provisions that restrict the sale of tickets in NI when the draw is being organised in another political jurisdiction needs to be removed. There should be no bar on the sale or purchase of tickets on an all-island or all UK basis.

23 Clause 10 also repeals Articles 7,61,84 and 141 to allow certain corporate bodies to hold a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate. Do you feel this is appropriate?

Not Answered

Please explain your answer:

24 Clause 10 also amends Articles 109 and 155 respectively of the 1985 Order to allow a body corporate to hold an amusement permit or a pleasure permit. Do you feel this is appropriate?

Not Answered

Please explain your answer:

25 Clause 11: "Prize competitions not requiring persons to pay to participate". This Clause introduces a new paragraph to Article 168 which specifies that a prize competition arrangement is not prohibited by Article 168 unless persons are required to pay to participate in the arrangement and refers to new Schedule 15A (Lotteries and Competitions: Requirements to Pay in Order to Participate) of the 1985 Order (introduced under Clause 8), as setting out what does and does not constitute a requirement to pay to participate in such an arrangement. Do you feel it is appropriate for there not to be a requirement to pay to participate?

Not Answered

Please explain your answer:

## Clauses 12 and 13

26 Clause 12: "Cheating". This clause will replace the existing offence Article 169 in the 1985 Order with a new Article 169 to make it an offence for any person to either cheat at gambling or do anything to enable or assist another person to cheat at gambling. Do you think this clause is sufficient to deal with the offence of cheating?

Not Answered

Please explain your answer:

27 Clause 13: "Enforceability of gambling contracts". This clause repeals Articles 170 and 171 of the 1985 Order and will provide for contracts relating to gambling to be legally enforced without prejudice to any law which prohibits the enforcement of contracts on unlawfulness grounds. Do you think that it is appropriate that contracts relating to gambling are legally enforced?

Not Answered

Please explain your answer:

## Clause 14

28 Clause 14: "Industry Levy". This Clause inserts a new Article 172A (Industry Levy) into the 1985 Order to will allow the Department to make regulations with regard to the payment of a levy to the Department by every person who intends to apply for the grant or renewal of a bookmakers' licence, bookmaking office licence, bingo club licence, gaming machine certificate or permit and amusement permit. Do you think that is right to introduce such a levy?

Yes

Please explain your answer:

The proposed levy could be used to fund research, education and treatment of problem gamblers. Consideration should also be given to using a portion of the levy to invest in sport.

29 Clause 14: The aim of the levy is that it will be expended on projects related to gambling addiction or other associated forms of harm and exploitation and that financial assistance may be provided by grants, loans or any other form of financial assistance. Do you think that this is an appropriate use of the levy?

Other

Please explain your answer:

A portion of the levy should be expended to projects associated with gambling addiction and research and education around problem gambling. Given the important role sport can play in improving physical and mental health it may be appropriate to allocate a portion of the levy to the sport sector. Ulster GAA, as a community based organisation, takes its responsibility to educating and raising awareness of gambling among its members very seriously. It is against GAA rules for any betting related sponsorship to be accepted towards competitions, teams, playing gear or facilities. Many clubs have Gambling policies in place to support the health and wellbeing of its members, to protect the integrity of the games and the players, and to provide a positive example in breaking the societal link between sport and betting. The aim of the GAA's gambling awareness campaign "Reduce the odds" is to protect the wellbeing of GAA members and the integrity of Gaelic Games.

30 Clause 14: Do you have any further comments on what the regulations should cover or how the levy should be spent?

Any further comments?:

The levy could be used to directly fund organisations that can help with education and raising awareness of gambling addiction particularly among young people.

## Clause 15

31 Clause 15: "Code of Practice". This Clause inserts a new Article 180A (Code of practice) into the 1985 Order and requires the Department to issue one or more mandatory Codes of practice about the manner in which facilities for gambling are provided. Do you feel that such a

mandatory Code(s) of practice is appropriate?

Not Answered

Please explain your answer:

32 What kinds of Codes of practice do you think the Department should issue?

What kinds of codes of practice do you think the Department should issue?:

33 Do you have any other comments to make on the Code(s) of practice?

Do you have any other comments to make on the Code of Practice?:

### General Views & Comments and Second Stage of Reform

34 Do you have any other views or comments you wish to make in connection with this Bill?

Do you have any other views or comments you wish to make in connection with the current Bill?:

That a Gambling and Lotteries Regulator be appointed and they should have day to day regulatory and enforcement powers, rather than the PSNI.

35 "Second Stage of Reform" Are there any issues that the Department plan to deal with in the second stage of reforms that you feel should be dealt with in this first Bill?

Not Answered

Please explain your answer:

36 What issues would you like to see addressed in the second stage of the reforms?

What issues would you like to see addressed in the second stage of the reforms?: