



## ANNEX A

**From: The DALO**

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Dr Janice Thompson  
Communities Committee Clerk  
Room 430  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

Dear Janice,

### **DALO RESPONSE TO COMMITTEE – RESEARCH AND INFORMATION SERVICE BILL PAPER**

Thank you for sending us a copy of the RaiSe briefing paper on the Betting, Gaming, Lotteries and Amusements (Amendment) Bill.

Please find attached a table which provides answers to each of the questions raised within the briefing paper.

The Minister will write separately to the members on issues raised during the Second Stage Debate.

Yours sincerely,



Department for  
**Communities**  
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An Roinn  
**Pobal**

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**Diane Mulligan**

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**Annex B**

**Response to Questions raised by RaiSe Briefing Paper – Betting, Gaming, Lotteries and Amusements (Amendment)  
Bill**

Clause No.	Question	Response
<b>Clause 2: Opening of licensed bookmaking offices on Sunday and Good Friday</b>	Will the Department be putting in place a review mechanism to assess both the positive and negative impact of the relaxation of opening hours? If so, how long after the introduction of the Bill will the outcome of this review be published?	<ul style="list-style-type: none"><li>• It is good practice to evaluate the impact of any new policy or legislation after it has been fully implemented, usually 3-5 years after introduction. Generally, the outcome of these reviews are published.</li><li>• The Department is currently considering what baselines and further evidence might be needed and how best to undertake such an evaluation.</li><li>• We are in the process of seeking advice from Professional Service Unit colleagues on this issue and we will write to the Committee as soon as we are in position to provide full details.</li></ul>
	What will be the permitted opening hours for off-course bookmaking premises on Sundays?	<ul style="list-style-type: none"><li>• The Bill removes the requirement not to open on a Sunday or Good Friday, the opening hours will therefore be the same as for other days of the week.</li></ul>



	<p>Will the stakes for Fixed Odds Betting Terminals (FOBTs) in bookmaking offices be amended to reflect the maximum £2 stake as is the case for FOBTs in Great Britain?</p>	<ul style="list-style-type: none"><li>• The Executive approved the Minister's policy to amend the monetary limits (stakes and prizes).</li><li>• This will be done by way of Statutory Rule and subject to Affirmative Resolution. The Minister will be considering what limits are appropriate and we expect to be able to provide the Committee with further details soon.</li><li>• As it stands, the Department considers FOBTs to be Amusements with Prizes high stakes gaming machines, and the current legal stakes and prize limit is <b>30 pence stake and £25 prize.</b></li></ul>
<b>Clause 3: Sunday working in a licensed bookmaking office</b>	<p>How will the impact of the new provisions in relation to Sunday working for on-course employees be monitored?</p>	<ul style="list-style-type: none"><li>• The Minister for Economy has overall policy responsibility for employment rights and labour relations.</li><li>• Prior to introduction of this Bill, the Minister discussed this matter with the then Minister for Economy, Diane Dodds MLA. Mrs Dodds confirmed that she supported the protection.</li><li>• The Bill confers legal employment rights on workers in Betting Offices and employers will be obliged to comply with the law. These rights can be enforced through normal legal channels.</li></ul>



		<ul style="list-style-type: none"><li>• It is not the role of this Department to monitor employment legislation.</li></ul>
<b>Clause 4: Pool betting</b>	Will there be a review of the impact of extending the permission for pool betting in Northern Ireland (e.g. in terms of its economic impact, impact on local bookmaking offices, impact on gambling related harm)?	<ul style="list-style-type: none"><li>• It is good practice to evaluate the impact of any new policy or legislation after it has been fully implemented, usually 3-5 years after introduction.</li><li>• There has been for many years demand for informal types of off-course pool betting and forms of pool betting already take place in bookmakers' shops.</li><li>• The purpose of this clause is to place such arrangements on a firmer regulatory footing in the interests of the customer and law enforcement. To that end, the Clause specifies conditions applying to the extension and is thus a regulatory provision.</li><li>• The Department understands Pool Betting represents a very small percentage of Betting</li></ul>



		Shop business, with estimates putting it as low as 2-3% of business.
	Is there an intention to gather data on Gross Gambling Yield (GGY) derived from pool betting in Northern Ireland? This may be an important mechanism in terms of post-legislative scrutiny allowing Members to assess the impact of the change in legislation.	<ul style="list-style-type: none"><li>• GGY is essentially the difference between the amount wagered and the amount paid out in winnings. This information is not collected here but it is something that will be considered as part of the next phase of reform of gambling regulation, subject to the views of a new Minister in the new Mandate</li></ul>
	The Gambling Commission states that transparency in pool betting is key in protecting the interests of consumers. How will transparency and adherence to the new conditions be monitored in Northern Ireland?	<ul style="list-style-type: none"><li>• This clause is seeking to enhance the transparency of pool betting here in bookmakers by (a) putting the practice on a firm legal footing; and (b) requiring bookmakers to display a notice setting out the tracks for which pool bets are accepted, any deductions that may be made and the minimum bet accepted (the same information that the official Tote operator must display).</li><li>• Enforcement of the 1985 Order is a matter for the PSNI and the Courts.</li></ul>



	<p>What mechanism will be in place for a customer who wishes to complain about the conduct of the pool betting or winnings?</p>	<ul style="list-style-type: none"><li>• Clause 4 proposes conditions which a bookmaker must legally comply with in running pool bets.</li><li>• Clause 12 proposes to make it an offence to cheat at gambling and is designed to enhance customer rights in relation to cheating.</li><li>• Clause 13 proposes to make gambling contracts enforceable in law, this includes pool bets.</li><li>• In addition, Article 27 of the 1985 Order provides for any person to apply to the courts to have a bookmaker's licence revoked or to object to its renewal on various grounds including that the licensed bookmaker is not a fit person to hold a licence.</li><li>• Article 28 of the 1985 Order provides for an application to be made to the Courts for the revocation of a bookmaking office licence on a number of grounds including that the business has not been properly conducted.</li></ul>
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	Will there be a standalone Code of Practice on pool betting or will it be included within another Code of Practice?	<ul style="list-style-type: none"><li>• The Mandatory Code of Practice will cover all forms of betting in bookmakers offices.</li></ul>
<b>Clause 5:</b> Persons who may participate in a bingo club	What will be the permitted opening hours on a Sunday and Good Friday?	<ul style="list-style-type: none"><li>• The Bill removes the requirement not to open on a Sunday or Good Friday, the opening hours will therefore be the same as for other days of the week.</li></ul>
	Will the Department be putting in place a review mechanism to assess both the positive and negative impact of the relaxation of opening hours? If so, how long after the introduction of the Bill will the outcome of this review be published?	<ul style="list-style-type: none"><li>• It is good practice to evaluate the impact of any new policy or legislation after it has been fully implemented, usually 3-5 years after introduction. The outcome of such reviews are generally published.</li></ul>
<b>Clause 6:</b> Days when bingo and use of gaming machines permitted on bingo club premises	What will be the permitted opening hours for Sunday and Good Friday opening in Northern Ireland?	<ul style="list-style-type: none"><li>• The Bill removes the requirement not to open on a Sunday or Good Friday, the opening hours will therefore be the same as for other days of the week.</li></ul>
	Are there any controls where gaming machines may be physically placed in bingo premises in	<ul style="list-style-type: none"><li>• The 1985 Order already specifies the types of gaming machines that are permitted within</li></ul>





	<p>Northern Ireland to prevent access by under 18s?</p>	<p>bingo premises, namely Amusement with Prizes higher and lower prize machines.</p> <ul style="list-style-type: none"><li>• In amusement arcades and similar premises holding an Article 108(1)(ca) amusement permit, under 18s must not be admitted to premises or parts of premises in which £25 amusement with prize machines (AWP (Higher)) are operated (Articles 111(6A) and 115(7A)) and includes conditions on physical separation and supervision. For the Committee's convenience, a copy of Article 111 6A and Article 115 (7A) s appended to this table (<b>Appendix 1</b>).</li><li>• Clause 7 proposes to insert new Article 124A which would make it an offence to invite, cause or permit anyone under the age of 18 to play a high stakes AWP machine.</li><li>• Finally, Bingo Clubs will be required to comply with the Mandatory CoP which will set out the guidance around protection of children and young people.</li></ul>
	<p>What steps do, or should, bingo club premises take to prevent under 18s using gaming machines that they are not permitted to operate?</p>	<ul style="list-style-type: none"><li>• Bingo clubs are required to comply with the existing law in this area.</li><li>• In amusement arcades and similar premises holding an Article 108(1)(ca) amusement permit, under 18s must not be admitted to premises or parts of premises in which £25 amusement with</li></ul>



		<p>prize machines (AWP (Higher)) are operated (Articles 111(6A) and 115(7A)) and includes conditions on physical separation and supervision. For the Committee's convenience, a copy of Article 111 6A and Article 115 (7A) s appended to this table (<b>Appendix 1</b>).</p> <ul style="list-style-type: none"><li>• Clause 7 proposes to insert new Article 124A which would make it an offence to invite, cause or permit anyone under the age of 18 to play a high stakes AWP machine.</li><li>• Finally, Bingo Clubs will be required to comply with the Mandatory CoP which will set out guidance around protection of children and young people, including age verification.</li></ul>
	<p>Will there be a Code of Practice for licensed bingo operators in Northern Ireland? Will this include information on the location and supervision of gaming machines?</p>	<ul style="list-style-type: none"><li>• Clause 15 ("Code of practice") already proposes to include bingo clubs within the codes.</li><li>• In amusement arcades and similar premises holding an Article 108(1)(ca) amusement permit, under 18s must not be admitted to premises or parts of premises in which £25 amusement with prize machines (AWP (Higher)) are operated (Articles 111(6A) and 115(7A)) and includes conditions on physical separation and</li></ul>



		<p>supervision. For the Committee’s convenience, a copy of Article 111 6A and Article 115 (7A) s appended to this table <b>(Appendix 1)</b>.</p> <ul style="list-style-type: none"> <li>• Bingo Clubs will be required to comply with the Mandatory CoP which will set out guidance around protection of children and young people, including age verification and supervision.</li> </ul>
<p><b>Clause 7: Offence of inviting, etc. persons under 18 to play gaming machine</b></p>	<p>In 2013 the then Minister for Social Development, Nelson McCausland MLA, announced in a Departmental News Release<sup>80</sup> that gambling law in Northern Ireland would be amended to include a “section dealing with the protection of children and young people”. The Gambling Act 2005 also dedicates a whole section to children and young people and has a licensing objective specifically relating to the protection of children from harm and exploitation. In the light of this:</p>	<p>N/A</p>
	<p>Will the second phase of reform for Northern Ireland contain further proposals in respect of children and young people, if so, what will these</p>	<ul style="list-style-type: none"> <li>• The existing Order and this Bill contain provisions and proposals for the protection of young people.</li> </ul>



	<p>be? Will they be outlined in a separate section of the legislation dedicated to children and young people?</p>	<ul style="list-style-type: none"><li>• Any proposals to extend these in Phase 2 of the reform of gambling legislation would be a matter for the new Minister in the new mandate.</li></ul>
	<p>What are the arguments for and against the inclusion of a licensing objective specifically on children and vulnerable persons?</p>	<p>The Department, believes there is merit in the inclusion of a licensing objective specifically on children and vulnerable persons. However, given the structure of the 1985 Order the introduction of formal licensing objectives will have to be considered as part of phase 2 of the reform of gambling legislation, and will therefore be a matter for the new Minister in the new Mandate.</p>
	<p>Has there been any discussions with GB Ministers to discuss the issue of the regulation of advertising and social media in respect of under 18s exposure to gambling advertising and the impact on gambling related harm?</p>	<ul style="list-style-type: none"><li>• Minister Hargey recently wrote to her DCMS counterpart, Chris Philp, about a range of reserved matters including Advertising.</li><li>• DCMS are currently reviewing aspects of their legislation and Minister Philp has promised to</li></ul>



		<p>keep Minister Hargey updated on developments.</p>
	<p>A Gambling with Lives pilot initiative for schools in Northern Ireland has just been launched (September 2021)<sup>81</sup> what action will be taken to ensure that there is a continued age-appropriate focus on gambling-related harm within the NI Curriculum?</p>	<ul style="list-style-type: none"><li>• Decisions about the curriculum are a matter for the Minister of Education.</li><li>• The DE Minister is also on record as stating “There are regular calls for legislation to make a wide range of issues compulsory in the statutory curriculum, such as CPR, smoking awareness, gambling-related harm and sexual and domestic violence. These are really important, and potentially lifesaving issues, but there is a need to protect our schools from curriculum overload, where content or issues are constantly added in response to meeting new societal demands.....” Education (Curriculum) (CPR and AED) Bill – Second Stage 8 Nov <a href="https://www.niassembly.gov.uk/official-reports/">Official Reports (niassembly.gov.uk)</a></li><li>• Minister Hargey has established a cross-departmental working group following representations from the All Party Group on Reducing Gambling Related Harm. Both DE &amp; DoH are represented on this group.</li><li>• This cross departmental group are currently considering the recommendations from the All Party Group on Reducing Gambling Related</li></ul>



		<p>Harm report published in October 21. The group will also look at issues related to gambling which cut across departments, included age related issues and reducing gambling related harm.</p>
	<p>Research published by the Gambling Commission demonstrates the vulnerability of some post-18 years olds (i.e. those aged 18 to 30) to gambling related harm. For example, the research found that young people were most vulnerable to experiencing gambling harm after achieving independence from their parents. What support is currently available to young people in this age group in terms of preventing and treating gambling related harm? What support is currently available through universities and apprenticeship programmes and what further types of support are needed?</p>	<ul style="list-style-type: none"><li>• Treatment of gambling related harm is a matter for the Department of Health (DoH) in the first instance.</li><li>• The Department for Economy (DfE) has lead policy responsibility for further educations and apprenticeships.</li><li>• It would be a matter for these Departments in the first instance to determine if there is a need for further support in these areas.</li><li>• The Department is, however, aware of a number of voluntary organisations that do offer support, e.g. GamCare, Gambling with Lives, Dunlewy, National Gambling Helpline etc.</li><li>• Help is also available via GPs using the mental health pathway.</li></ul>
	<p>Clause 7 of the Bill (as introduced) provides a defence for a person charged with an offence in relation to inviting, causing or permitting a person under the age of 18 to play anything other than a lower limit gaming machine (e.g. if</p>	<ul style="list-style-type: none"><li>• This will be addressed through the Code of Practice. Examples of appropriate proofs of identity will be provided and will be similar to those used within Licensed Premises as set out</li></ul>



	<p>the person can prove that there was good reason to believe that that person had attained that age). For the purposes of aiding an understanding of this clause could illustrative examples be provided as the type of proof required to demonstrate good reason to believe that the person was 18 years of age and over.</p>	<p>in Article 58 (11A) of the Licensing (NI) Order 1996. For the convenience of the Committee, a copy of the relevant Article is attached at <b>Appendix 2.</b></p>
	<p>How will this new provision be monitored? Are there currently test-purchasing exercises in relation to licensed betting, gaming, lotteries and amusements premises in Northern Ireland? If not, why not?</p>	<ul style="list-style-type: none"><li>• As stated in the response to the question on Clause 2 above, it is good practice to evaluate the impact of any new policy or legislation after it has been fully implemented, usually 3-5 years after introduction.</li><li>• Under the 1985 Order, enforcement is a matter for the PSNI or district councils as appropriate.</li><li>• The Department believes that the Children's Commissioner would have concerns about the use of young people in test purchasing exercises.</li></ul>



<b>Clause 8: Arrangements not requiring persons to pay to participate and Clause 11: Prize competitions not requiring persons to pay to participate</b>	How does the Department intend to monitor this activity in terms of both positive and negative impacts?	<ul style="list-style-type: none"><li>• As stated above, it is good practice to evaluate the impact of any new policy or legislation after it has been fully implemented, usually 3-5 years after introduction.</li><li>• Clauses 8 and 11 are merely intended to remove a perceived impediment in the provision of commercial prize competitions here.</li><li>• Ultimately, it will be a commercial decision for the companies concerned as to whether or not they wish to make their competitions available here. This is a matter over which the Department has no control.</li></ul>
	What action will be taken to prevent the availability of prize competitions that are not permitted under the amended 1985 Order?	<ul style="list-style-type: none"><li>• This an enforcement decision for the PSNI and the courts under the 1985 Order.</li></ul>
<b>Clause 9: Rules for societies' lotteries</b>	Does the Department intent to review the impact of a change in the law in relation to societies' lotteries? If so, how soon after the Act becoming law will this review be carried out?	<ul style="list-style-type: none"><li>• It is good practice to evaluate the impact of any new policy or legislation after it has been fully implemented, usually 3-5 years after introduction.</li></ul>





	<p>Does the Department intend to collate data on the amount raised annually through societies' lotteries?</p>	<ul style="list-style-type: none"><li>• Under the 1985 Order there is a requirement that registered societies lotteries provide returns to district councils, the Department will consider collating and publicising this data as part of phase 2 of the reform of gambling legislation, subject to the view of a new Minister in a new Mandate</li></ul>
	<p>Will there be a code of practice for societies' lotteries? If so, will this include a social responsibility element to ensure that children and those who are vulnerable are protected from gambling related harm?</p>	<ul style="list-style-type: none"><li>• Clause 15 ("Code of practice") already proposes to include societies' lotteries within the codes.</li><li>• The Department also publishes guidance on the law and lotteries. see here:- <a href="http://www.communities-ni.gov.uk/leaflet-on-lottery-law">Leaflet on lottery law   Department for Communities (communities-ni.gov.uk)</a></li></ul>
	<p>Do societies in Northern Ireland use the services of External Lottery Managers (ELMs) or is there potential that some may opt to use ELMs? If so, is there sufficient regulation of ELMs or third parties offering similar services in the 1985 Order?</p>	<ul style="list-style-type: none"><li>• The whole issue of licensing of external lottery managers will be considered as part of the phase 2 reforms of gambling legislation, in the context of the establishment of an independent regulator.</li><li>• However, The Department believes that there is adequate regulation in place at present.</li><li>• Article 140 of the 1985 Order makes it possible for a society lottery to engage an external lottery consultant or manager provided the individual</li></ul>



		<p>holds a lottery certificate authorising the person to act in that capacity.</p> <ul style="list-style-type: none"><li>• Under Article 141 courts are required to satisfy themselves that those applying to hold a certificate are fit to do so.</li><li>• Under Article 140 it is an offence for an individual to act as an external consultant without holding a certificate.</li><li>• Furthermore, under Article 149 Courts have the power to refuse or revoke certificates.</li></ul>
<b>Clause 10: Qualifications by age, residence or corporate status for licences, certificates and permits</b>	How will the impact of this change to the 1985 Order be monitored/reviewed?	<ul style="list-style-type: none"><li>• It is good practice to evaluate the impact of any new policy or legislation after it has been fully implemented, usually 3-5 years after introduction.</li></ul>
	What is the rationale for substituting the current requirement for a company to be “registered under the Companies Act 2006” with “a body corporate”? Will this have any impact on how	<ul style="list-style-type: none"><li>• The current requirement effectively prevents a company from another jurisdiction from setting up here.</li></ul>



	<p>the activities of the company can be monitored and regulated?</p>	<ul style="list-style-type: none"><li>• Previous legal advice obtained by The Department suggested that this is discriminatory and potentially challengeable as it may constitute an unfair restriction of trade.</li><li>• We do not believe that the amendment will have any impact on the existing system of monitoring and regulation here as any companies concerned would still be required to satisfy all other conditions under the 1985 Order for licences, certificates or permits.</li></ul>
<b>Clause 12: Cheating</b>	<p>The new definition of cheating as set out in Clause 12 is very similar to the definition of cheating in Article 42 of the Gambling Act 2005. However, the 2005 Act states that “cheating at gambling may, in particular, consist of actual or attempted deception or interference in connection with – (a) a real or virtual game, race or other event or process to which gambling relates”. The word “virtual” does not appear in the Clause 12. What is the reason for its omission?</p>	<ul style="list-style-type: none"><li>• The main reason is that the present Bill is an amending Bill. As such it is intended to work within the framework of the existing 1985 Order.</li><li>• The existing 1985 Order is silent on “virtual” or on-line gaming etc and would require a complete overhaul before we could legislate in completely the same way in this area as the 2005 Act.</li><li>• The definition in Clause 12 therefore applies to gaming, betting or participating in a lottery as defined and understood within the existing 1985 Order.</li></ul>



		<ul style="list-style-type: none"><li>• The Department plans to consider virtual gaming etc as part of the Phase 2 reform of gambling regulation, subject to the views of a new Minister in the new Mandate.</li></ul>
<b>Clause 13: Enforceability of gambling contracts</b>	Section 336 of the Gambling Act 2005 provides the Gambling Commission with a power to void a bet if it is satisfied that the bet is “substantially unfair”. Are there similar protections within the 1985 Order?	<ul style="list-style-type: none"><li>• Under the existing 1985 Order any contract involving gambling is not enforceable and legal action cannot be taken to recover any money won or paid on a wager. Nor can any legal action be taken in respect of a promise, express or implied, involving the payment of any money, fee or services in connection with a gambling contract.</li><li>• The intention of Clause 13 is to bring such issues within the ambit of contract law and thereby the courts.</li><li>• The policy aim is to give the courts clearer power, where necessary, to adjudicate on whether or not a bet was “substantially unfair” and, if so, to determine the appropriate action and redress.</li></ul>
<b>Clause 14: Industry levy</b>	For the purposes of clarity, will the levy only be applicable to land-based licences, certificates and permits in Northern Ireland?	<ul style="list-style-type: none"><li>• Yes. The present Bill is an amending Bill and therefore is intended to work within the framework of the existing 1985 Order which is silent on “virtual” or on-line gambling.</li></ul>



		<ul style="list-style-type: none"><li>• Entirely new legislation would be required for on-line gambling before a separate levy power could be introduced.</li><li>• The Department plans to consider virtual gaming etc as part of the Phase 2 reform of gambling regulation, subject to the views of a new Minister, in the new Mandate.</li></ul>
	Have there been any discussions or correspondence with UK Government Ministers or the Gambling Commission on a mandatory levy which will include online gambling operators?	<ul style="list-style-type: none"><li>• Both the Minister and her officials regularly liaise with their counterparts in Britain on matters of mutual interest including on line gambling and levy related issues.</li></ul>
	How will the levy be calculated? Has the Department conducted an information gathering exercise of mandatory levy models in other jurisdictions? If so, is there a particular model or formula that it is minded to use? Has it conducted, or does it intend to conduct, modelling exercises to estimate the amount of money that could be derived from a levy?	<ul style="list-style-type: none"><li>• The Department intends to conduct an information gathering and modelling exercise in the future and this would include information on how it should be calculated, the model or formula to be used etc.</li><li>• However, this is dependent entirely on whether or not the Assembly is content, in the first instance, to allow the Department to take a levy</li></ul>



		enabling power at this stage as set out in Clause 14.
	Is there a tentative date for when the regulations will be made and when the levy will become operational?	<ul style="list-style-type: none"><li>• No tentative date has been set as we have not yet secured agreement from the Assembly to Clause 14.</li><li>• Any decision on when proposed regulations might be made operational will be a matter for Minister in the next mandate and a new Assembly assuming that the present Assembly is content with the framework proposed within Clause 14.</li></ul>
	Will there be transitional arrangements for licence, certificate, and permit holders to enable them to put internal processes in place to pay the new levy?	<ul style="list-style-type: none"><li>• Again, these would be matters for Minister in the next mandate and a new Assembly to consider assuming that the present Assembly is content with the framework proposed within Clause 14.</li><li>• Under the present proposal, however, the Department would be required to consult the gambling industry before making any regulations for a levy.</li><li>• Regulations would also be subject to the affirmative resolution process of the Assembly.</li><li>• The Assembly would therefore be in a position to refuse to agree the regulations if it was not</li></ul>



		<p>satisfied that adequate provision had been made by The Department for any transitional arrangements deemed necessary.</p>
	<p>In some jurisdictions with a mandatory levy (such as New South Wales), there is an independent board of trustees or board to advise government on the distribution of funds. Is there a need for a similar arrangement in Northern Ireland, if not, why not?</p>	<ul style="list-style-type: none"><li>• Again, these would be matters for Ministers in the next mandate and a new Assembly to consider assuming that the present Assembly is content with the enabling power framework proposed within Clause 14.</li><li>• However, under Clause 14, the proceeds of the levy may only be expended on projects that aim to address gambling addiction or other forms of associated harm or exploitation.</li><li>• As these are public health matters, the Department would need to consult with DoH on expenditure and fund distribution.</li><li>• DoH and DE are already represented on the Minister's cross-Departmental group on gambling harm.</li></ul>
	<p>Some jurisdictions with a mandatory levy will publish at least annual reports on the levy, how it is calculated, and how the money has been spent. In the interests of transparency will a</p>	<ul style="list-style-type: none"><li>• Again, these would be matters for Ministers in the next mandate and a new Assembly to consider assuming that the present Assembly is content with the enabling power framework proposed within Clause 14.</li></ul>



	similar document be published should a mandatory levy become operational in Northern Ireland?	<ul style="list-style-type: none"><li>• The Clause as proposed already requires the Department to consult on the proposed calculation formula.</li><li>• Any subsequent expenditure from the levy would be subject to normal public accountability requirements including completion of business cases and post project evaluations. These documents would be automatically accessible to the public in the normal way.</li></ul>
<b>Clause 15: Code of practice</b>	What are the arguments for and against statutory codes of practice?	<ul style="list-style-type: none"><li>• The Minister is bringing forward the Codes mainly because the 1985 Order is inflexible in many ways with even minor amendments requiring changes to primary legislation.</li><li>• The advantage of Codes is that they make it easier to impose new regulatory standards on the industry without necessarily having to amend the primary legislation. For example. In 2019, the Gambling Commission banned the use of Credit Cards in gambling transactions by making it a condition of the licence and including the requirement in the Code of Practice.</li></ul>





		<ul style="list-style-type: none"><li>• The Codes can also be used by licensing and certifying authorities (eg courts, councils etc) as well as the PSNI to help them determine whether an operator is a “fit person” to hold a gambling, gaming etc licence under the 1985 Order.</li><li>• In effect, this would make compliance with the Codes a licensing condition.</li><li>• In terms of arguments against the Codes, some people think that if it is not included in the legislation then it is not enforceable. This is not the case.</li><li>• Including operational matters such as, for example, banning the use of credit cards or setting deposit limits within the Bill means that such issues can only be changed by means of legislation in the future.</li><li>• A good example of where this could prove a disadvantage is, that during covid, owing to government advice to use contactless payment methods and avoid cash where possible, local bookmakers (when they were allowed to open) ,</li></ul>
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		<p>would have been unable to trade, or would have potentially traded illegally if not able to accept debit cards. Whereas, if the requirement is a licence condition and included in a CoP, it can be changed very quickly using administrative mechanisms.</p>
	<p>What types of code are the Department minded to issue? Will it be a large code similar to the LCCP or a series of smaller codes?</p>	<ul style="list-style-type: none"><li>• The Minister announced that the Department would be consulting shortly on a draft code covering a range of issues including banning the use of credit cards, reverse withdrawals and ATMs in gambling establishments.</li><li>• There would also be further safeguards for children and young people including age verification, customer care for problem gamblers and controls around gaming machines including so-called 'Fixed Odds Betting Terminals' as well as other issues.</li><li>• We would see the Code as something that we would review and update on a regular basis. This would include introducing additional codes as and when required.</li><li>• The Department will be in a position to share the draft Code with the Committee soon.</li></ul>
	<p>Will there be a 'social responsibility' element to the code?</p>	<ul style="list-style-type: none"><li>• The Code, and Clause 15, are entirely about the demonstrable exercise of social responsibility by</li></ul>



		<p>gambling operators. They represent, in effect, an additional social responsibility provision within the Bill.</p>
	<p>Will an annual report providing information on breaches of the code and enforcement action be published?</p>	<ul style="list-style-type: none"><li>• This would be a matter for compliance and enforcement authorities to determine. Under the 1985 Order, enforcement is the responsibility of the PSNI and licensing etc authorities, not the Department.</li><li>• The Department's main responsibility under the 1985 Order is to provide those organisations with a regulatory framework to enable them to enforce the law. The Code would simply form a further part of that framework.</li><li>• Under Clause 14, Code would also need to be taken account of by enforcement bodies in the exercise of their functions, considered in any related court or tribunal proceedings etc and would be admissible in evidence in criminal or civil proceedings.</li></ul>



## Appendix 1

### Copy of Article 111 (6A) of the 1985 Order

#### Granting of Amusement Permit

**[F1**(6A) Without prejudice to any condition in paragraph (5)(a) or (6)(b), where a district council grants an amusement permit for the purposes of Article 108(1)(ca), it shall be subject to the conditions—

(a) in the case of premises where admission is restricted to persons aged 18 or over,—

(i) that no person under 18 is admitted to the premises; and

(ii) that at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18; and

(b) in the case of premises where admission is not restricted to persons aged 18 or over—

(i) that any machine in respect of which the condition mentioned in Article 108(8) is observed is located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access otherwise than by means of an entrance designed for the purpose;

(ii) that only persons aged 18 or over are admitted to an area of the premises in which any such machine is located;

(iii) that access to an area of the premises in which any such machine is located is supervised;

(iv) that any area of the premises in which any such machine is located is so arranged as to permit all parts of it to be observed; and

(v) that at any entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons aged under 18.]



## **Article 115 (7A) of the 1985 Order**

### **Renewal of permit**

**[F1**(7A) Without prejudice to any condition in paragraph (6)(a) or (7)(b), a district council shall renew an amusement permit expressed to be granted for the purposes of Article 108(1)(ca) subject to the conditions—

(a) in the case of premises where admission is restricted to persons aged 18 or over—

(i) that no person under 18 is admitted to the premises; and

(ii) that at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18; and

(b) in the case of premises where admission is not restricted to persons aged 18 or over—

(i) that any machine in respect of which the condition mentioned in Article 108(8) is observed is located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access otherwise than by means of an entrance designed for the purpose;

(ii) that only persons aged 18 or over are admitted to an area of the premises in which any such machine is located;

(iii) that access to an area of the premises in which any such machine is located is supervised;

(iv) that any area of the premises in which any such machine is located is so arranged as to permit all parts of it to be observed; and

(v) that at any entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons aged under 18.]



## Appendix 2

### Copy of Article 58 (11A) of the Licensing (NI) Order 1996

#### Proof of Age

**[F3(11A)** Without prejudice to any other means of proving the exercise of all due diligence, for the purposes of paragraph (11) the holder of the licence or his servant or agent is to be treated as having exercised all due diligence to avoid the commission of an offence if—

- (a) the holder of the licence or his servant or agent was shown any of the documents specified in paragraph (11B); and
- (b) that document would have convinced a reasonable person.

(11B) The documents referred to in paragraph (11A)(a) are any document purporting to be—

- (a) a passport;
- (b) a photocard driving licence;
- (c) an electoral identity card;
- (d) a photographic identity card of a type approved by the British Retail Consortium for the purposes of its Proof of Age Scheme; or
- (e) such other document, or a document of such other description, as may be prescribed by regulations.]