

# Betting, Gaming, Lotteries and Amusements (Amendment) Bill - Call for evidence views

## Overview

### Context of the Bill

It has been reported in recent years that up to 40,000 people in Northern Ireland may have a gambling problem and that is the highest incidence in the UK – four times higher than any other region and also three times higher than the Republic of Ireland. It has also been reported that children as young as 11 have problems with gambling. In many jurisdictions, gambling problems are now increasingly being viewed as also being a public health matter.

Public demand has been growing for new regulatory controls on gambling, especially to strengthen protections for the young and other vulnerable members of society. There is evidence that the public is also supportive of legislation which could oblige the gambling industry to help fund research, education and treatment of problem gamblers.

Northern Ireland law in respect of gambling is presently contained in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the 1985 Order). The 1985 Order is broadly modelled on much older law from Great Britain (the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976).

The 1985 Order has remained largely unchanged since it was enacted thirty-five years ago. As a result, gambling legislation here has not kept pace with industry and technological changes. As well as being outdated, the current law is complex and inflexible, even with minor amendments requiring changes to primary legislation.

### Why your views matter

The Minister advised the Committee in May 2021 that she had completed her consideration of the issues raised in the Department's consultation on "[Regulation of Gambling in Northern Ireland](https://www.communities-ni.gov.uk/consultations/consultation-regulation-gambling-northern-ireland) <<https://www.communities-ni.gov.uk/consultations/consultation-regulation-gambling-northern-ireland>>".

She confirmed that a two stage approach would be adopted, including a medium sized Bill to be brought forward during this mandate (this Bill), with the opportunity for a future Executive to agree a larger and more complex Bill.

The Committee notes that this Bill will unfortunately not establish a full new regulatory framework, but will at least amend parts of the 1985 Order and deal with a number of key issues of concern.

The overarching objective of this Bill is to address a number of specific anomalies with regard to the current regulation of land based betting, gaming, lottery and amusement activities. It is also designed to strengthen existing regulatory protections for operators and consumers as well as young people and those who may be vulnerable to gambling harm.

[Betting, Gaming, Lotteries and Amusements \(Amendment\) Bill - As introduced](http://www.niassembly.gov.uk/assembly-business/legislation/2017-2022-mandate/primary-legislation---bills-2017---2022-mandate/betting-gaming-lotteries-and-amusements-amendment-bill/bill---as-introduced/) <<http://www.niassembly.gov.uk/assembly-business/legislation/2017-2022-mandate/primary-legislation---bills-2017---2022-mandate/betting-gaming-lotteries-and-amusements-amendment-bill/bill---as-introduced/>>

[Explanatory and Financial Memorandum](http://www.niassembly.gov.uk/assembly-business/legislation/2017-2022-mandate/primary-legislation---bills-2017---2022-mandate/betting-gaming-lotteries-and-amusements-amendment-bill/efm---as-introduced/) <<http://www.niassembly.gov.uk/assembly-business/legislation/2017-2022-mandate/primary-legislation---bills-2017---2022-mandate/betting-gaming-lotteries-and-amusements-amendment-bill/efm---as-introduced/>>

These documents will each open in a new window.

The 1985 Order currently regulates a wide range of betting, gaming, lotteries and amusement activity in Northern Ireland. This includes: - betting in bookmaking offices and on tracks; the use, supply and maintenance of gaming machines; gaming in bingo clubs; small scale amusements with prizes; and lotteries other than the National Lottery.

The 1985 Order also sets out the procedures for the licensing and certification of betting, gaming, lottery and amusement activities and the offences and penalties for breaches of associated licensing and other conditions. The courts and district councils license and certify most of these activities. The Department is responsible for issuing track-betting licences. Responsibility for enforcement of gambling law lies with the Police Service of Northern Ireland (PSNI).

The 1985 Order is silent in relation to the regulation of remote (online) gambling. On-line advertising of gambling products and services is regulated under the 2014 Gambling (Licensing and Advertising) Act. This allows an online gambling operator to advertise to consumers here provided they hold the appropriate GB Gambling Commission licence and comply with its codes of practice (broadcast advertising is primarily a reserved matter).

## Introduction

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We will consider all requests for information to be treated anonymously.

Please provide comment on **any or all parts** of the template. If you do not agree with a particular clause of the Bill, please consider suggesting how it could be amended.

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*(Required)*

*Please select only one item*

- I would like my response to be published.
- I would like to request my response not be published, and I understand this will only be accepted in exceptional circumstances.

If my request is turned down I understand that I can choose to withdraw my submission or agree to my response being published in full or as amended by me.

**Please note you will not be able to move through the survey until this question has been answered. However you may change your answer before submission if you choose.**

**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?**

*Please select only one item*

- Yes
- No

**3 What is your name?**

Name

**4 What is your email address?**

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response. You will have an option to receive follow up information on this Bill at the end of the survey.

Email

**5 Please indicate if you are providing a response:**

*Please select only one item*

- As an Individual
- On behalf of a organisation or business

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

## Policy objectives of the Bill

This Bill is intended to amend certain provisions of the 1985 Order in relation to: - the opening days of licensed bookmakers' offices and bingo clubs; the requirements around membership of commercial bingo clubs; the rules on society lotteries; qualifications and other requirements for the grant of certain licences, certificates and permits; the operation of promotional prize competitions; the definition of 'cheating'; and the enforceability of gambling contracts.

In addition, the Bill is designed to put the operation of pool betting in licensed bookmakers' offices on a firm legislative footing and create a new offence to discourage persons under 18 from being allowed to play high stakes gaming machines. A further intention is to enable the Department both to impose a financial levy on the gambling industry and to issue mandatory codes of practice in relation to the manner in which facilities for gambling are provided.

The overarching objective of the Bill is to address a number of specific anomalies with regard to the current regulation of land based betting, gaming, lottery and amusement activities. It is also designed to strengthen existing regulatory protections for operators and consumers as well as young people and those who may be vulnerable to gambling harm.

- 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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

Whilst the Bill will address some anomalies in the current legislation, there are a few proposals that cause some concern and we have commented on these later in the document.

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

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

No further comments.

## Clauses 1, 2 and 3

### Clause 1 Interpretation

Clause 1 confirms that all references to “the 1985 Order” within the Bill mean the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

### Clause 2 Opening of licensed offices on Sunday and Good Friday

Clause 2 amends Article 31(1) of the 1985 Order by removing all reference to Sunday (with the exception of Christmas Day) and Good Friday as days when licensed offices may not be open.

The above Article relates to the closing of licensed offices on certain days during which an office shall not be opened or kept open for the transaction of business at any time or at such other times, if any, as may be prescribed by regulations. The amendment allows 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.

### Clause 3 Sunday working in a licensed office

Clause 3(1) and (2) amend the definition of betting work in Schedule 8A of the 1985 Order (rights of betting workers as regards Sunday working) to include work in a licensed office. The Schedule is construed as one with the Employment Rights (Northern Ireland) Order 1996 which consolidates employment rights laws in a range of areas including Sunday working.

Clause 3(3) therefore substitutes the definition of “commencement date” in paragraph 1(4) of Schedule 8A so as to include betting work under the meaning of Clause 3(2).

Clause 3(4) amends paragraph 8(4) of Schedule 8A to also include “betting work” as work at a licensed office on a Sunday which is open for business.

Clause 3(5) inserts an additional provision into Article 53B of the 1985 Order (Sunday observance) to state that the Sunday Observance Act (Ireland) 1695 does not apply to any person who has effected a betting transaction on a non-sporting event at either a track or a licensed office which is open on a Sunday.

The rights of individuals employed in a licensed bookmakers’ office now mirror those of individuals who work at a track for a bookmaker with respect to Sunday working.

## Clauses 1, 2 and 3 - text

### Interpretation

1. In this Act “the 1985 Order” means the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

### Opening of licensed offices on Sunday and Good Friday

2. In Article 31(1) of the 1985 Order (days when licensed office not to open) for “Sunday, Christmas Day or Good Friday” substitute “Christmas Day”.

### Sunday working in licensed office

3.—(1) Schedule 8A to the 1985 Order (rights of betting workers as regards Sunday working) is amended as follows.

(2) In paragraph 1 for sub-paragraph (2) substitute—

“(2) In this Schedule “betting work” means—

(a) work at a track for a bookmaker on a day on which the bookmaker acts as such at the track, being work which consists of or includes dealing with betting transactions, and

(b) work in a licensed office on a day on which the office is open for use for the effecting of betting transactions.”.

(3) In paragraph 1 in sub-paragraph (4) for the definition of “commencement date” substitute—

“ “commencement date” means—

(a) in relation to a person who is a betting worker by virtue of sub-paragraph (2)(a), the day on which Schedule 1 to the Betting and Gaming (Northern Ireland) Order 2004 comes into operation;

(b) in relation to a person who is a betting worker by virtue of sub-paragraph (2)(b), the day on which section 3 of the Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2021 comes into operation.”

(4) In paragraph 8(4), in the prescribed form, after the words “at the track” insert “or in a licensed office on a Sunday on which it is open for business”.

(5) In Article 53B of the 1985 Order (Sunday observance) at the end insert “or having effected a betting transaction on a non-sporting event at a licensed office which is open on a Sunday.”.

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?

No further comments.

**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?

*Please select only one item*

- Yes  
 No  
 Other

Please explain your answer

This may have an impact on operational policing, but it is unknown at this stage.

**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?

*Please select only one item*

- Yes  
 No  
 Other

Please explain your answer

No impact on operational policing.

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

*Please select only one item*

- Yes  
 No  
 Other

Please explain your answer

No impact on operational policing.

## Clauses 4, 5 and 6

### Clause 4 Pool betting

Clause 4 introduces new paragraphs (3A) and (3B) of Article 44 of the 1985 Order (Restriction of pool betting) which restricts 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.

New paragraph (3A) exempts licensed offices from the restriction that prevents any person, other than a registered pool promoter, from carrying on any pool betting business other than at a licensed track and except by means of a totalisator operated in accordance with Article 45.

New paragraph (3B) stipulates the conditions under which the restriction is dis-applied to a licensed bookmaker. These are namely that: - persons placing bets at licensed offices are allowed to do so on the same terms and conditions as if they were placed by means of a totalisator at the licensed track; and the bookmaker displays a notice at the premises which contains information as to the name of the track concerned and information corresponding to that required to be posted under Schedule 8 (Totalisators on Licensed Tracks) of the 1985 Order.

### Clause 5 Persons who may participate in bingo at bingo club

Clause 5 amends Article 75 of the 1985 Order by repealing specified parts of paragraphs (3)(a) and (3)(b) and the whole of paragraph (4), all of which limit the eligibility of persons who may participate or take part in bingo at a bingo club premises.

As a result of these amendments only bona fide members of a bingo club or a guest of a bona fide member are allowed to participate or take part in bingo at a bingo club premises. Members and bona fide guests of members may also take part in bingo at the premises irrespective of any time elapsing since application for club membership was made. The exemption to restrictions on participation that applies to employees of the club, including cleaners under paragraph (4) (b) is further removed.

### Clause 6 Days when bingo and use of gaming machines permitted on bingo club premises

Article 76 of the 1985 Order (Conditions applying to bingo) sets conditions applying to bingo taking place on bingo club premises. Article 108 (Use of gaming machines on other premises) sets conditions on the use of gaming machines on premises other than registered clubs.

Clause 6 of the Bill is intended 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.

Clause 6(1) thus removes the prohibition contained within Article 76(7) of the 1985 Order on any bingo taking place on bingo club premises on any Sunday (with the exception of Christmas Day) and Good Friday.

Clause 6(2) likewise removes the prohibition contained within Article 108(3) of the 1985 Order on any gaming machine being made available for gaming on any bingo club premises on any Sunday (with the exception of Christmas Day) and Good Friday.

## Clauses 4, 5 and 6 - text

### Pool betting

4. In Article 44 of the 1985 Order (restriction of pool betting), in paragraph (2) for “paragraph (3)” substitute “paragraphs (3) and (3A)” and after paragraph (3) insert—

“(3A) If the conditions mentioned in paragraph (3B) are satisfied, paragraph (2) does not apply to a licensed bookmaker who, on licensed premises, carries on a pool betting business which is linked to such a business carried on by means of a totalisator at a licensed track.

(3B) The conditions are that—

(a) a person placing a bet at the licensed premises by way of the pool betting business does so on the same terms and conditions as if the bet were placed by means of the totalisator at the licensed track concerned, and

(b) before receiving a bet by way of the pool betting system, the licensed bookmaker displays at the licensed premises a notice—

(i) indicating the name of the licensed track concerned; and

(ii) containing information corresponding to that which the operator of that track is required to post at the track in accordance with paragraph 3 of Schedule 8.”.

### Bingo clubs Persons who may participate in bingo at bingo club

5. In Article 75 of the 1985 Order (persons who may participate in bingo) the following provisions are repealed—

C (a) in paragraph (3)(a) the words “who, at the time when he begins to take part in the bingo, is eligible to take part in it”;

(b) in paragraph (3)(b) the words “and who, at the time when the guest begins to take part in the bingo, is eligible to take part in it”;

(c) paragraph (4).

### Days when bingo and use of gaming machines permitted on bingo club premises

6.—(1) In Article 76(7) of the 1985 Order (days when bingo may not take place on bingo club premises) for “Sunday, Christmas Day or Good Friday” substitute “Christmas Day”.

(2) In Article 108(3) of the 1985 Order (days when gaming machines may not be made available for gaming on bingo club premises) for “Sunday, Christmas Day or Good Friday” substitute “Christmas Day”.

**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

No impact on operational policing.

**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

No impact on operational policing.

**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

No impact on operational policing.



**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

No impact on operational policing.

## Clauses 7, 8 and 9

### **Clause 7 Offence of inviting, etc. person under 18 to play gaming machine**

Clause 7 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.

Paragraph (1) of Article 124A creates a new offence of inviting, causing or permitting a person under 18 to play anything other than a lower limit gaming machine.

Paragraph (2) of Article 124A makes it a defence for a person charged with an offence under paragraph (1) to prove that there was good reason to believe that the person under 18 had attained that age.

Paragraph (3) provides a definition for a "lower limit gaming machine" as meaning a machine installed on premises for which an amusement permit is in force and where the prize limits comply with those limits established under Article 108(7) of the 1985 Order (Use of gaming machines on other premises).

Clause 7(2) of the Bill inserts a new entry into Schedule 18 of the 1985 Order (Table of offences with mode of prosecution and punishments) setting the mode of prosecution for an offence committed under Article 124A as summary and the punishment as Level 5 or imprisonment for 6 months or both.

### **Clause 8 Arrangements not requiring persons to pay to participate**

Clause 8(1) renumbers Article 131 of the 1985 Order (illegality of lotteries) as Article 131(1) and introduces a new paragraph (2) to that Article specifying that a prize competition arrangement is not a lottery unless persons are required to pay to participate.

Clause 8(2) adds a new Schedule 15A (Lotteries and Competitions: Requirements to Pay in Order to Participate) to the 1985 Order setting out what does and does not constitute a requirement to pay to participate in order to be deemed a lottery.

Clause 8 thereby removes free to enter prize competition arrangements from the definition of a lottery.

### **Clause 9 Rules for societies' lotteries**

Clause 9(a) amends Article 137 of the 1985 Order (Rules for societies' lotteries) by repealing paragraph (5) of the Article which establishes a £1 ticket price limit for society lotteries.

Clause 9(b) alters the limit set under paragraph (14) of Article 137 on the amount which may be appropriated for the expenses of a society lottery to 20% of the whole proceeds whilst Clause 9(c) repeals paragraph (15) which specified the previously applicable amounts.

## Clauses 7, 8 and 9 - text

### Gaming machines

#### Offence of inviting, etc. person under 18 to play gaming machine

7.—(1) After Article 124 of the 1985 Order insert—

#### “Prohibition on inviting, etc. person under 18 to play gaming machine

124A.—(1) Any person who invites, causes or permits an individual under the age of 18 to play a gaming machine, other than a lower limit gaming machine, is guilty of an offence.

(2) In any proceedings against a person for an offence under paragraph (1), it is a defence to prove that there was good reason to believe that the person under the age of 18 had attained that age.

(3) In paragraph (1) a “lower limit gaming machine” means a gaming machine—

- (a) which is installed on premises in respect of which there is in force an amusement permit; and
- (b) in respect of which the condition in Article 108(7) is observed.”.

(2) In Schedule 18 to the 1985 Order (Table of offences with mode of prosecution and punishments) after the entry relating to Article 124(4) insert the following entry—

“124A(1).	Inviting, etc. person under 18 to play gaming machine	Summary.	Level 5 or imprisonment for 6 months or both.”.
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### Lotteries

#### Arrangements not requiring persons to pay to participate

8.—(1) Renumber Article 131 of the 1985 Order (illegality of lotteries) as paragraph (1) of that Article and after that paragraph insert—

“(2) For the purposes of this Part an arrangement is not a lottery unless persons are required to pay to participate in the arrangement; and Schedule 15A makes provision about when an arrangement is or is not to be treated for those purposes as requiring persons to pay to participate.”.

(2) After Schedule 15 to the 1985 Order insert the Schedule set out in the Schedule to this Act.

### Rules for societies' lotteries

9. In Article 137 of the 1985 Order (rules for societies' lotteries)—

- (a) paragraph (5) (price limit on tickets) is repealed;
- (b) in paragraph (14) (limit on amount which may be appropriated for expenses) for sub-paragraph (b) substitute—  
“(b) 20 per cent. of the whole proceeds of the lottery.”;
- (c) paragraph (15) is repealed.

### Miscellaneous amendments of 1985 Order

**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?

Please select only one item

- Yes
- No
- Other

Please explain your answer

We would support any proposal that enhances protection for those under the age of 18.

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

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

See previous response at point 16.

**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

See response to point 21 (Clause 11)

**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?**

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

Over the past 2 years, the PSNI have received several complaints with regard to society lotteries and have worked with a number of organisations in relation to lotteries they were running.  
The potential problems for Police are not just breaches of the gambling legislation but also the possibility of criminal money/assets being laundered through lotteries.  
We would support those organisations who have a genuine want to fund raise for very good causes, however, we would like to close any gaps that have the potential to be used for laundering monies.  
For example, it would be very easy for a person to represent themselves to be 'bona fide' in order to make a considerable amount of money, which in all likelihood will be used for illegal purposes, especially if there is no limit on the amount that can be charged for a ticket. To address this, it might be helpful to define what a 'society' is.

**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?

*Please select only one item*

Yes

No

Other

Please explain your answer

See response to previous point.

## Clauses 10 and 11

### **Clause 10 Qualifications by age, residence or corporate status for licences, certificates and permits**

Clause 10(1) reduces the lower age limit for grant of a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate specified under Articles 7(5)(a), 61(5)(a), 84(4)(a), 141(4)(a) respectively of the 1985 Order from 21 to 18 years of age.

Clause 10(2) removes the residency restrictions for grant of a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate specified under Articles 7(5)(b), 7(5)(c) and 7(7), 61(5)(b) and 61(5)(c), 84(4)(b) and 84(4)(c), 141(4)(b) and 141(4)(c) respectively of the 1985 Order.

Clause 10(3) repeals Articles 7(5)(5)(d) and 7(6), 61(5)(d) and 61(6), 84(4)(d) and 84(5) and Article 141(4)(d) and 141(5) of the 1985 Order to allow certain corporate bodies to hold a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate.

Clause 10(4) amends 109(2) of the 1985 Order to allow a body corporate to be granted an amusement permit.

Clause 10(5) similarly amends Article 155(2) of the Order to allow a body corporate to be granted a pleasure permit.

### **Clause 11 Prize competitions not requiring persons to pay to participate**

Clause 11 amends Article 168 of the 1985 Order which prohibits the conduct of certain prize competitions.

Clause 11(2) and (3) introduce a new paragraph (2A) 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.

## Clauses 10 and 11

### Qualifications by age, residence or corporate status for licences, certificates and permits

10.—(1) In the following provisions of the 1985 Order—

- (a) Article 7(5)(a) (bookmaker's licences),
- (b) Article 61(5)(a) (bingo club licences),
- (c) Article 84(4)(a) (gaming machine certificates and gaming machine permits), and
- (d) Article 141(4)(a) (lottery certificates),

for "21" (the minimum age restriction) substitute "18".

(2) The following provisions of the 1985 Order (which impose restrictions or prohibitions by reference to residence) are repealed—

- (a) Article 7(5)(b) and (c) and (7) (bookmaker's licences),
- (b) Article 61(5)(b) and (c) (bingo club licences),
- (c) Article 84(4)(b) and (c) (gaming machine certificates and gaming machine permits), and
- (d) Article 141(4)(b) and (c) (lottery certificates).

(3) The following provisions of the 1985 Order (which restrict or prevent certain corporate bodies from holding licences, certificates or permits) are repealed—

- (a) Article 7(5)(d) and (6) (bookmaker's licences),
- (b) Article 61(5)(d) and (6) (bingo club licences),
- (c) Article 84(4)(d) and (5) (gaming machine certificates and gaming machine permits), and
- (d) Article 141(4)(d) and (5) (lottery certificates).

(4) In Article 109(2) of the 1985 Order (which limits the grant of amusement permits to certain corporate bodies) for "a company registered under the Companies Act 2006 in Northern Ireland" substitute "a body corporate".

(5) In Article 155(2) of the 1985 Order (which limits the grant of pleasure permits to certain corporate bodies) for "a company registered under the Companies Act 2006 in Northern Ireland" substitute "a body corporate".

### Prize competitions not requiring persons to pay to participate

11.—(1) Article 168 of the 1985 Order (prize competitions) is amended as follows.

(2) In paragraph (1) for "paragraph (2)" substitute "paragraphs (2) and (2A)".

(3) After paragraph (2) insert—

"(2A) An arrangement is not a competition for the purposes of this Article unless persons are required to pay to participate in the arrangement; and Schedule 15A makes provision about when an arrangement is or is not to be treated for those purposes as requiring persons to pay to participate."

**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?

Please select only one item

- Yes
- No
- Other

Please explain your answer

No impact on operational policing.

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

*Please select only one item*

- Yes  
 No  
 Other

Please explain your answer

No. This would present significant issues for the PSNI if an individual or company came to the adverse attention of Police and were being investigated for wrongdoing. If they were all resident outside the NI jurisdiction, it would be extremely difficult if not impossible for the PSNI to investigate such matters.  
As a result, we strongly recommend that at least 1 person must be resident in NI similar to the current regulations for charity collections in NI. If a charity is being investigated for wrongdoing etc. then it is much easier for the PSNI to contact this person.

**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?

*Please select only one item*

- Yes  
 No  
 Other

Please explain your answer

In principle, there is no issue with corporate bodies holding licence's and certificates. However, similar to point 22, this is on the understanding that at least 1 of the Directors must fulfil the residency requirements. If not, this could lead to potential money laundering in these premises.  
In addition, if any company changes any of its Directors, then they should be required to advise the courts. This would be similar to a recent change in liquor licensing legislation in Northern Ireland.

**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?

*Please select only one item*

- Yes  
 No  
 Other

Please explain your answer

Please see previous response at Point 23.

**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

It is noted this proposal will essentially make it easier for residents in NI to participate in free promotional prize draws on the same basis as other people in GB. However, over the last 2 years, we are aware of companies running competitions that have had the potential for money laundering etc. A number of these were brought to our attention from Departmental officials.  
It would be our understanding that this change has the potential to make these competitions lawful, which would be a concern.

## Clauses 12 and 13

### Clause 12 Cheating

Clause 12 replaces the existing offence in Article 169 of the 1985 Order (Cheating) with a new Article 169.

Clause 12 introduces paragraphs (1)(a) and (b) to new Article 169 which respectively 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.

Clause 12 also introduces paragraphs (2) (a) and (b) to new Article 169 to make it an offence for person to cheat under paragraph (1) irrespective of whether that person improves his chances of winning anything or wins anything.

Clause 12 introduces paragraphs (3)(a) and (b) to new Article 169 which state that cheating at gambling may, in particular, consist of actual or attempted deception or interference with the process of gambling or any game, sport, pastime etc to which gambling relates.

Clause 12 further introduces a paragraph (4) to Article 169 clarifying what is meant by "gambling" for the purposes of this Clause.

### Clause 13 Enforceability of gambling contracts

Clause 13(1)(a) repeals Article 170 of the 1985 Order (Gaming and wagering contracts void) and Clause 13(1)(b) repeals Article 171 (Securities in connection with gaming or wagering deemed given for an illegal consideration).

Clause 13(2) and (3) provide for contracts relating to gambling to be legally enforced without prejudice to any law which prohibits the enforcement of contracts on unlawfulness grounds.

Clause 13(4) clarifies that the repeal of Articles 170 and 171 under 13(1) does not allow for the enforcement of contractual rights arising from agreements made before Clause 13 comes into operation.

Clause 13(5) clarifies what is meant by "gambling" for the purposes of this Clause.

## Clauses 12 and 13 - text

### Cheating

12. For Article 169 of the 1985 Order (offence of cheating) substitute—

#### “Cheating

169.—(1) A person who—

- (a) cheats at gambling, or
- (b) does anything for the purpose of enabling or assisting another person to cheat at gambling,

is guilty of an offence.

(2) For the purposes of paragraph (1) it is immaterial whether a person who cheats—

- (a) improves his chances of winning anything, or
- (b) wins anything.

(3) Without prejudice to the generality of paragraph (1), cheating at gambling may, in particular, consist of actual or attempted deception or interference in connection with—

- (a) the process by which gambling is conducted, or
- (b) a game, sport, pastime or other event or process to which gambling relates.

(4) In this Article “gambling” means gaming, betting or participating in a lottery.”.

#### Enforceability of gambling contracts

13.—(1) The following provisions of the 1985 Order are repealed—

- (a) Article 170 (which voids contracts by way of gaming or wagering);
- (b) Article 171 (securities in connection with gaming or wagering deemed given for an illegal consideration).

(2) The fact that a contract relates to gambling does not prevent its enforcement.

(3) Subsection (2) is without prejudice to any rule of law preventing the enforcement of a contract on the grounds of unlawfulness (other than a rule relating specifically to gambling).

(4) The repeals in subsection (1) do not permit enforcement of a right which is created or which arises from an agreement made before this section comes into operation.

(5) In this section “gambling” means gaming, betting or participating in a lottery (within the meaning of the 1985 Order).”.

**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?

*Please select only one item*

- Yes
- No
- Other

Please explain your answer

**No impact on operational policing.**



**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

No impact on operational policing.

## Clause 14

### Clause 14 Industry Levy

Clause 14(1) inserts a new Article 172A (Industry Levy) after Article 172 of the 1985 Order.

Article 172A(1) and (2) 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.

New Article 172A(2) further allows the Department to make regulations with regard to the payment of a levy by every person who intends to have the provisional grant of a bookmaking office licence, bingo club licence or amusement permit declared final.

New Article 172A (3) requires that any regulations made for the payment of a levy make provision for the amount of the levy and its general administration. Article 172A (3) also allows any regulations made to, make provision for determining the amount of the levy according to a specified formula or other means, require the Department to issue a receipt in relation to levy payments, enable repayment of levies to those whose applications are refused and modify the Order as necessary or expedient to give full effect to the levy.

New Articles 172A(4) and (5) specify that the proceeds of a levy are to 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. Before any such financial assistance can be paid, the Department of Communities must seek the consent of the Department of Finance to the expenditure.

New Article 172A(6) requires that, before making regulations in relation to the levy, the Department must consult such organisations as appear to it to represent the interests of the gambling industry in Northern Ireland.

New Article 172A (7) clarifies what is meant by "gambling" for the purposes of this Article.

Clause 14(2) of the Bill introduces a new paragraph (3A) to Article 186 of the 1985 Order (Orders and regulations) which requires that regulations made under new Article 172A of the Order be laid before and approved by resolution of the Northern Ireland Assembly.

## Clause 14 text

### Industry levy

14.—(1) After Article 172 of the 1985 Order insert—

#### **“Industry levy**

172A.—(1) The Department may make regulations for, or in connection with, requiring every person who intends to make an application to which this Article applies to pay a levy to the Department.

(2) This Article applies to an application—

- (a) for the grant or renewal of a bookmaker’s licence;
- (b) for the grant or renewal of a bookmaking office licence or to have the provisional grant of a bookmaking office licence declared final;
- (c) for the grant or renewal of a bingo club licence or to have the provisional grant of a bingo club licence declared final;
- (d) for the grant or renewal of a gaming machine certificate or permit;
- (e) for the grant or renewal of an amusement permit or to have the provisional grant of an amusement permit declared final.

(3) Regulations under paragraph (1) must make provision for the amount of the levy, its payment and general administration and may, in particular—

- (a) make provision for the determination of the amount of the levy according to a specified formula or in some other way;
- (b) make provision requiring the Department to issue a receipt in respect of payment of the levy in relation to an application and for ensuring that the application does not proceed unless it is accompanied by the relevant receipt;
- (c) make provision for the repayment of levy to an applicant whose application is refused;
- (d) make such modifications of this Order as are necessary or expedient to give full effect to the levy.

(4) The proceeds of a levy are to be expended by the Department in providing financial assistance for projects related to—

- (a) addiction to gambling; or
- (b) other forms of harm or exploitation associated with gambling.

(5) Financial assistance under paragraph (4)—

- (a) may be provided by grants, loans or any other form of financial assistance;
- (b) may be made or given on terms or conditions (which may include terms and conditions as to repayment with or without interest);
- (c) requires the consent of the Department of Finance.

(6) Before making any regulations under this Article the Department must consult such organisations as appear to the Department to represent the interests of the gambling industry in Northern Ireland.

(7) In this Article “gambling” means betting, gaming or participating in a lottery.”.

(2) In Article 186 of the 1985 Order (orders and regulations)—

- (a) after paragraph (3) insert—

“(3A) No regulations may be made under Article 172A unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”;

- (b) in paragraph (4) for “paragraph (3)” substitute “paragraphs (3) and (3A)”.

**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

We would support this although there is no impact on operational policing.

**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?

Please select only one item

- Yes  
 No  
 Other

Please explain your answer

We would support this although there is no impact on operational policing.

**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?

No further comments.

## Clause 15

### Clause 15 Code of Practice

Clause 15 inserts a new Article 180A (Code of practice) after Article 180 of the 1985 Order (Provision for inspection and rights of entry).

New Article 180A (1) requires the Department to issue one or more codes of practice about the manner in which facilities for gambling are provided.

New Article 180A (2) requires that the code in particular describe the arrangements that should be made to ensure gambling is conducted in a fair and open way, that persons under the age of 18 years and other vulnerable persons are protected from gambling harm or exploitation and that assistance is made available to those who are or may be affected by gambling related problems.

New Articles 180A (3) and (4) respectively allow the Department to include provisions within the code in respect of how gambling facilities are advertised or described and to revise or revoke a code.

New Articles 180A(5) and (6) respectively require that a code and any revision must state when it comes into force and that the Department must publish a code and revision in a manner which it thinks is likely to bring it to the attention of those whose activities it concerns.

New Article 180A (7) allows the Department, in issuing a code, to make different provision for different cases or circumstances (whether or not by way of separate codes of practice).

New Articles 180A(8) and (9) respectively make clear that failure to comply with a provision of the code does not of itself make a person liable to criminal proceedings but that a code:- is admissible in evidence in both civil and criminal proceedings; must be taken into account by a court or tribunal in any case in which it appears to them to be relevant; and must be taken into account by the Department, court or district council in the exercise of a function under the 1985 Order.

New Article 180A (10) requires that, before issuing or revising a code, the Department must consult with:- organisations and persons that appear to it to represent the gambling industry in Northern Ireland; persons who have knowledge about social problems relating to gambling; persons representing district councils; the Chief Constable; and, in such a manner as the Department thinks appropriate, members of the public.

New Article 180A(10) also requires the Department to consult persons who appear to have a relevant responsibility for regulating the advertising industry in cases where any provision of a code relates to advertising as set out in Article 180A(3).

New Article 180 A (11) clarifies the meaning of gambling for the purposes of this clause.

## Clause 15 text

Code of practice

15. After Article 180 of the 1985 Order insert—

### “Code of practice

#### Code of practice

180A.—(1) The Department must issue one or more codes of practice about the manner in which facilities for gambling are provided (whether by the holder of a licence, permit or certificate under this Order or by another person).

(2) In particular a code must describe arrangements that should be made by a person providing facilities for gambling for the purposes of—

- (a) ensuring that gambling is conducted in a fair and open way,
- (b) protecting persons under the age of 18 and other vulnerable persons from being harmed or exploited by gambling, and
- (c) making assistance available to persons who are or may be affected by problems related to gambling.

(3) A code may include provision about how facilities for gambling are advertised or described.

(4) A code may be revised or revoked by the Department.

(5) A code, and any revision, must state when it comes into force.

(6) The Department must publish a code and any revision in a manner which the Department thinks likely to bring it to the attention of those whose activities it concerns.

(7) The Department may make different provision under this Article for different cases or circumstances (whether or not by way of separate codes of practice).

(8) A failure to comply with a provision of a code does not of itself make a person liable to criminal or civil proceedings.

(9) But a code—

- (a) is admissible in evidence in criminal or civil proceedings,
- (b) must be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant, and
- (c) must be taken into account by the Department, a court or a district council in the exercise of a function under the 1985 Order.

(10) Before issuing or revising a code under this Article the Department must consult—

- (a) such organisations as appear to the Department to represent the interests of the gambling industry in Northern Ireland,
- (b) persons who appear to the Department to have knowledge about social problems relating to gambling,
- (c) in the case of a code including provision by virtue of paragraph (3), persons who appear to the Department to have a relevant responsibility for regulating the advertising industry,
- (d) persons who appear to the Department to represent district councils,
- (e) the Chief Constable, and
- (f) in such manner as the Department thinks appropriate, members of the public.

(11) In this Article “gambling” means betting, gaming or participating in a lottery.”.

**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?

Please select only one item

- Yes
- No
- Other

Please explain your answer

We would support a mandatory code of practice being introduced to ensure that gambling is conducted in a fair and open way; that people under 18 and other vulnerable groups are protected from gambling harm and that operators make assistance available to those who are or may be affected by problem gambling.

That said, we would ask as to who would be responsible for ensuring compliance with the code of practice.

It is also noted there is a requirement that before issuing or revising a Code, the Department must consult with a number of organisations and persons and this includes the Chief Constable.

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

See response to point 31.

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

What will be the impact if someone breaches 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?

No further comments.

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?

*Please select only one item*

Yes

No

Other

Please explain your answer

Whilst we would have liked online gambling and the future regulation of gambling to have been considered in the first Bill, these are complex areas, which require detailed consideration. As a result, it is acknowledged there is insufficient time in the current mandate to do this.

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

The key issues for the PSNI are online gambling and the future regulation of gambling and both will be included in the second stage of reforms.