



Northern Ireland  
Assembly

**Committee for Communities**

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

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# **Powers and Membership**

## **Powers**

The Committee for Communities is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of Strand One of the Belfast Agreement and under Assembly Standing Order No 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department for Communities and has a role in the initiation of legislation.

The Committee has power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister of Communities.

## **Membership**

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Paula Bradley MLA (Chairperson)
- Kellie Armstrong MLA (Deputy Chairperson)
- Andy Allen MBE MLA
- Stephen Dunne MLA
- Mark Durkan MLA

Report on the Betting, Gaming, Lotteries and Amusements (Amendment) Bill

- Paul Frew MLA
- Ciara Ferguson MLA
- Aine Murphy MLA
- Aisling Reilly MLA

## List of Abbreviations and Acronyms used in this Report

ABSG	Advisory Board for Safer Gambling
APAS	Anonymous Player Awareness System
APPG	All Party Parliamentary Group
ATM	Automated teller machine
AWP	Amusements with prizes
BGC	Betting and Gaming Council
BHA	British Horseracing Authority
CARE NI	Christian Action Research and Education Northern Ireland
CBT	Cognitive Behavioural Therapy
CCEA	Council for the Curriculum, Examinations and Assessment
DCMS	Department for Culture, Media and Sport
DfC	Department for Communities
DMP	Debt management plan
EFM	Explanatory and Financial Memorandum
EU	European Union
EUSS	European Union Settlement Scheme
FA	Football Association
FOBT	Fixed Odds Betting Terminal
GAA	Gaelic Athletic Association
GCSE	General Certificate of Secondary Education

GGR	Gross gambling revenue
GGY	Gross gambling yield
GRH APPG	Gambling Related Harm All Party Parliamentary Group
GVA	Gross value added
HLSC	House of Lords Select Committee
HMRC	Her Majesty's Revenue and Customs
HSC	Health and Social Care
IBAS	Independent Betting Adjudication Service
IPH	Institute of Public Health
KYC	Know Your Customer
LRA	Labour Relations Agency
MGD	Machine gaming duty
NIACTA	Northern Ireland Amusement Caterers Trade Association
NICE	National Institute of Health and Care Evidence
NICVA	Northern Ireland Council for Voluntary Action
NISRA	Northern Ireland Statistics and Research Agency
NITGA	Northern Ireland Turf Guardians Association
NIO	Northern Ireland Office
NIOCBA	Northern Ireland On-Course Bookmakers Association
OLC	Office of The Legislative Counsel
PFL	Personal Functional Licence
PHA	Public Health Agency

PSNI	Police Service of Northern Ireland
RaISe	Research and Information Service
RET	Research, education and treatment
RGI	Responsible gambling interaction
RSPH	Royal Society of Public Health
UEFA	Union of European Football Associations
WHO	World Health Organisation
YGAM	The Young Gamers and Gamblers Education Trust

## Executive Summary

1. This report sets out the Committee for Communities' consideration of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill.
2. The Betting, Gaming, Lotteries and Amusements (Amendment) Bill was introduced to the Northern Ireland Assembly on 14 September 2021 and was referred to the Committee for Communities for consideration.
3. The purpose of the Bill, which contains 16 clauses and one schedule is to amend certain provisions within the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, with the overarching objective to address anomalies within the Order regarding the regulation of land based betting, gaming, lottery and amusement activities.
4. The Committee requested evidence from interested organisations as well as the Department of Communities as part of its deliberations on the Bill.
5. The Committee published an online Citizen Space survey to gather evidence and received responses from 51 organisations and individuals. The Committee held 12 oral evidence sessions with interested organisations as well as exploring the issues raised in the written and oral evidence with Department of Communities officials both in writing and in oral briefings. The Committee considered the provisions of the Bill at 11 meetings.
6. The Committee also held an informal 'Zoom' stakeholder event on 19 January 2022, organised by Assembly Engagement, with a number of young people 'under 18' to understand the potential impacts of certain clauses of the Bill on that group (see appendix 8 for report on the event).
7. At its meeting on 25 January 2022 the Committee undertook its formal clause by clause consideration and agreed the clauses as outlined in the formal clause by clause agreement section of this report.
8. It has been identified that new regulatory controls on gambling are long overdue and need to address the protection of young people and other vulnerable members of society and now need to consider the technical advance of online



or remote gambling. However, the Committee understood the focused nature of this Bill and that many of the issues will need to be addressed in the second phase of much larger reforms to gambling legislation in the new mandate. This will go into greater detail looking at issues such as remote (online) gambling and the protection of children and young people.

9. The Bill is designed to strengthen the existing regulatory protections, for operators and consumers, by amending current provisions within the 1985 Order in relation to the opening days of licenced bookmakers' offices and bingo clubs; the requirements for membership of bingo clubs; rules on society lotteries; qualification and requirements for the granting of certain licences; the operation of promotional prize competitions; a definition of "cheating"; and the enforceability of gambling contracts.
10. The Bill will also put on a firm legislative footing the operation of pool betting in licenced bookmakers' offices and create an offence of persons under the age of 18 playing high stakes gaming machines. The intentions of the Bill are also to enable the Department to impose a financial levy on the gambling industry and see the creation of mandatory codes of practice for facilities for gambling.
11. Given the limited scope of the Bill, the Committee was keen to also consider, as far as possible, the wider and longer term issues that were highlighted to it regarding the second phase of reforms and made a substantial number and range of comments and recommendations in that regard, including touching on areas of reserved matters such as the National Lottery and media advertising, as well as recommendations pertinent to the clauses of the Bill.
12. After considering all the evidence, deliberating on the many issues raised, taking advice from the Assembly Bill Office, querying many issues and seeking clarifications with Departmental Officials, the entire Committee agreed to Clauses 1, 3, 4, 5, 7, 8, 10, 11, 12, 13, 15, the Schedule and the Long Title as drafted by the Department.
13. The Committee, however, requested significant amendments to the EFM, which were accepted and drafted by the Department, regarding Clauses 8, 11 and the Schedule to better explain the new legislation in that regard as to what does or

does not constitute payment to participate in a prize draw/competition and forms of payment and this is further detailed in the deliberations section of this report.

14. The Committee divided on Clauses 2 and 6: Ayes 5; Noes 3; Abstentions 0, on both of these clauses, due to concerns around the public health advice that had been received by Members relating to any additional hours for gambling. Those who supported the clauses also expressed similar concerns but supported the clauses from the viewpoint of dealing with an imbalance between land based and online gambling and other premises allowed to open, such as amusement arcades.
15. With regard to clauses 9 and 14, the Committee agreed the clauses as amended by the Department. These amendments were requested by the Committee.
16. Regarding Clause 9, in relation to the ticket price limit for societies' lotteries, the Committee requested that the Minister increased this to a suitable level based on the evidence received and the Minister proposed an increase in the maximum ticket price from £1 to £100. The Committee agreed this amendment and Members were reassured that the 1985 Order contains existing powers contained in Article 137 (4) (power to vary frequency of lotteries) together with the existing power in Article 137 (21) (power to amend amounts), to meet the policy intention of prohibiting societies from running too many draws with tickets at, or close to, the upper limit of the proposed £100.
17. Regarding Clause 14, Members were concerned about the wording of the Clause concerning 172A(6) around which groups would be consulted on the levy and requested an amendment, which was accepted by the Department and being taken forward as a Ministerial amendment. This will ensure that the Department consults with (a) persons who have suffered from, or been affected by, addiction to gambling or other forms of harm or exploitation associated with gambling; (b) persons who have experience or knowledge of issues relating to such addiction, harm or exploitation, in addition to consulting with the gambling industry.

18. Also, with regard to Clause 14, the Department agreed to the Committee request to enhance the EFM concerning reference to the levy being used for 'education, research and treatment'.
19. With regard to Clause 15, the Committee was not satisfied with being faced with the situation of being asked to agree the enabling clause for a mandatory code, or codes, of practice before such codes are even close to being finalised, as the Committee Stage was completed before the first six-week focused consultation on the first draft was complete. This first consultation will then be followed by a longer consultation on the finalised draft code(s) of practice.
20. Due to this situation the Committee deliberated at some length on a range of concerns brought to its attention on the first draft of the code(s) and sought assurances on a range of issues pertaining to the codes and the consultation process. Further detail can be found in the deliberations section of this report on areas where the Committee sought and got agreement from the Department to enhance the current draft code.
21. Overall, the Committee would have wished to see a much more ambitious Bill, however Members understand that the Department is keen to see the outcome of reviews of gambling legislation in neighbouring jurisdictions to ensure lessons learned can be applied to the second phase of reforms in Northern Ireland and to see what the impacts will be.
22. The Committee enjoyed a productive working relationship throughout the Committee Stage with the Department for Communities' officials, the Minister, the Assembly's Bill Office and Assembly Secretariat.

## Introduction

23. The Betting, Gaming, Lotteries and Amusements (Amendment Bill) was referred to the Committee in accordance with Standing Order 33 on completion of the Second Stage of the Bill on 27 September 2021.
24. The Minister for Communities made the following statement under section 9 of the Northern Ireland Act 1998: “In my view the Betting, Gaming, Lotteries and Amusements (Amendment) Bill would be within the legislative competence of the Northern Ireland Assembly.”
25. The purpose of the Bill is to amend certain provisions of the 1985 Order relating 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.
26. 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.
27. 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.

## Committee Approach

28. During the period covered by this Report, the Committee considered the Bill and related issues at 11 meetings. The relevant Minutes of Proceedings for these meetings are included at Appendix 4. Also included in this Appendix are the Minutes of Proceedings highlighting the discussions the Committee undertook prior to introduction.

29. The Committee had before it the Betting, Gaming, Lotteries and Amusements (Amendment) Bill (NIA 36/17-22) and the Explanatory and Financial Memorandum that accompanied the Bill. Following the introduction of the Bill on 14 September 2021, the Committee wrote to key stakeholders and inserted public notices in the Belfast Telegraph, Irish News, and News Letter seeking written evidence on the Bill by 12.00p.m. on Friday 12 November 2021.
30. 44 responses were received from both organisations and individuals via a Citizen Space online survey.
31. Correspondence received from the Department of Communities is included at Appendix 2, with other relevant correspondence at Appendix 8.
32. The Committee commissioned the Northern Ireland Assembly Research and Information Service (RaISe) to provide research on the content and implications of the Bill. A link to these papers is included at Appendix 7, and the Committee received an oral briefing from RaISe on 02 December 2021.
33. After the Bill completed its Second Stage on 27 September 2021, the Committee arranged to take oral evidence from relevant stakeholders and the Department. The Committee heard from the following organisations on the dates listed below:
  - 09 September 2021 – Department for Communities
  - 25 November 2021 – Northern Ireland Turf Guardians' Association
  - 07 December 2021 – Ulster GAA
  - 07 December 2021 – Irish Football Association
  - 07 December 2021 – Northern Ireland Sports Forum
  - 09 December 2021 – Northern Ireland Amusement Caterers Trade Association
  - 09 December 2021 – Northern Ireland On Course Bookmakers Association
  - 14 December 2021 – Northern Ireland Council for Voluntary Action
  - 14 December 2021 – Advice NI

14 December 2021 – Institute of Public Health and Public Health Agency

16 December 2021 – All Party Group on Reducing Harm Related to Gambling

16 December 2021 – Gambling with Lives

34. The Committee also held an informal 'Zoom' stakeholder event on 19 January with a number of young people 'under 18' to understand the potential impacts of a number of the clauses of the Bill on that group, a note of this event is include at Appendix 8.
35. Committee deliberations on the clauses of the Bill were conducted at the meetings on 13 January 2022, 18 January 2022, 20 January 2022 and 25 January 2022. The formal clause by clause scrutiny of the Bill was completed at the meeting on 25 January 2022. A link to the relevant Minutes of Evidence of these meeting is included at Appendix 5.

## Context and Overview of the Bill

36. The Betting, Gaming, Lotteries and Amusements (Amendment) Bill introduces a series of amendments to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.
37. The Department for Communities has acknowledged that the Order has remained largely unchanged since its enactment, and that gambling legislation has not kept pace with both industry and technological advances. As well as it now being outdated, the current law is complex and inflexible as even minor amendments require changes to primary legislation.
38. It has been identified that new regulatory controls on gambling are long overdue and need to address the protection of young people and other vulnerable members of society and now need to consider the technical advance of online or remote gambling. However, many of the issues will need to be addressed in the second phase of reforms in the new mandate.
39. Since the commencement of the 1985 Order there is growing public support for the gambling industry to help fund the research, education and treatment of problem gamblers. A 2016 gambling prevalence survey carried out in Northern Ireland identified that 67.2% of the population participated in a form of gambling within 12 months of the published survey. This figure is slightly lower than Scotland (67.8%) but higher than England (62%) and Wales (61.3%).
40. The survey also showed 2.3% of the Northern Ireland population recognise having a gambling problem, which is over four times higher than the results in Great Britain.
41. During the Second Stage of the Bill the Minister for Communities indicated that she would introduce a two phased approach to gambling reform in Northern Ireland. This Bill represents the first stage of reform which will be followed by a longer-term programme to be held during the next Assembly mandate. This will go into greater detail looking at issues such as remote (online) gambling and the protection of children and young people.

42. Regular statistical reports are available in Great Britain that detail the Gross Gambling Yield (GGY) from different sectors across the industry allowing a robust analysis of gambling and the gambling industry. There are no reports created for the industry in Northern Ireland.
43. The results of the Department's two gambling prevalence surveys carried out in 2010 and 2016 reflected the lack of evidence-based data in Northern Ireland which is required to monitor the progress and development of online gambling in particular. Technology is adapting at a pace that requires constant monitoring which will help to recognise the risks to children and young people of online gambling.
44. The Bill is designed to strengthen the existing regulatory protections, for operators and consumers, by amending current provisions within the 1985 Order in relation to the opening days of licenced bookmakers' offices and bingo clubs; the requirements for membership of bingo clubs; rules on society lotteries; qualification and requirements for the granting of certain licences; the operation of promotional prize competitions; a definition of "cheating"; and the enforceability of gambling contracts.
45. The Bill will also put on a firm legislative footing the operation of pool betting in licenced bookmakers' offices and create an offence of persons under the age of 18 playing high stakes gaming machines. The final intentions of the Bill are to enable the Department to impose a financial levy on the gambling industry and see the creation of mandatory codes of practice for facilities for gambling.
46. The Committee was keen to consider the Bill (as introduced) in comparison with similar legislation in neighbouring jurisdictions to highlight the outdated 1985 Order and the need for modernising its regulations, and did so through the Bill paper prepared and presented by the Northern Ireland Assembly Research and Information Service (RaISe) (see Appendix 7) and its range of written and oral evidence.
47. The following contextual information is mainly extracted and summarised from that paper based on the Bill (as introduced). The Committee then considered the issues and the context in more detail through the deliberations on the clauses of the Bill (see section entitled "Consideration of the Bill").



48. With Clause 1 providing the interpretation and Clause 16 the short title, the Bill (as introduced) comprises of 14 substantive clauses and one Schedule.
49. Clause 2 removes all reference to Sundays (with the exception of Christmas Day) and Good Fridays as days when licensed bookmakers' offices may not be open. Clause 3 amends the definition of betting work (i.e. rights of betting workers as regards Sunday working) to extend Sunday working protection to workers in licensed bookmaking offices. The rights of individuals employed in licensed bookmakers' offices now mirror those of individuals working on a Sunday at a track for a bookmaker.
50. By amending Article 44 of the 1985 Order Clause 4 permits the operation of pool betting in licensed bookmaking offices subject to certain conditions. Currently pool betting is permitted in bookmakers in Great Britain and the Republic of Ireland. This clause will remove the current prohibition, allowing bookmakers to operate pool betting subject to certain conditions.
51. Clause 5 amends the eligibility requirements in relation to persons who may take part in bingo at bingo clubs. At present, the law only permits eligible members (for whom at least 24 hours have elapsed since applying for membership) and their guests to participate in bingo in a licensed bingo club. Clause 5 will remove the current exemption in the 1985 Order that permits cleaners or certain other employees (as may be prescribed by regulations) to play bingo. Members welcomed this clause as it will now align with the current position in Great Britain and Republic of Ireland.
52. Clause 6 is intended to allow bingo to take place and gaming machines to be made available in bingo clubs on Sundays (excluding Christmas Days) and Good Fridays.
53. It is the intention of Clause 7 to protect children and young people from playing high stake gaming machines. This clause creates new offences in relation to inviting, causing or permitting a person under the age of 18 to play anything other than low stakes gaming machines.
54. The Committee noted that Clause 8 excludes free to enter prize draw competition arrangements from the definition of a lottery. This clause will add a

new schedule 15A to the 1985 Order, detailing what does and does not constitute a requirement to pay to participate in order to be deemed a lottery. This clause will align with the 2005 Gambling Act, which removed these arrangements in Great Britain.

55. Many clubs, institutions and charitable groups rely on societies lotteries (e.g. the sale of tickets to win a prize) as one of their sources of income. At present the maximum price of a ticket in a societies' lottery is £1. This is seen to be limiting the prize value for charity raffles. Clause 9 will remove the £1 ticket price limit to societies' lotteries and alter the rules of deductible expenses by providing that the amount that can be deducted is the expenses actually incurred, or 20% of lottery proceeds (whichever is the lesser amount).
56. Clause 10 considers the qualifications by age, residence or corporate status for licences, certificates and permits. The current 1985 Order requires an applicant for a bookmakers' or bingo club licence or those applying for a lottery or gaming machine certificate or permit to be ordinarily resident in Northern Ireland for at least 12 months prior to application. Clause 10 will remove this requirement and bring the conditions into line with Great Britain. This clause will also lower the age of licence, certificate or permit holders from 21 to 18 years of age. The corporate status will also be amended. The current requirements for licence, certificate or permit holders state they have to be an incorporated body registered under the Companies Act 2006. Clause 10 will substitute the "registered under the Companies Act 2006" with "a body corporate".
57. Clause 11 amends Article 168 of the 1985 Order to specify that a prize competition is not prohibited unless a person is required to pay to participate. This is in conjunction with clause 8, which details the conditions of a requirement to pay to participate.
58. Clause 12 introduces new definitions of "cheating". It will be an offence for any person to either cheat at gambling or do anything to enable or assist another person to cheat at gambling. The new definition states that a person is guilty of an offence if they (a) cheat at gambling or (b) do anything for the purposes of enabling or assisting another person to cheat at gambling. For these purposes,

it will be immaterial whether a person who cheats (a) improves his chances of winning or (b) wins anything. It also provides that cheating at gambling may 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.

59. The Committee was informed that the new definition of “gambling” now means gaming, betting or participating in a lottery. These new definitions will align with those in Great Britain.
60. The Department informed Members that the provision for a contract relating to gambling to be legally enforced subject to it being otherwise lawful will be introduced in Clause 13. In 2019 the Department’s consultation explained that currently any contract relating to gambling is void and no legal action could be taken to recover any money won or paid on a wager. The Gambling Commission in Great Britain, however, does have the power to void betting contracts in certain circumstances e.g. if it is satisfied that a bet was substantially unfair. It states that in Great Britain, contracts made for gambling purposes are treated in a similar manner to other contracts. In particular, any debts that arise from gambling will be capable of enforcement in the same way as any other personal or business debts. Clause 13 now provides for a contract relating to gambling to be legally enforced in NI subject to it being otherwise lawful.
61. Clause 14 allows the Department regulatory power, to introduce and enforce, by way of regulation, a financial levy on applicants for the grant of a bookmaker’s or bingo club licence, gaming machine certificates or permits, and amusement permits. The clause also makes various provisions for the payment and administration of such a levy. To date a mandatory levy has not been applied, rather those within the industry have offered voluntary donations for funding of research for gambling addictions.
62. To align with Great Britain Clause 15 requires the Department to issue one or more codes of practice about the manner in which facilities for gambling are provided. A code practice will ensure gambling is conducted in a fair and open manner, that children and young people under the age of 18 (and other

vulnerable people) are protected from gambling harm and that assistance is made available for those who may be affected by gambling related problems.

63. A code(s) of practice will also include provisions for how gambling facilities are advertised. Although the failure to comply with any new codes of practice may not lead to criminal proceedings it will be admissible in evidence in both civil and criminal proceedings and must be taken into account by a court or tribunal.
64. Results from the Department's consultation for the reform of gambling law highlighted a number of other potential outstanding issues that are not included in this Bill (as introduced). These other issues are listed below and it is envisaged that many will be dealt with in the second phase of reform; it is worth noting that this list is not exhaustive and are **highlighted here purely to highlight how many issues remain to be addressed in the second phase of reform.**

#### **I. A gambling regulator for Northern Ireland**

- Enforcement of the 1985 Order currently falls to PSNI, however the consultation queried whether this should lie outside of the PSNI's responsibility as it is a social and revenue matter. It was noted that independent regulation of licencing and enforcement is becoming more commonplace across most European states (and beyond). The Minister for Communities had previously expressed support for the establishment of an independent gambling regulator.

#### **II. The protection of children and young people**

- In Great Britain licensed gambling operators have to adhere to a Social Responsibility Code a provision of which is "protection of children and other vulnerable persons". The 1985 Order does not contain a similar specific section and is a major concern of the Committee as online "in game" gambling is prevalent among the under 18s.

#### **III. Remote (online) gambling**

- Technology has dramatically progressed since the publication of the 1985 Order, which does not contain any provisions for the regulation of online gambling. There is a degree of protection however in the

Gambling (Licencing and Advertising) Act 2014 which requires remote gambling organisation to be licenced, and these organisations are accessed by Northern Ireland consumers. However, the need for something specific for Northern Ireland has been recognised by the Minister for Communities who stated in the Northern Ireland Assembly Chamber “*there is much to be done to tackle the growth in digital, online gambling and gaming platforms, which now make up an ever-growing part of the industry*”.

#### **IV. Advertising and sponsorship**

- The consultation process for the Bill sought views on advertising of gambling in Northern Ireland, whether it was at an appropriate level or if current advertising restrictions should be eased or further restrictions imposed. Although advertising is a devolved issue the Minister for Communities acknowledged that gambling advertising “*required closer scrutiny*”.

#### **V. Consumer protection**

- Although the current Gambling Commission investigates potential breaches of gambling licenses it does not consider individual customer complaints. Currently (within Great Britain) consumer redress involves a court procedure which can be both time-consuming and expensive for an individual. Given that consumers in Northern Ireland use the same gambling operators as those in GB any changes to these will have a local impact.

#### **VI. The ‘demand test’ for bookmakers’ offices and bingo clubs**

- To establish if a geographical area has the potential public interest for a new gambling service a demand test is held. During the consultation period for this Bill it was identified that the results of this test are used to provide information to avoid a market saturation of gambling establishments.

#### **VII. Fixed Odds Betting Terminals (FOBTs)**

- A Fixed Odds Betting Terminal (FOBT) is a gaming machine that has a random number generator designed to determine the outcome of the

game removed from the main mechanism. Operators gamble on the outcome of a game, the odds for which are fixed per game. The 2005 Gambling Act in GB redefined these machines and as such are now treated as gaming machines and are subject to the appropriate regulations. The prize limits of gaming machines set in the 1985 Order should also now apply to FOBTs, however the Bill (as introduced) does not address this issue.

### **VIII. Gaming machines stakes and prizes**

- The consultation process identified the need for potential changes to gaming machines and asked whether these should be increased to mirror those in other jurisdictions.

### **IX. Gaming machines – technical standards**

- In Great Britain each type of gaming machine is subject to, and has to comply with a technical standard, these do not apply in NI. It was noted that most of the machines used in Northern Ireland have been manufactured in Great Britain and therefore meet a standard but there is currently no mechanism in place to ensure machines are operated in a fair and open way.

### **X. Duration of Licences**

- All licences, certificates and permits issued under the 1985 Order are renewed annually. In GB however these licences are open-ended and that a contribution is expected toward the cost of a licencing system. The consultation queried whether the current licence renewal frequency is appropriate.

### **XI. Casinos**

- Currently in Northern Ireland casinos are not permitted and at the time the 1985 Order was developed, it was identified there was no demand for casinos. The latest consultation process attempted to establish if there was still the same low level of interest for casinos here.

## **XII. Poker and other gaming in pubs and clubs**

- Currently it is forbidden for a commercial property to host a poker (or similar game) event. A loophole was identified during consultation however that if an event is held for charitable gains then this would be approved. The consultation process wished to establish if this is still current or requiring modernising.

## **XIII. Licensed bingo clubs**

- Licensed bingo clubs are currently subjected to a limit on the monetary amount of a prize. It had been noted that in GB there has been a process of deregulation of bingo clubs. The Bill consultation asked for views on the monetary controls and rollover prizes.

# Committee Recommendations and Consideration of Wider Issues

## Context of the Recommendations

65. In making its recommendations, the Committee considered the intention of this Bill and also the wider context of the Bill and was aware that the intention is to introduce a series of amendments to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 that are possible within the limited time remaining in the mandate.
66. The Committee and the Department are aware that the 1985 Order has remained largely unchanged since its enactment, and that gambling legislation here is outdated (particularly in relation to industry and technological advances), complex and inflexible, with even minor amendments requiring changes to primary legislation.
67. The Committee was also made aware through its research and evidence sessions that new regulatory controls on gambling are long overdue for Northern Ireland (NI) and need to address the protection of young people and other vulnerable members of society and now need to consider the technical advance of online or remote gambling. Also, since the commencement of the 1985 Order there has been growing public support for the gambling industry to help fund the research, education and treatment of problem gamblers.
68. The results of the Department's two gambling prevalence surveys carried out in 2010 and 2016 reflected the lack of evidence-based data in Northern Ireland which is required to monitor the progress and development of online gambling in particular. The 2016 gambling prevalence survey carried out in NI showed 2.3% of the population recognised having a gambling problem, which is over four times higher than the results in Great Britain.
69. During the Second Stage debate on the Bill, the Committee heard that the Minister for Communities has indicated that this Bill is the first part of a two phased approach to gambling reform in NI. Then, in its deliberations, the Committee heard from officials that this second phase of reform is a vast piece



of work that will require a full repeal of the 1985 Order and lead to a new Bill, which is likely to be the largest ever to be considered by the Assembly.

70. The Committee therefore anticipates that the second phase of reform will go into much greater detail looking at issues such as remote (online) gambling and the further protection of children and young people.
71. Bearing in mind the intention of the Bill and the wider context, the Committee makes a series of recommendations, based on both the research/evidence it considered and from its deliberations, some directly relevant to the Bill and others focused on the wider context and the proposed second phase of reform.

## **Overarching Recommendations**

### **Data Gathering and Analysis**

72. As it considered its research and evidence, the Committee became increasingly concerned about the lack of substantial data gathering concerning the gambling industry and its impact on the economy, on public health and on children and young people. Such data is of relevance to both this Bill and future reforms.
73. Technology is adapting at a pace that requires constant monitoring, which will help to recognise the risks to children and young people of online gambling. Regular statistical reports are available in Great Britain that detail the Gross Gambling Yield from different sectors across the industry allowing a robust analysis of gambling and the gambling industry. There are no such reports created for the industry in NI.
74. **The Committee expresses concern and recommends cross-departmental strategic action regarding the collection, collation, analysis and use of data relating to gambling, including data on gambling activity, gambling economics, gambling-related harm and treatment; and gambling enforcement. For example, results of the Department's two gambling prevalence surveys (2010 and 2016) reflected the lack of evidence-based data.**
75. **The Committee recommends that the Department enhances the pace of engagement it has started with its statisticians, with the NI Courts and**

**Tribunals Service and with HMRC to endeavour to put in place a sound baseline of data and evidence to:**

- **Inform the second phase of gambling reforms;**
- **To support any potential new Regulator to properly fulfil their roles and responsibilities; and**
- **Ensure data that is held is used to good effect and not just collected and held without design or purpose.**

76. **The Committee specifically recommends that the Department seek to ensure that data in relation to complaints around those who hold betting, gaming, lotteries and amusements licences, permits and certificates is properly shared in a timely manner between appropriate councils and agencies to ensure those who would seek to circumvent gambling laws and code(s) of practice are prevented from doing so.**

### **Lessons from Other Jurisdictions – Second Phase of Reform**

77. The Committee was made aware, through its evidence and deliberations, that gambling activity in NI is likely to be influenced by the review and reform of gambling law that is currently underway in the Republic of Ireland and that in Great Britain. Also, in terms of the design of a levy, the model in New Zealand was highlighted as good practice.
78. **The Committee recommends that the Department actively follows and considers lessons that can be learned from the reforms in our neighbouring jurisdictions and that it also looks internationally for models of good practice for the implementation of this Bill, for example, in terms of design of the levy, but also for the second stage of gambling law reform here.**
79. **The Committee requests that the Department keeps this and the next Committee fully informed at each step of the way in development, consultation and design of the second phase of reform of gambling law.**

80. **The Committee recommend to the next Committee for Communities that it keeps the second phase of reforms consistently on its forward work programme given the scale of reform that is planned by the Department.**

## **Education**

81. Through its evidence gathering and from the Zoom event it held on 19 January 2022 with a number of young people the Committee is aware that gambling barely features in the current curriculum in post-primary school, whereas there is considerable attention paid to alcohol and other drugs and there appears to be limited to no reference points to gaming and gambling in primary schools.
82. **The Committee recommends to CCEA and the Department for Education that age appropriate independent education and awareness raising should be considered for incorporation into the school curriculum and made available more widely to young people and parents, with a focus on the addictiveness of gambling products, marketing and the harms that gambling can cause to individuals and family life.**

## **Public Health and Gambling-related Harm**

83. The Committee took evidence from relevant health bodies and organisations concerning gambling-related harm and heard that it should be treated as a public health issue. The Committee discussed public health and gambling harm in its deliberations in relation to a number of the clauses of this Bill. It is aware that NI does not have a specific strategy for reducing gambling harms although gambling is acknowledged in the new ten-year mental health strategy. In the research papers it considered, the Committee considered examples of strategies for gambling related harm in other jurisdictions and would highlight that there are gaps in our local knowledge regarding these harms (see recommendation on data gathering above).
84. **The Committee recommends that the Department and the NI Executive recognise the public health problem and investigate through cross-department working how it arises from the interplay between cultural issues, gambling products, industry practices, policy, and individual life circumstances and exposure.**

85. **The Committee recommends that the Department continues the work started towards a cross-departmental approach to addressing gambling related harm, particularly in terms on the need for research, education and treatment, building on the recommendations of the All-Party Group on Gambling-related harm and the evidence taken by this Committee.**

## **Recommendations Specific to the Bill**

### **Clauses 2 and 3**

86. Members raised concerns during deliberations of increased access to gambling provided by these reforms and the impact on staff due to increased Sunday working and were reassured by Officials that this Bill and the 1985 Order are in line with current employment legislation.
87. **The Committee recommends that the Department for the Economy publishes guidance highlighting the safeguards that exist for staff in relation to Sunday working and that it is published on NI Direct and LRA websites.**

### **Clauses 6 and 7**

88. As both of these clauses are in relation to access to gaming machines (Clause 6 – in relation to Bingo Clubs and Clause 7 – in relation to the new offence of inviting, etc. person under 18 to play gaming machines) – the deliberations covered an array of issues in relation to gaming machines and recommendations follow below in regard to the wider issues outside the scope of this Bill.
89. However, a key issue that arose was the issue of enforcement, especially in relation to under 18s. In this report, the Committee highlight concerns arising from its Zoom event with young people stating the ease with which they could play machines designed for over 18s, and entry to over 18 gaming premises. Officials highlighted to the Committee the physical separation from U18 and Over18 machines in arcades and that that the new offence in this Clause ensures a further step in enforcement is being taken.

90. **The Committee is aware that enforcement of the 1985 Order currently falls to the PSNI, however, recommends to the Department that there is scope for a substantial piece of work going forward on enforcement of gambling legislation - given resource constraints on the PSNI and that independent regulation of licencing and enforcement is becoming more commonplace across most European states (and beyond).**

### **Clause 8, 11 and the Schedule**

91. The Committee's deliberations in this regard focused on the two key issues of promotional prize draws and prize competitions and Members wish it to be clear in the Bill that companies can include NI residents in such draws and competitions and that it is not illegal. The Department shared that view and agreement was reached to enhance the EFM and provide additional materials with clearly worked examples.
92. **The Committee wish to take this opportunity to highlight that these clauses and the schedule will make it legal for companies to include NI residents in prize draws and competitions not requiring payment to participate and what exactly 'payment to participate' means in practical terms.**

### **Clause 10**

93. Although the Committee understands the rationale for the change in age limit in this clause, at the young person's Zoom event, there were mixed views expressed from the young people themselves as to whether 18 or 21 was the suitable age to be granted a licence, certificate or permit.
94. **The Committee recommends that the Department considers carefully the views of young people themselves when assessing aspects of the second phase of reform of gambling legislation as the Committee has found that they very often highlight issues and unintended consequences not thought of by policy makers.**

## **Clause 14**

95. The Committee appreciates that this is an enabling clause for an industry levy that allows the Department regulatory power, to introduce and enforce, by way of regulation, a financial levy and makes various provisions for the payment and administration of such a levy. The Committee deliberations wished to highlight that appropriate groups are consulted, the levy appropriately targeted and that international best practice would be reviewed in terms of how the levy would be calculated and applied.
96. **The Committee recommends that very thorough research and consultation is carried out by the Department in terms of how the levy is to be calculated and administered and that this is tied in with the wider reforms at phase 2, including the roles and responsibilities of a potential regulator and regulation of online gambling as at present the law will only be applying to land-based operations.**

## **Clause 15**

97. The Committee was faced with the situation of being asked to agree the enabling clause for a mandatory code or codes of practice before such codes are even close to being finalised, as the Committee Stage was completed before the first six-week focused consultation on the first draft was complete. The Committee deliberated on a range of concerns brought to its attention on the first draft.
98. **The Committee recommends that the range of issues it has expressed concern about to the Officials, in terms of consultation, affordability checks, spending limits and self-exclusion be considered in detail by the Department.**
99. **The Committee recommends that the Department considers the potential for unintended consequences from any code to ensure that there is not the potential to push people towards illegal gambling or allow problem gamblers to move from premises to premises undetected.**
100. **The Committee recommends that the Department take on board the concerns raised at the Young Person's Zoom event that the Codes of**

**Practice should be highlighting that gambling should not be advertised like it's a game, with flashing lights and funny noises but rather taken as the serious addictive matter that it is and that TV and cartoon characters should not be used in gambling games as that targets younger people and makes gambling appear attractive.**

## **Wider Recommendations Relating to Second Stage of Reform**

### **A Gambling Regulator for Northern Ireland**

101. On a number of occasions during its deliberations, the Committee discussed a potential future gambling regulator for NI and the potential for an enabling clause in this Bill. The Committee noted that the Department's 2019 consultation sought views on the future regulatory framework for NI in terms of a range of potential options, from having no such body, through seeking the support of another regulator to carry out the functions required here, to establishing an independent body. The Committee noted that the Minister has previously expressed support for the establishment of an independent gambling regulator.
102. **The Committee, after consideration, did not pursue an enabling clause in this Bill but recommends that, in terms of the second phase of reforms, the Department revisits all possible options and takes note of the roles and functions (including consumer protection and protection of children and young people) of regulators and work ongoing in neighbouring jurisdictions, including:**
- **The UK Government's review of the Gambling Act 2005, which is examining the Gambling Commission's powers and resources;**
  - **Work ongoing by the Irish Government, which has made a commitment to establish an independent gambling regulator, with a view that being a reality by early 2023<sup>1</sup>;**

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<sup>1</sup> Dáil Éireann Debate. Question to the Minister for Justice. 30 September 2021. [www.oireachtas.ie/en/debates/question/2021-09-30/305/](http://www.oireachtas.ie/en/debates/question/2021-09-30/305/)

- **The Gambling Supervision Commission in the Isle of Man, established since 1962;**
- **And also reviews what lessons can be taken from looking further afield at regulators in, for example, France, Spain, Malta and Australia.**

103. **The Committee refers to its earlier fuller recommendation concerning collection, collation, analysis and use of gambling related data and recommends that a potential key role of any new Regulator is considered to be the oversight and monitoring of such gambling data in order to ensure it has the necessary sound database to properly fulfil the roles and responsibilities of an independent regulator.**

### **The Protection of Children and Young People**

104. The Committee heard that operators in GB must adhere to a 'Social Responsibility Code' (SR) for each type of gambling premises and compliance with the code is a condition of licences<sup>2</sup>. The Code sets out a number of the obligations in respect of children and young people, for example, prevention of underage gambling; a prohibition of deliberately providing facilities for gambling in such a way as to appeal particularly to children and young people; and staff training.
105. The present review of the Gambling Act 2005 includes a commitment to look at further issues in relation to children and young people such as: the advantages and disadvantages of allowing children to legally access crane grab machines, coin pushers, lower stakes slot machines; and whether there is evidence that extra protections are needed for younger adults (18 to 25 years).
106. The Committee noted that, in NI, the duties in relation to children and young people are dispersed throughout the 1985 Order and there is also no similar SR code.

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<sup>2</sup> Gambling Commission. Social Responsibility Code.  
[www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/2/3](http://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/2/3)



107. **The Committee recommends that the Department pays specific attention to the outcome of the above review in terms of including additional protections for children and young people in the second stage of reform of gambling law.**

### **Remote (online) Gambling**

108. The Bill (as introduced) does not contain any provisions in relation to the regulation of online gambling. The Minister stated, during the Second Stage of the Bill, that “...*there is much to be done to tackle the growth in digital, online gambling and gaming platforms, which now make up an ever-growing part of the industry*”<sup>3</sup>.
109. The Committee noted from its research that the 1985 Order pre-dates the development of the internet and therefore does not contain any provisions relating to the regulation of online gambling but that NI consumers are offered a degree of protection via current GB Gambling Commission regulation and also in the Gambling (Licensing and Advertising) Act 2014.
110. **The Committee recommends that, as consumers in NI are very likely to be using the same online gambling websites and facilities as their GB counterparts, any changes to the regulatory system in GB will be of significance to Northern Ireland and the Department should liaise closely with neighbouring jurisdictions in that regard as it works towards its phase 2 reforms.**
111. **The Committee recommends that the Department continues to bear in mind the continuing disparity between solely land-based operators and on-line operators as it works towards its second stage of reforms and would highlight the many responsible bookmakers’ offices who keep a close eye to discourage potential problem gamblers.**

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<sup>3</sup> NI Assembly. Official Report. 27 September 2021.  
<http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/09/27&docID=350780#3626642>

## **National Lottery/Scratch Cards**

112. During its deliberations the Committee expressed concern regarding the significant amount of gambling that is potentially encouraged by the obvious positioning of National Lottery terminals and scratch cards within retail outlets.
113. The Committee understands that the National Lottery is outside its remit and legislated for by Westminster, however, did discuss with Officials how the Department might consult to gather information on the extent of problem gambling in NI connected to, particularly the scratch cards and was advised that the Department is currently in discussions with Professional Services Unit (PSU) around the potential to gather data on a range of matters, including:
- Prevalence;
  - Behaviours & Attitudes;
  - Knowledge and Experience (Young People); and
  - Numbers presenting to treatment services (DoH leading).
114. **The Committee recommends that the Department continues at pace with the work it referred to on both Prevalence and also on Behaviour and Attitudes to yield evidence to present in any future discussions with the Westminster Department for Digital, Culture, Media and Sport (DCMS) on the impact on problem gambling in NI of National Lottery products.**

## **Advertising and Sponsorship**

115. During the Second Stage of the Bill, the Minister for Communities acknowledged that the issue of advertising requires closer scrutiny stating *"...we need to look at the control of gambling advertising, both locally and cross-jurisdictionally: east-west, North/South and internationally"*.
116. The Committee is aware that control of some forms of gambling advertising is not within the remit of the devolved administrations e.g. media advertising is regulated by the Advertising Standards Authority (ASA) based on codes that apply across the UK.
117. **The Committee would take this opportunity to highlight that the young people it spoke with at its Zoom event were very concerned about how**

**gambling is advertised and that ads on TV about gambling only ever show the person winning and happy and never show them depressed and homeless.**

**118. The Committee recommends that the Department utilises outcomes of work already completed in this regard in neighbouring jurisdictions, including:**

- the recommendations of the House of Lords Select Committee report ‘Gambling Harm – Time for Action’, which makes a number of advertising recommendations in the areas of shirts and kits of sports teams, advertising in or near sports venues; and a ban on advertising that offers inducements for people to start or continue gambling;**
- the review of the Gambling Act 2005, which is also looking at the issue of advertising, sponsorship and branding; and**
- work is currently underway on the drafting of a new Gambling Bill in the Republic of Ireland and there is a commitment to establish a gambling regulator with powers to regulate certain forms of advertising.**

**119. The Committee would go as far as to recommend that the Department brings whatever pressure it can on Westminster to encourage either an outright ban on many forms of gambling advertising, including on television (such as the ban on cigarette advertising) or at least much more responsible advertising reflecting on the harms or irresponsibly gambling.**

**120. The Committee recommends that the Committee exercise whatever powers are within its remit to ban advertising of gambling, particularly to children and young people.**

## **Fixed Odds Betting Terminals (FOBTs)**

121. During its deliberations, Members requested further clarification on the law in relation to FOBTs. Officials highlighted that in 2019, when new regulations came into force in Great Britain to a £2 maximum stake, bookmakers in NI voluntarily agreed to reduce their machines to the same stake.
122. Officials highlighted to the Committee that the prize limits in the 1985 Order apply to fixed-odds betting terminals but they had hoped to include FOBTs in this Bill but were advised against it by OLC for the reason that the 1985 Order deals with certain matters of betting and gaming separately and that FOBTs will be dealt with in phase 2 reforms.
123. **The Committee recommends that the legislation regarding FOBTs is reviewed thoroughly by the Department in preparation for the phase 2 reforms and, in the meantime, that the Code(s) of Practice deal with the matter as fully as possible.**

## **Gaming Machines – definitions, stakes and prizes, and technical standards**

124. The Committee's deliberations included discussions around the placing and range of gaming machines available, including those suitable for under and over 18s, how those based on skill rather than chance were not covered by the 1985 Order and the fact that many crane grab machines were in fact operating illegally with money wrapped around small value prizes.
125. **The Committee recommends that the NI Retail Consortium and Retail NI encourage their members to ban gaming machines, including crane grab machines, in retail outlets and shopping centres and malls, to help address concerns that young people are being introduced to gambling by such machines.**
126. **The Committee recommends that the Department reviews the whole range of issues pertaining to gaming machines in the second phase of reform, including (but not limited to):**
- **the law reflects the variety of machines which now exist;**

- **the gaming machine technical standards that exist in Great Britain be reviewed for suitability for adoption in NI; and**
- **the law pertaining to gaming machine stakes and prizes limits is reviewed.**

## Consideration of the Bill

127. The Committee's consideration and deliberation on the clauses and schedule of the Bill was informed by the research, written and oral evidence it received. The Committee received 33 written submissions in response to its call for evidence and heard oral evidence from 12 of those organisations.
128. The Committee also had ongoing engagement with Departmental Officials throughout its consideration of the Bill and explored the issues raised in evidence during departmental oral evidence sessions and by correspondence.
129. A summary of a range of key evidence points raised with the Committee on each clause is set out below, these points aim to be a balanced selection:

### Clause 1: Interpretation

130. The majority of respondents had no comment to make, the only substantive comment was that commitment is needed for a progressive programme of legislative reform, including but not limited to this Bill, to take account of the current gambling environment and the extent and severity of gambling related harms in the region.

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

131. Key issues raised in relation to Clause 2 were:
- The current full day restriction on betting shops on Sunday has been fuelling the use of illegal black-market activity in gambling;
  - It will reduce the incidence of illegal gambling on Sunday and Good Friday;
  - Great to see alignment with both GB and Republic of Ireland regarding this issue; and
  - it is important to bring these sectors into line with other nearby jurisdictions and other leisure outlets.

- The effect of more people working on Sundays will be deeply damaging to the voluntary, associational, lives of our communities;
- Concern that extended the opening hours of these establishments will lead to an increase in gambling harm;
- Given the levels of problem gambling in NI, it is disappointing that the first substantive clause in the Bill permits more opportunity for gambling to take place; and
- More young people will be able to attend bookmakers during the day, which will inevitably drive up gambling for those under 18

### **Clause 3 - Sunday working in a licensed office**

132. Key issues raised in relation to Clause 3 were:

- Rights should be respected in line with any other day of the week;
- Welcome for protection of rights for those who, for religious reasons or otherwise, do not wish to work on Sundays; and
- It will effectively give the same Sunday working rights to employees of a bookmaker.
- Classification of bookmakers' working premises as "offices" is disingenuous. They are trading premises, where the public hand over large amounts of money for the experience of mostly losing it; and
- Given the levels of problem gambling in NI, it is disappointing that the Bill permits more opportunity for gambling to take place

### **Clause 4 – Pool betting**

133. Key issues raised in relation to Clause 4 were:

- Pool betting should be allowed, provided it is restricted to a registered pool promoter; and

- Welcome for the proposed amendment to place the operation of pool betting, such as Tote Direct, in bookmaking offices

## **Clause 5 - Persons who may participate in bingo at a bingo club**

134. Key issues raised in relation to Clause 5 were:

- Alignment with GB and Republic of Ireland is much welcomed;
- It is a long overdue change that would bring NI businesses into line with nearby jurisdictions
- This amendment to the legislation appears to provide an additional level of consumer protection.
- This is effectively a stepping stone to removing membership completely.as anyone can be described as a guest of someone

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

135. Key issues raised in relation to Clause 6 were:

- Alignment with GB and Republic of Ireland is much welcomed;
- Bingo players should be allowed to play whenever they want similar to other leisure activities
- Support for parity for Bingo clubs in NI as otherwise this promotes or encourages illegal options
- It encourages gambling, making people poorer overall;
- Sunday is a day that should be kept separate from other days. It should be a day for family; and
- Increasing the availability and accessibility of gambling by extending opening hours of bingo club premises may increase prevalence of problem gambling



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

136. Key issues raised in relation to Clause 7 were:

- Welcome for the principle of this Clause; however, there is a concern that the absence of a Regulator means that there is no clear structure or resource for monitoring and enforcement;
- Support for any regulation that protects minors and the vulnerable;
- Would welcome further information on the mechanisms for enforcing this offence
- It is appropriate to allocate the responsibility of preventing under-age gambling to those that operate gaming machines
- Punishment for failure to adequately comply of six months in prison appears excessive; and
- Gaming machines in betting shops in NI and GB have the highest safer gambling measures on any gaming machines in the world

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

137. Key issues raised in relation to Clause 8 were:

- This provision was removed from law in GB by the 2005 Gambling Act and there was support for its removal in NI as well
- It would seem logical to remove this from the definition of a lottery
- This is logical, provided no purchase is necessary
- The Bill is designed to provide clarity in relation to skill contests and free prize draws. The proposed changes fundamentally change the scope of free prize draws;

- There are an increasing number of operators who are abusing the current legal framework in the UK as a way of creating quasi-gambling products; and
- These types of product are often competing directly against regulated lotteries and tarnishing the image of the whole gambling industry

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

138. Key issues raised in relation to Clause 9 were:

- Charities and fundraisers should be allowed the freedom to set the price on their lottery tickets, which boosts their fundraising capacity;
- The current rules for societies' lotteries are completely outdated and limiting the fundraising capacity of many of our sports clubs
- Charities should be able to set lottery ticket prices at a level they judge creates the best a compelling and engaging fundraising ask to their supporters and the public
- With larger ticket prices, people will more easily go into poverty, in the hope that they will win;
- The potential problems for the PSNI are not just breaches of the gambling legislation but also the possibility of criminal money/assets being laundered through lotteries; and
- While lotteries are often thought of as a 'soft' form of gambling, concern was expressed that lotteries nevertheless normalise risk and potentially harmful behaviours

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

139. Key issues raised in relation to Clause 10 were:

- 18 years of age seems to be reasonable;

- It seems appropriate to make this change as it is line with other parts of the law
- The proposed requirements would bring it in line with the rest of the United Kingdom
- Those taking part in organising such activities should be older than 18. People are still very impressionable at such an age; and
- The reduction in the age for licence holders seems a regressive measure given the need to protect young people from gambling harms

## **Clause 11 - Prize competitions not requiring persons to pay to contribute**

140. Key issues raised in relation to Clause 11 were:

- A free route of entry should be equal in access to a paid route of entry
- While free prize draws may be something which would be used by commercial organisations, they may also be of interest to some sports clubs in NI
- Participation in a lottery encourages gambling, regardless of the amount of money required to participate; and
- The offer of free bets is very alluring for people, it can lead to people developing a gambling disorder therefore they need to be regulated, restricted and banned

## **Clause 12 - Cheating**

141. Key issues raised in relation to Clause 12 were:

- A criminal prosecution could be brought against anyone guilty of fraudulent and planned activity intended to deceive; and
- The current law in Great Britain is working well, and we should align

## **Clause 13 Enforceability of gambling contracts**

142. Key issues raised in relation to Clause 13 were:

- Customers' rights are paramount;
- It is important that there is a 'level playing field' between gambling operator and consumer; and
- Supportive of legislation that will protect the consumer

## **Clause 14 Industry Levy**

143. Key issues raised in relation to Clause 14 were:

- It is encouraging to see legislation that generates monies through the gambling operators;
- The gambling operators should take some responsibility to address the very real need of those who become addicted to gambling;
- The Bill should be amended to make the levy mandatory and meaningful; and
- A levy on gambling industry turnover, to fund problem gambling treatment; prevention; education and research is considered international best practice

## **Clause 15 – Code of Practice**

144. Key issues raised in relation to Clause 15 were:

- There was a welcome for the strengthening of existing regulatory protections for operators, consumers and specifically young people and those vulnerable to gambling harm;
- It is extremely important that a code of practice for the gambling industry be put on a mandatory, legislative footing;

- It is important to introduce a requirement for operators to adopt minimum standards so there is consistency across industry and protections in place for people that are vulnerable to gambling harm
- There was support for a mandatory code of practice being introduced to ensure that gambling is conducted in a fair and open way
- In principle, there was no objection to industry codes of practice, however there is little detail provided about how compliance and enforcement of such would operate in practice;
- If a mandatory code is put in place, there should be careful consultation with the industry and it should be closely aligned to existing codes; and
- There is currently a voluntary NIACTA code of conduct and some feel it is appropriate

## **Clause 16 - Short title and commencement**

145. There were no specific comments raised in relation to Clause 16.

## **Committee Deliberations on the Bill**

146. The Committee commenced its deliberations on the clauses of the Bill at its meeting on 13 January 2022 and continued the deliberations at its meetings on 18, 20 and 25 January 2022.
147. The Committee Chairperson informed Members that the deliberations on the Bill was their opportunity to go through the clauses and comprehensively review with the Department any issues raised by stakeholders or by Committee Members. It was also the opportunity to ask for clarification on how the Bill addressed these concerns and any additional action that the Department intended to take on the back of the evidence the Committee received.
148. The deliberations on each clause commenced with a brief overview by the Officials of the intentions of the clause.
149. The following information is a summary of the key points discussed and agreed during the deliberations. The full discussions can be read in the Minutes of Evidence of the relevant meetings (see link at Appendix 5).

### **Clause 1 – Interpretation**

150. At the meetings on 13 and 18 January 2022, no issues were raised in connection to Clause 1.

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

151. At the meeting on 13 January, in reference to the Sunday and Good Friday opening of licensed offices, the Committee queried why Easter Sunday was not a day betting offices were closed and what type of events would be taking place on Easter Sunday which would be of benefit to the licensed offices. The Committee requested some examples of such events.
152. The Committee queried the future potential for a Gambling Regulator for Northern Ireland and also a Gambling Strategy and why there was at least no 'enabling clause' to make regulations in the Bill for a Regulator. Officials stated that such powers are better in primary legislation and that more research was

needed regarding the best option and this would be considered in the second phase of reform.

153. At the meeting on 18 January 2022, the Departmental Officials informed the Committee that the policy intention of the Bill is to primarily remove the prohibition on Bookmakers opening on Sundays to bring them into line with their counterparts who are permitted to operate on Sundays on race courses, dog tracks and in licensed amusement arcades. It is also to ensure fairness for land based operators against online operators who can operate 24 hours per day 365 days per year.
154. Officials further stated that they are not aware of any policy reason why Bookmakers should not be permitted to trade on Sundays given that other retail and leisure outlets are permitted to open. As regards permitting opening on Easter Sunday – this is in line with what happens in other jurisdictions.
155. Sundays, including Easter Sunday, are very busy days for sports across the world. Examples of sporting events due to take place on Easter Sunday includes: - World Snooker Championships; European Club; GAA matches, Motor Race meetings; Horseracing; Rugby and American National Basketball (NBA) games. Some people also bet on sporting events/fixtures taking place all over the world and not just locally.
156. In relation to a regulator, the Departmental Officials stated that the Minister has stated on several occasions that she is supportive in principle of having an independent gambling regulator and wants to see the regulator go hand in hand with a complete overhaul of the entire 1985 Order as part of Phase 2 reform.
157. As an interim step, the Minister is considering the appointment of an independent advisor on a temporary basis and such an appointment can be made without legislation. It is expected that an advisor could draw up independent recommendations and guidance for government on best regulatory practice including the role, remit and powers of a future regulator, and/or best practice models to be considered for the financial levy. It is also expected that a detailed business case would be developed as part of Phase Two to examine: - the range of regulatory models available (including any proposed changes to the Gambling Commission arising out of the forthcoming White Paper) and the

forthcoming Gambling Regulator in the Republic of Ireland; the feasibility and Value for Money of having a standalone Regulator here; and other relevant issues such as funding, structures, functions and powers. As a guideline, the Gambling Commission in GB has a staff of over 330, and it has an income of circa £19m directly from licence fees which covers its running costs.

158. In regard to a Gambling Strategy, the Officials informed the Committee that the Minister agreed, in response to correspondence from the Chairs of four of the All Party Groups, to establish a cross-departmental group to look at issues around reducing the harms caused by gambling. The group is considering the recommendations arising from the Report of the All Party Group on Reducing Gambling Related Harm, including the need for a cross-departmental gambling strategy.
159. The Westminster Government has also announced its intention to develop a UK-wide Addiction Strategy, which would include gambling addiction. It is not clear how such a Strategy would operate, given that Health is a devolved matter for all 3 Devolved Administrations. It is assumed that if the Strategy is developed on a UK-wide basis then there will be a Barnett Consequential to fund activities. Department of Health (DoH) Officials in NI are liaising with Department of Health and Social Care (London) Officials about their plans, but as yet, there was nothing definite to report.
160. At the meeting on 20 January 2022, two Members, Paul Frew and Stephen Dunne, registered concerns about increased opportunities for gambling brought about by this clause and put on the record that this clause was contrary to public health advice, addiction services and family life evidence that the Committee had received.
161. Officials noted that organisations such as the PHA tend to take a risk adverse approach, that many people enjoyed gambling responsibly and that such changes to the law in other jurisdictions had not led to increases in problem gambling. Officials also advised that on-line gambling will continue 24/7 and this clause only brings licensed offices in line with other establishments.



162. At the meeting on 25 January 2022, Paul Frew and Stephen Dunne wished it to be noted that they had concerns about this clause and that they could not support it as currently drafted.

### **Clause 3 – Sunday working in licensed office**

163. At the meeting on 13 January 2022, Members queried if the Department for the Economy (DfE) will have to make any changes to its law due to proposed Sunday working. Officials stated that it was their understanding that this Bill and the 1985 Order are in line with current employment legislation.

164. At the meeting on 18 January 2022, the Departmental Officials informed the Committee that there is no need for DfE to make or amend any of its legislation. The DfC Minister obtained the agreement of the (then) DfE Minister to amend its Schedule 8A in the 1985 Order which confers the same rights for these workers as those which exist already for workers at Race Courses, Dog tracks or Amusement Arcades.

165. Clause 3 amends Schedule 8A of the 1985 Order which states clearly at paragraph 1 (5) “This Schedule shall be construed as one with the Employment Rights (Northern Ireland) Order 1996 (NI 16), referred to in this Schedule as “the Employment Rights Order”. Workers’ Rights are contained within a range of employment legislation but mainly within The Employment Rights (Northern Ireland) Order 1996 (legislation.gov.uk). The Officials stated that they are satisfied that sufficient protections exist by virtue of the amendment to Schedule 8A in Clause 3 of the Bill to the Betting, Gaming, Lotteries and Amusements (NI) Order 1985.

166. Members again made general comments about the evidence received by the Committee that any additional opportunities for gambling on Sundays had the potential to increase gambling related harm and impact on family life on Sundays. Otherwise, the Committee was content with the response on this Clause and no further queries were raised.

167. Paul Frew and Stephen Dunne stated that the comments they made at Clause 2 applied to this Clause also.

168. The Committee felt it would be useful to supply guidance on the employment safeguards that existed for those staff who did not want to work on a Sunday. Officials said they would work with DfE to see what could be done.
169. At the meeting on 25 January 2022, the Officials told the Committee that they had written to colleagues in DfE in relation to the guidance and that a response is awaited.
170. Meanwhile, officials also reviewed the original correspondence from the DfE Minister to its Minister, regarding the extension of workers' rights to betting shop workers. In her response, the then Minister Mrs Dodds MLA stated: "Under Article 53A and Schedule 8A of the 1985 Order, a betting worker cannot be required to work on a Sunday unless the requirement is written into his or her contract. This is in line with the rights afforded to shop workers under Article 11 and Schedule 2 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997. Any attempt to force workers who are not required by contract to work on a Sunday could amount to a breach of contract. Where an individual believes their employment contract has been breached, they may have a right to complain to an Industrial Tribunal. These rights apply irrespective of age, length of service or hours of work and provide that dismissal of a shop worker (including dismissal for reasons of redundancy) is unfair if the reason for it was the worker's refusal to work on Sundays. It also provides the right not to suffer any other detriment (such as denial of normal promotion or training opportunities, or refusal to pay seniority bonuses etc.) for refusing to work on Sundays. All betting workers who enter into a contract of employment requiring Sunday working have the right to "opt out" of Sunday working subject to giving the employer three-month's notice. I also note the proposals in relation to removing the prohibition on opening licensed book makers and bingo clubs on Good Friday. I have previously advised there is no statutory provision to require employers to allow workers to opt out of working on religious festivals unless there is a specific agreement on the matter within the individual's contract of employment or written statement of terms and conditions. Nonetheless, I must caution employers that a refusal to grant employees time off for any of the bank holidays with religious significance could amount to indirect religious

discrimination if it places them at a particular disadvantage when compared with employees of other faiths, or non-religious employees.”

171. The Officials concluded by stating that there is also guidance and information on this issue publicly available through NI Direct which explicitly references betting workers.

172. The Committee indicated that it was content with this response.

## **Clause 4 – Pool betting**

173. At the meetings on 13, 18 and 25 January 2022, no issues of concern were raised in connection to Clause 4.

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

174. At the meetings on 13, 18 and 25 January 2022, no issues of concern were raised in connection to Clause 5.

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

175. At the meeting on 13 January 2022, The Committee queried the rationale for this clause and Officials highlighted that it is intended to allow bingo to take place on Sundays and Good Fridays and amend the anomaly so that gaming machines in bingo clubs are made available on those days as arcades can open on those days.

176. The Committee queried a register of purchasers of gaming machines which led to Officials stating that work was ongoing to locate the information from the Court Service. Members queried if the Bill should have a clause which would lead to improved collection of data. Officials stated that the Department is having conversations with its statisticians to see what would be possible in the future and that the Minister has written to HMRC to see if access can be given to gambling duties paid etc. to inform the next stage of reforms. Officials agreed to provide the information from the Court Service as soon as it is available and

to confirm in writing the range of data gathering the Department is hoping to be able to do to inform the second stage of reforms.

177. At the meeting on 18 January 2022, in regards to bingo club opening hours, the Departmental Officials told the Committee that the policy intention is to primarily remove the prohibition on commercial Bingo Halls opening on Sundays to bring them into line with other gambling operators who are permitted to operate on Sundays on race-courses, dog tracks and in licensed amusement arcades; and
178. The intention was also to ensure fairness for land based operators against online operators who can operate 24 hours per day 365 days per year and Officials stated that they were not aware of any policy reason why bingo halls should not be permitted to trade on Sundays given that other retail and leisure outlets are permitted to open.
179. As regards permitting opening on Easter Sunday – this is in line with what happens in other jurisdictions and the Departmental Officials were advised by the industry (by operators who have bingo halls in Britain) that Sunday is their busiest bingo night. The facility to play bingo online already exists, and operated during lockdown when commercial bingo halls were closed down.
180. In relation to illegal gaming machines, the Officials told the Committee that only the Courts can give a definitive interpretation of the law, however, Part 111 of the 1985 Order sets out the law around gaming machines. The Department's understanding of the law is that Gaming machines are not permitted in fast food restaurants or taxi depots in any circumstances.
181. Article 95 (1) of the 1985 Order states:- General restriction on use of gaming machines 95.—(1) No gaming machine shall be used for gaming except—
- (a) subject to Article 105, on the premises of a registered club; or
  - (b) subject to Article 107, on the premises specified in Article 108(1); or
  - (c) as an incident of an exempt entertainment to which Article 122 applies.
- Articles 95, 105, 107, 108 and 122 of the 1985 Order allow amusement with prizes (AWP) machines to be used in:-

amusement arcades and similar premises which have been granted an amusement permit for the purposes of Article 108(1) (c) or (1) (ca) of the 1985 Order by the local district council;

- commercial bingo clubs licensed by the courts and for which the court has given a direction under Article 63(9) or 68(6) (a);
- licensed bookmaking offices;
- the bar areas of public houses and licensed hotels;
- Registered Clubs; and
- travelling showmen's pleasure fairs.

Article 81 of the 1985 Order prohibits anyone from supplying a gaming machine unless they hold a Gaming Machine Certificate (or in the case of a single transaction – a gaming machine permit).

Article 129 allows a landlord to evict a tenant or occupier of any premises who is convicted of allowing the premises to be used for the purpose of gaming.

182. Officials considered that there were sufficient powers within the 1985 Order to allow for enforcement action to be taken against such premises by the PSNI.
183. The Departmental Officials also informed the Committee that, in terms of data gathering, best practice in policy making and legislation is that any new policy or legislation should be underpinned by data collection, monitoring and evaluation. Discussions have been ongoing with Professional Services Unit (PSU) within the Department about the type of data that needs to be collected; how it can be gathered and what baselines should be used in future. A prevalence study was planned for 2021 but was postponed owing to Covid (no Face to Face surveys are currently being undertaken).
184. Separately, PSU are having discussions with their colleagues in DoH – as there is limited information about the numbers of people presenting to services reporting gambling as a primary cause of addiction or poor mental health. Discussions are also taking place with colleagues in the Republic of Ireland and

in the Gambling Commission with a view to 'piggy-backing' on any surveys or research being undertaken in those jurisdictions.

185. Officials further stated that PSU are exploring the options for having a set of questions included within surveys such as Young Persons Behaviour and Attitudes Survey aimed at 11-16 year olds, and also the Continuous Household Survey (over 18s). Article 177 of the 1986 Order allows the Department to request returns from the Courts about the number of licences or permits issued; the number revoked (as a result of conviction of an offence) and other information as required. This information is currently being collated and the Department will provide the Committee with a copy as soon as all returns have been received. Discussions will then take place with Court Service about how this information could be better collated and interrogated, for example, licences by postcode; the number of gaming machines specified on the permit etc.
186. The Minister recently wrote to the Treasury Minister seeking a copy of any useful data that HMRC might hold – for example – the amount of gaming duties paid by operators here or the number of machines from which gaming duty is collected. A response was received on 14 January 2022. HMRC claim that such data is not available below UK level and that, in any event, it has no powers to allow the Department to have access to that information.
187. Research and statistics will form an integral strand of the proposed Phase 2 reforms, but other Departments, in particular DoH, will need to also invest in research around treatment models, and, if DoH does adopt a public health approach – then evidence -based public information campaigns. The Officials finished by stating that further discussions will also need to take place with HMRC to allow them to gain access to tax data (gaming duties).
188. Members queried the potential need for an enabling clause in terms of such data gathering from the Courts. Officials confirmed it was working with the Courts and would continue to do so.
189. Members again queried the illegal gaming machines in, for example, fast-food outlets and the role/powers of the PSNI. The Departmental Officials highlighted that there were sufficient powers for the PSNI and there were a number of offences (i) an offence by the outlet owner for having the machine and (ii) an

offence by the supplier of the machine. Members then suggested that the problem may then lie with the PSNI awareness and/or use of its powers in this regard.

190. The Committee decided to await these returns from the NI Court Service regarding numbers/register of purchasers of gaming machines and for further information on how the Department will work with the Court Service on data gathering.
191. The Committee also requested that the Departmental Officials respond on how they intend to highlight to the PSNI its powers in this regard and provide information on how it is using these powers.
192. At the meeting on 20 January 2022, the Departmental Officials highlighted that they still did not have the expected returns from the NI Court Service in order to reply to the Committee. Officials confirmed it was working with the NI Courts Service and would continue to do so.
193. Discussion again focused on illegal gaming machines in, for example, fast-food outlets and the role/powers of the PSNI. The Officials stated that since the meeting on 18<sup>th</sup> they had been in contact with the PSNI regarding this matter. PSNI confirmed that they do not routinely check for these type of offence but would encourage individuals to report this to them if any such machines are seen to be in use. The Officials stated that their own on-line search had indicated that in the past the PSNI has done a number of targeted approaches to address such illegal gaming machines.
194. The Committee agreed to await the returns from the NI Courts Service regarding numbers/register of purchasers of gaming machines and wanted to be kept updated on how the Department will work with the NI Court Service on data gathering going forward.
195. At the meeting on 25 January 2022, the Officials stated that that they have included collated responses to date from Courts Service as part of their response to the Committee session on 18 January. Officials will provide a full and final copy of returns received as soon as they are available and confirm the agreed data collection position with Court Service going forward.

196. On the point about Register of Purchasers – officials confirmed that there is no existing requirement for a register to be maintained, but they will include this requirement within the draft Code of Practice and work with Suppliers to agree how and in what format this information should be collected, recorded and reported.
197. Paul Frew and Stephen Dunne indicated that they still had concerns in relation to this Clause and could not support the clause as currently drafted.

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

198. At the meeting on 13 January 2022, Members queried how a ‘grab machine’ could have money wrapped around a prize as under 18’s play these machines in shopping malls etc. Officials confirmed that was illegal and they were working on a voluntary basis to eradicate that. Officials agreed to confirm in writing the work that has been done in regards to this matter.
199. Members queried why there were no notices on the front of gaming machines regarding the law on maximum prizes and legal age to play the machine. Officials agreed to advise the Committee if this is something that could be done in this Bill or through more detail being provided in the Code of Practice.
200. At the meeting on 18 January 2022, Officials informed the Committee that It is for the Courts to provide a definitive interpretation of the law, but ‘grab’ machines with prizes in excess of £8 should not be accessible to children under 18 years. They further explained that there are different kinds of ‘grab machines’ which, if they are based on chance rather than skill, would in their view fall within the terms of the 1985 Order as an Amusement with Prizes (lower) machine. The maximum stake for an Amusement with Prize lower limit machine is 30 pence and the maximum value prize is £8. (Article 108(7)).
201. There are three options for payment of the prize: up to £8 in cash; or a non-monetary prize or tokens exchangeable for a non-monetary prize of up to £8 in value; or a combination of a cash prize and a non-monetary prize; or tokens exchangeable for such a combination up to a total value of £8.



202. Another type of 'Grab' machine is one in which the maximum prize can be up to £25. The prize must be paid directly from the machine in cash (Article 108(7A), (8) and (8A)); the maximum stake per game is 30 pence.
203. There are no restrictions in the 1985 Order specifically on the use of gaming machines by children. There are, however, restrictions on the access of under 18 year olds to certain premises in which gaming machines may be available for use: - under 18s must not be admitted to licensed bookmaking offices; this prohibition does not apply to a young person who has reached the upper limit of compulsory school age and is apprenticed to the licensed bookmaker (Article 50).
204. 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 prize machines are situated as per (Articles 111(6A) and 115(7A)). The purpose of this Clause 7 is to introduce a new offence of inviting, causing, or permitting a person under 18 years to play anything other than a lower limit gaming machine (i.e. £8 max prize value machine).
205. In regards to notices being placed on the front of gaming machines, the Officials stated that there are no requirements to display such notices on machines. There are, however, requirements for notices to be displayed both outside and inside premises where high stakes gaming machines are located. The granting of an Amusement Permit by the Council is subject to strict conditions and requires physical barriers to be in place in premises where machines for over 18s are located as well as a notice to be displayed on the entrance and inside the premises.
206. The Code of Practice as currently drafted also has this requirement for a notice to be displayed both outside and immediately inside the premises or locations where high stake gaming machines are played. Officials stated that, if the Committee wished, they can request an amendment to the draft Code of Practice to require a notice to be displayed on the machine or, where it is not physically possible to include such notices on the face of the machines owing to the design of the screen/display monitor, close to the machine where it would be visible. Officials believed that the new Article 124A inserted by Clause 7 of

the Bill (the offence of inviting, causing or permitting an under 18 to play a high stake gaming machine) will strengthen the existing protections for under 18s.

207. Member highlighted that some private clubs, such as sports clubs, already put signs on machines (as well as in the vicinity) to alert customers that they should only be used by over 18s.
208. Members requested further clarification on the law in relation to Fixed Odds Betting Terminals (FOBTs). Officials highlighted that when England changed its laws to a £2 maximum stake, bookmakers in Northern Ireland voluntarily agreed to reduce their machines to the same stake. Officials also highlighted to the Committee that they had hoped to include FOBTs in this Bill but were advised against it by OLC for the reason that the 1985 Order deals with certain matters separately and not gambling as a whole in the way that the 2005 Act in England is written and that FOBTs will be dealt with in phase 2 reforms.
209. Officials also noted that there are differences between Northern Ireland and GB regarding definitions of gaming machines (England has 8 or 9 definitions) and also for stakes and prizes.
210. Members queried if anything could be done in the Code of Practice in this regard. Officials confirmed that in the meantime FOBTs are covered in the draft Code of Practice.
211. The Committee requested confirmation in writing of the future plans for legislating for older skill-based 'grab machines' as they are not covered by the 1985 Order.
212. The Committee also requested written confirmation that FOBTs will be dealt with in phase 2 reforms and included in the Code of Practice until they can be legislated for.
213. The Committee acknowledge that there are those venues who adequately display notices regarding age-suitability of machines but supported amending the Code of Practice to require a notice to be displayed on the gaming machine as far as possible and if not possible as close to the machine as possible.

214. At the meeting on 20 January 2022, in terms of further discussions on various types of gaming machines (including FOBTs)- the Officials made a statement to confirm that phase 2 of reforms will lead to a new Act that will take account of the Review in the Republic of Ireland and the Review of the 2005 Act in England and will likely contain over 360 Clauses. They noted that the scale of reform needed is huge, to repeal and totally replace the 1985 Order, and this will include looking at all types of gaming machines (including grab machines, which are not covered by the 1985 Order, but FOBTs are covered in the current Order).
215. The Committee highlighted concerns arising from its Zoom event with young people, around U18 use of gaming machines and entry to over 18 gaming premises. Officials highlighted the physical separation from U18 and Over18 machines in arcades and that the new offence in this Clause ensures a further step in enforcement is being taken.
216. The Committee requested that a written response highlights the scale of reform needed and that all types of gaming machines will be included in phase 2.
217. The Committee also requested that, with regard to concerns around U18 use of higher stakes machines, the Department amends the draft Code of Practice to ensure it states that a notice should be placed on the machine if possible and, if not, as close to the machine as possible stating that it is for over 18 use only.
218. The Committee further requested that the draft Code of Practice includes advice for premises with gaming machines and that the Department reviews its gaming machines leaflet and the draft Code of Practice with a view to enhancing safety for U18s regarding signage on doors, machines, situation of machines etc. and encouraging premises owners to be responsible and to 'Think 21'.
219. At the meeting on 25 January 2022, the Committee was told by Officials that during the Second Stage debate, as well as in her earlier announcement about her proposals to reform gambling law here, the Minister stated that owing to the scale of the reforms needed, her proposed approach (which was agreed by the Executive) was for a two-phased approach. The first phase of these reforms (this Bill) is primarily aimed at land-based gambling, to simplify the rules around promotional and prize draw competitions, and to increase the fundraising

opportunities for small charities, sports clubs and other societies. Phase 2 of the reforms will be subject to the views of an incoming Minister and Executive.

220. It is estimated that, given the scale of reform needed – for example – revised definitions around gaming machines, regulation of online/remote gambling, whether or not we should have a Regulator and if so, the form and functions of such an office etc. that a completely new Regulatory framework will be required. In terms of estimating the scale, based on the provisions contained within the Gambling Act 2005 in Britain (which is also under review), it is estimated that a new Act would be required for here of similar size and structure. Any new Act would include remote gambling and all the different forms of gaming machines. It is simply not possible to review the 1985 Order to bring it up to date as the age, language and structure of the Order is not compatible with modern day terms such as online or internet. The existing Gambling Act 2005 has 362 clauses and 18 Schedules. The current 1985 Order has 187 Articles and 20 Schedules.
221. The legislation in the South is spread across a number of Acts and is currently under review. It had been the Minister's intention to include revised definitions of gaming machines in this Bill, in particular, to make it explicit that FOBTS were covered within the 1985 Order. However, OLC cautioned against importing revised definitions or clauses from the Gambling Act 2005, owing to, as stated above, the age, language and structure of the 1985 Order.
222. The Officials further advised that, on foot of this advice from OLC, the Minister requested that DSO review its previous advice on FOBTS, particularly in light of Tax Tribunals and Supreme Court rulings in England taken by HMRC on gaming machines (the issue was connected to gaming duties). Based on that legal advice, the Department is satisfied that FOBTs are captured by the definition of a gaming machine as set out at Article 2 (2) of the 1985 Order.
223. In relation to a Code of Practice, the Department confirmed that it will include a requirement for notices to be displayed on the machines aimed at over 18 year olds stating clearly that the machines are for over 18 year olds only. The Officials drew the Committee's attention to the information on notices already

within the Code of Practice and confirmed that the Department will amend this section to reflect this suggestion by the Committee.

224. The Officials then informed the Committee that, in relation to gaming machines, they could confirm that a specific section on gaming machines is already included within the draft Code of Practice but this section will be reviewed further to ensure that all suggestions by the Committee have been taken on board.
225. Guidance on 'Think 21' is also already included within the draft Code of Practice, under the section 'protection of children and young people' as is guidance on physical location of over 18 gaming machines. The provision also exists in the legislation to require physical separation within premises of over 18 machines from other machines which under 18 year olds are permitted to play. The Department also confirmed that it will be updating its existing leaflets on gaming machines and will cross refer with the Draft Code of Practice and vice versa.
226. The Committee was content with this response.

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

227. At the meeting on 13 January 2022, the discussion centred on the two key issues of promotional prize draws and prize competitions and Members wish it to be clear in the Bill that companies can include NI residents in such draws and competitions and that it is not illegal. The Department shared that view.
228. Officials highlighted that Clause 8 is setting out removing the requirement to pay but that further thinking may be required around these matters. Officials agreed to update the Committee on what further actions/wording could be included in the Bill to respond to the concerns raised by Members.
229. At the meeting on 18 January 2022, the Committee was informed by the Officials that, as the law stands at present, the conduct of any prize competition in which success does not depend to a substantial degree on the exercise of skill is prohibited. Under Part IV of the 1985 Order, any competition

arrangement is deemed to be a lottery if participants are required to pay to participate. Promotional Prize Draws which require the purchase of a product (e.g. a chocolate bar or newspaper) or use of a service (such as taking out a bank or building society account) to qualify for entry into a prize draw or competition could technically be construed as a form of payment to participate. Hence, it would constitute an illegal lottery. This is because these draws etc. do not fall within any of the permitted lottery categories set out in Part IV of the 1985 Order.

230. Clauses 8 and 11 make express provision for circumstances in which arrangements should not be deemed as payment to participate. Schedule 15A of the Bill sets out those circumstances in more detail. Clause 8 amends Article 131 (illegality of lotteries) to make it clear that free draws are to be excluded from this clause and the proposed new Schedule 15A sets out what is or is not considered as payment to enter.
231. On balance, Officials believed that further clarification or amendment of the clauses is not needed. This is mainly because Schedule 15A reads more straightforward than the clauses and should make it clear that what constitutes payment to enter. It is ultimately for the companies involved to make the decision whether or not to change their position on allowing residents here to enter such draws.
232. The discussion from Members again centred on the two key issues of promotional prize draws and prize competitions and the need for the Bill to be clear that companies can include NI residents in such draws and competitions and that it is not illegal. Officials advised Members that on reflection clarification of the wording of the clauses was not needed, mainly due to the information contained in Schedule 15A should make it clear what the law is regard to these competitions.
233. Members accepted the Officials' explanation that the clauses and the Schedule were clear from a legal perspective but queried whether further simpler explanation could be put into the EFM so that if an individual had to challenge a company (such as a building society or bank) for not offering a relevant

competition to NI customers, they could find a simpler and fuller explanation in the EFM.

234. The Committee requested written confirmation that the EFM will be amended to explain in layman's terms what Clauses 8, 11 and Schedule 15A do to further remove any impediments to such competitions and draws being open to NI customers. The EFM should also include clear examples of such competitions and draws.
235. The Committee also requested sight of the amended EFM as soon as it is available.
236. At the meeting on 20 January 2022, the Officials confirmed that an amended EFM was being prepared for the Committee – there will be extra sentences at these clauses and an extra section in Schedule 15A with general examples.
237. To deal with the specific examples, an additional leaflet will be drafted on prize draws to set out more detailed named worked examples, which could not be included in an EFM.
238. The Committee welcomed these developments and at the meeting on 25 January had sight of the draft amended EFM (see Appendix 2) and awaits sight of the leaflet in due course. There were no further queries on this clause.

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

239. At the meeting on 13 January 2022, the Committee noted that this clause needs careful consideration due to the potential impact on organisations that wish to raise money this way. Officials highlighted the Minister wished to raise the maximum prize limit from £25,000 by secondary legislation.
240. The Committee requested sight of draft regulations as soon as they are available.
241. Members queried if the Bill was sufficient in how it dealt with the calculation of the prize fund and referred to Article 137(14). Officials agreed to issue a clarification in a written response.

242. The Officials stated that it was a good point and that the Minister was minded to look at an amendment in this regard. However, the sector is divided on what the limit should be.
243. Members requested that the Department look at the clause again in this regard and consider a new limit and respond on the issue.
244. At the meeting on 18 January 2022, the Department Officials told the Committee that they will provide drafts of the secondary legislation as soon as possible. It is expected that secondary legislation will amend both the maximum prize limit and the maximum proceeds. The policy intention behind stipulating limits on spending on prizes and expenses was to maximise the amount of money that can be raised for good causes.
245. The Officials further stated that, having listened to all the evidence presented and to the views expressed by members, the Minister was minded to accept an amendment setting a new ticket price. They further states that the sector is divided on this issue and some argue for no ticket price limit (as is the case in other jurisdictions) whilst others argue for a limit of £100-£150.
246. Some clubs and charities run draws where there are smaller prizes every month and a major prize in month 12 such as a car. Such tickets can then be paid off in monthly instalments which doesn't put people under as much pressure to purchase. This type of draw enables clubs and charities to have a reasonably secure income source and allows them to plan activities based on this income.
247. The Committee continued to recognise that this clause needed careful consideration due to the potential impact on organisations that wish to raise money this way and noted that the Department would forward the regulations concerning the uplift in the maximum prize limit as soon as available.
248. The Committee requested sight of draft regulations, or at least a written explanation of the detail that will be covered in the regulations.
249. Members also queried if there were any issues regarding island-wide society lotteries. The Officials stated that there were no issues regarding anyone buying a ticket but there could be a problem with such a lottery being promoted in



Northern Ireland if based in the Republic of Ireland. The Committee requested that the Department provided a response on that query.

250. Regarding ticket prices, Officials advised that a new limit needs to be in the primary legislation and can then be amended in future by secondary legislation. The Committee highlighted that the Department would have more information than it does regarding options for changes to the ticket price limit and requested that an amendment be brought forward as the Minister was minded to do so. Officials confirmed they would issue drafting instructions to OLC to proceed. The Committee requested sight of the draft amendment.
251. At the meeting on 20 January 2022, Officials confirmed that the Committee would be provided with a written briefing explaining the regulations as the draft regulations were still with DSO. Officials confirmed that cross-border lotteries (of the type promoted by sports clubs) would be illegal in NI unless also registered with a Council in NI.
252. Regarding the maximum ticket price – the Department told Members that it had issued OLC with drafting instructions on a maximum price of £100. However, the Minister had identified potential unintended consequences and wanted to also put in a regulation making power (draft affirmative) to amend the rules around the frequency of such lotteries so that no society can abandon small ticket price lotteries in favour of many high ticket price lotteries.
253. The Committee welcomed these developments and agreed to await sight of both these amendments.
254. At the meeting on 25 January 2022, the Officials informed the Committee that a copy of the draft Regulations had been forwarded and that it should be noted that this was a first draft of the regulations which is provided to aid the Committee in its deliberations. The drafts had not yet been approved by either DSO or the Minister. It was not envisaged that there would be any significant amendments to the drafts other than formatting or amendment of powers cited. Proposed Amendments.
255. In regards to a maximum ticket price, the Minister has agreed to impose a maximum ticket price limit. Following discussion with OLC, the Department

believes that the existing powers contained in Article 137 (4) (power to vary frequency of lotteries) together with the existing power in Article 137 (21) (power to amend amounts), would be sufficient to meet the policy intention of prohibiting societies from running too many draws with tickets at, or close to, the upper limit of the proposed £100. The text of the proposed Amendment is as follows:

Clause 9, Page 4, Line 5 Leave out paragraph (a) and insert— '(a) in paragraph (5) (price limit on tickets) for "£1" substitute "£100".'

256. The Committee was content with the Department's response.

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

257. At the meetings on 13, 18 and 25 January 2022, no issues were raised in connection to Clause 10.

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

258. At the meeting on 13 January 2022, Members raised concerns that although an individual may not pay to enter certain competitions they are providing data that is valuable to organisations.

259. Members reiterated concerns that the Bill may still not be clear enough at Clauses 8 and 11 on the issues regarding promotional prize draws etc.

260. The Committee decided to consider the issues around this clause and Clause 8 in more detail at future meetings.

261. At the meeting on 18 January 2022, Members were informed that, as the law stands at present, the conduct of any prize competition in which success does not depend to a substantial degree on the exercise of skill is prohibited. Under Part IV of the 1985 Order, any competition arrangement is deemed to be a lottery if participants are required to pay to participate. Promotional Prize Draws which require the purchase of a product (e.g. a chocolate bar or newspaper) or

use of a service (such as taking out a bank or building society account) to qualify for entry into a prize draw or competition could technically be construed as a form of payment to participate. Hence, it would constitute an illegal lottery. This is because these draws etc. do not fall within any of the permitted lottery categories set out in Part IV of the 1985 Order.

262. The Officials further informed the Committee that Clauses 8 and 11 make express provision for circumstances in which arrangements should not be deemed as payment to participate. Schedule 15A of the Bill sets out those circumstances in more detail. Clause 8 amends Article 131 (illegality of lotteries) to make it clear that free draws are to be excluded from this clause and the proposed new Schedule 15A sets out what is or is not considered as payment to enter.
263. On balance, Officials believed that further clarification or amendment of the clauses is not needed. This was mainly because Schedule 15A reads more straightforward than the clauses and should make it clear that what constitutes payment to enter. Officials concluded by stating that it is ultimately for the companies involved to make the decision whether or not to change their position on allowing residents here to enter such draws.
264. On the point raised about data collection and companies selling on data, officials stated that they believed this would be out of scope of this Bill. Further, when anyone uses, for example, a comparison website to search for car insurance or other products, quite often the data is sold on. This is common practice though not necessarily considered good practice.

## **Clause 12 – Cheating**

265. At the meeting on 13 January 2022, Members queried the penalty associated with the offence in this Clause. Officials stated that these are on a set scale and there is unlikely any room to alter this, but they would check.
266. At the meeting on 18 January 2022, Officials told Members that fines and penalties are based on what is called a Standard Scale and this is set out in Orders. Before setting the penalty attached to the new offence, Officials liaised with colleagues in the Department of Justice (DoJ) who are responsible for the

law on offences and penalties to make sure that the tariff being applied was appropriate and proportionate. DoJ confirmed that it was both proportionate and appropriate. The Officials informed Members that a similar offence in the Gambling Act 2005 (Section 62) in Britain carries a Level 5 fine and a prison term of up to 51 weeks or both.

267. The Committee was content with the response on this Clause and no further queries were raised.

## **Clause 13 – Enforceability of gambling contracts**

268. At the meetings on 13 and 18 January 2022, no issues were raised in connection to Clause 13.

## **Clause 14 – Industry levy**

269. At the meeting on 13 January 2022, Members were concerned about the wording of the Clause at 172A(6) around which groups would be consulted on the levy and whether the industry should be consulted at all. The Officials agreed it could be better worded. Members also highlighted that on-course bookmakers raised the need to be consulted on any levy as they only meet on limited numbers of days per year.

270. Members expressed concern regarding National Lottery terminals and scratch cards being such a large part of gambling in Northern Ireland and part of the addiction issues and queried if the National Lottery would be part of a levy. Officials stated that the National Lottery is legislated for by Westminster and cannot be part of this Bill.

271. At the meeting on 18 January 2022, Members were informed by Officials that, although a requirement to consult with other interested parties such as the Health Sector was not included within the provision, it would always have been the policy intention to consult with other interested parties including the health sector and relevant voluntary organisations. They further stated that best practice in policy making includes consultations with all stakeholders who represent the interests of those impacted by any policy or legislative proposal.

272. Whilst the Officials understood why some people might argue against the industry being consulted, they believed that they should be allowed to express their views as part of a wider consultation with all other interested parties such as health, voluntary sector etc. Having listened to the evidence presented to Committee and to the concerns expressed by members, the Minister was minded to accept an amendment which expands the requirement to consult.
273. In relation to the National Lottery, the Officials informed the Committee that the National Lottery is a Reserved Matter and therefore they cannot legislate around issues such as product placement, location of terminals or a levy.
274. Members highlighted concerns around 14(3)(d) and being sure that transfers of the levy to other departments are spent appropriately. Officials stated that it would be something a regulator could consider in the future. Members then queried if there was a way to 'set something in stone' in this Bill and gave the example of the 'carrier bag levy'. The Committee requested that the Department responds on how the use of the levy money could be more 'pinned down' in this Bill and if a change of wording to 'gambling related harm' would be included, as suggested by the Officials.
275. At the meeting on 20 January 2022, the Officials noted that any future Regulator would need primary legislation in the phase 2 of reforms as there would need to be full consultation and research on the roles and responsibilities. It could not be done through an enabling clause in this Bill.
276. Officials also advised that the text of an amendment to expand the requirement to consult as proposed by Committee would be ready for next week's meeting on 25 January 2022. The Committee agreed to await sight of the amendment to 14(6) to extend the list of consultees.
277. With regard to 14(4), (a) and (b), Officials felt that the policy intent was met and the wording was wide enough to cover the areas that will need funded by the levy. The Committee queried if the terms education, treatment and research could be added in.
278. With regard to the Officials' investigation into the law around the 'carrier bag levy' – they confirmed that it is contained in the Climate Change Act and

believed that this Bill will have the same effect in terms of the powers regarding a levy.

279. The Committee requested that the EFM is amended to include the three terms of education, research and treatment in the explanations for Clause 14(4)(a), (b).

280. At the meeting on 25 January 2022, the Officials informed the Committee that they had forward the draft amendment from OLC which reads as follows:

Clause 14, Page 7, Line 7 Leave out from ‘the gambling’ to end of line 7 and insert ‘— (a) persons who have suffered from, or been affected by, addiction to gambling or other forms of harm or exploitation associated with gambling; (b) persons who have experience or knowledge of issues relating to such addiction, harm or exploitation; and (c) the gambling industry in Northern Ireland.’

281. In relation to the EFM, the Officials stated that the request to amend the EFM to make it clear that the proceeds of any levy will only be used to fund education, treatment and research had been made but not yet been cleared by OLC.

## **Clause 15 – Code of Practice**

282. At the meeting on 13 January 2022, Members raised a few queries, including putting a credit card ban in the Bill and Officials stated that it would not be good practice to put such items on face of the Bill but would be better in the Code of Practice and highlighted that in England it is a condition of licence to adhere to the Code of Practice.

283. The Committee requested that Officials outline the Code of Practice in more detail at a future meeting.

284. At the meeting on 18 January 2022, the Officials briefed the Committee in detail on the Code of Practice (CoP). Officials went through the draft CoP in more detail with the Committee and highlighted the range of codes they had used to draw up the current draft. They also responded to the concerns raised to date by stakeholders in relation to the short duration of the consultation and confirmed that it was a six-week focused consultation in the first instance and after that a fuller consultation would be conducted with a final draft CoP as per

Clause 15(10) of the Bill, as they want to capture the good practice and concerns of the industry.

285. The Committee requested confirmation that the range of issues that Members expressed concern around – including affordability checks, spending limits and self-exclusion will be considered in further detail by the Department based on responses to the current and the next consultation - as they had concerns over unintended consequences that some aspects of the CoP have the potential to push people into illegal gambling and allow problem gamblers to go undetected as they move from premises to premises.
286. At the meeting on 20 January 2022, the Officials confirmed that there were two consultations in this regard – after the first six-week consultation there would be a longer consultation on revised draft code(s) as per Clause 15(10) of the Bill. They also confirmed that the Department must issue one or more codes once the Bill is passed.
287. The Committee queried if a Code of Practice could be the vehicle to tackle the issues with DCMS that were discussed at a previous meeting. The Officials stated that the Minister has a commitment from Westminster that the Gambling Minister will meet with her to discuss matters related to gambling (devolved and reserved).
288. Members further queried if there was potential to gather evidence around the issues with scratch cards etc. through the next consultation on the CoP to have evidence for NI before that meeting.
289. The Committee then requested that the Department investigate how it might consult to gather evidence around problem gambling in NI with National Lottery scratch cards etc. so that there was evidence to present in discussions with DCMS going forward, since the National Lottery is legislated for at Westminster.
290. The Committee also requested information on the further piece of work around gambling attitudes that the Officials stated might be the way to gather evidence around impact of gambling using scratch cards etc.

291. After further discussions on this Clause, the Committee requested further clarification around the Code(s) of Practice:

- Where will it/they be published?
- What awareness raising will be done?
- Who will breaches be reported to?
- Who will 'police' the code(s)?; and
- Is this all going to be down to a future Regulator (if agreed in the future) and if not then who will deal with the above matters.

292. At the meeting on 25 January 2022, the Officials confirmed that they were currently in discussions with Professional Services Unit (PSU) around the potential to gather data on a range of matters which included:

- Prevalence;
- Behaviours & Attitudes;
- Knowledge and Experience (Young People); and
- Numbers presenting to treatment services (DoH to lead).

These issues are still ongoing, and questions have not yet been devised but any data collected will have to not only tell the Department about the situation here, but, be able to be 'benchmarked' against other jurisdictions. The Department wants to establish some baselines to help inform policy development and evaluation for the future. The difficulty has been that all NISRA face to face surveys were suspended because of Covid public health measures. PSU is now considering using a 'push to web' survey (this would be online rather than face to face or telephone).

293. As regards gathering evidence on National Lottery products, officials believed that the proposed surveys on both Prevalence and also on Behaviour and Attitudes will yield some evidence to present to DCMS about the impact of National Lottery products on consumers here. As soon as the Department is in



a position to confirm any information on data collection plans it will provide an update to Committee. The Department assured the Committee that Data Collection was an integral part of this process and will underpin any new Regulatory Framework in the next mandate.

294. Finally, officials confirmed that it was illegal to sell National Lottery products to under 18s.
295. In regards to the Code of Practice and where/how the codes will be published, the Department confirmed that the Code/s of Practice once finalised, will be published and made available on the its website. Further, the Codes will be circulated to the Trade Associations such as NIACTA and NITGA. In addition, Codes will be circulated to the licensing authorities, namely the Courts and Councils; and to the PSNI.
296. On awareness raising, the Officials stated that the publication of any Code will be accompanied by a press release and tweet/post on the Department's social media channels. The Department will also consider whether or not some other form of publicity will be required, such as an event (public health measures permitting). As part of raising awareness of the new legislation, officials will be reviewing all guidance documents/leaflets, as well as the information on the Department's website, and whether or not any adverts should be placed in key newspapers or trade magazines about the new legislation and the Codes of Practice.
297. In relation to breaches & compliance in finalising the Codes, the Department will include, as suggested by Committee, within the drafts and on the website, an email address where members of the public can send complaints. As a first stage, depending on the nature of the complaint, and, which type of operator it is about, the Department will seek the views of the local Council (if appropriate). If a criminal offence has been alleged, the Department will refer to the PSNI. In all other cases the Department will deal with it. Depending on the nature of the complaint the Department will write to the operator enclosing a copy of the Code and reminding them of their responsibilities and will also remind them of the implications of non-compliance. In the vast majority of cases this will be sufficient. Only if an operator consistently refuses to comply would the

Department suggest that those making the complaints object to the license renewal and explain how they do that. In exceptional or persistent cases, the Department will lodge an objection to the licence.

298. In finalising the Codes, the Department stated that it will include within the drafts and on the website, an email address where members of the public can send complaints.

299. On compliance, the Officials informed the Committee that in Phase 2 of the reform of gambling, it is envisaged that if it is decided that a Regulator should be established, then any new regulatory framework developed would 'wrap' around the Regulator to give that office the powers of investigation and enforcement and any other powers to enable it to function effectively. It would be envisaged that compliance with the Code would then become a mandatory condition of the licence, which would be monitored by the Regulator.

300. The Department believes that the provisions within the proposed new Article 180A (8) as inserted into the 1985 Order by the Bill, will act as a sufficient deterrent to operators to prevent them from non-compliance. The new Article states that a failure to comply with the Code does not of itself make a person liable to criminal proceedings, however, the Code is:-

- admissible as evidence in any criminal or civil proceedings;
- 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
- must be taken into account by the Department, a court or district council in the exercise of any function under the 1985 Order.

Under the 1985 Order, any person can object to a licence or permit application or renewal, or, apply for the revocation of a licence or permit (the 'fit' person test). This includes any member of the public.

301. In answer to Committee queries about what remedy or safeguards there would be to prevent a future Minister from including within the Codes measures or very strict conditions which would indirectly put an operator out of business, the Officials confirmed that where an operator or any other member of the public is

adversely affected by a Ministerial decision, then that operator or person has the option to seek Judicial Review of that decision. It would then be for the High Court to determine if the decision was lawful.

302. Finally, the Department accepted the Committee's suggestion that details of how to report breaches or potential breaches of the Code should be included within the Code and also be included in any literature issued by the Department or enforcement authority as well as the Department's website. The Officials also agreed to provide the Committee with a copy of the consultation.

## **Clause 16 – Short title and commencement**

303. At the meeting on 13 January 2022, no issues were raised on this Clause.
304. At the meeting on 20 January 2022, there was a discussion around the commencement of Clause 15 and Officials advised that a commencement order would not be made until the short focused and then the fuller consultation was completed and Code(s) of Practice were ready to go. The Committee did not raise any further queries.

## **Schedule – 15A to the 1985 Order**

305. At the meeting on 13 January 2022, The Committee requested that Departmental Officials return on Tuesday 18<sup>th</sup> January 2022 to go over the Schedule in some more detail, what it does and the connections to Clause 8 and 11.
306. At the meeting on 18 January 2022, the Officials briefed further on the Schedule and advised that it should be read in conjunction with Clauses 8 and 11. As already been highlighted above under Clause 8, at the meeting on 20 January 2022, the Officials confirmed that an amended EFM was being prepared for the Committee with extra sentences referring to Clauses 8 and 9 with fuller explanation of the intention of the law and an extra section in Schedule 15A with general examples.
307. To deal with the specific examples, an additional leaflet will be drafted on prize draws to set out more detailed named worked examples, which could not be included in an EFM.

308. The Committee welcomed these developments and at the meeting on 25 January 2022 had sight of the draft amended EFM (see Appendix 2) and awaits sight of the leaflet in due course. There were no further queries on the Schedule.

## Clause by Clause Scrutiny of the Bill

309. Having considered the written and oral evidence received on the Bill, the Committee undertook its formal Clause-by-Clause consideration at its meeting on 25 January 2022 – see Minutes of Proceedings (Appendix 4) and Minutes of Evidence (Appendix 5).

310. Information on the Committee's deliberations on the individual Clauses in the Bill and additional provisions can be found in the previous section of this report.

### Clause 1 – Interpretation

311. The Committee was content with the clause as drafted by the Department.

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

312. The question was put that the Committee is content with the clause as drafted.

313. The Committee divided: Ayes 5; Noes 3; Abstain 0

314. **AYES:** Ms Kellie Armstrong, Mr Mark Durkan, Mr Andy Allen, Ms Ciara Ferguson, Ms Aisling Reilly

315. **NOES:** Mr Paul Frew, Mr Stephen Dunne, Ms Paula Bradley.

**Agreed:** The Committee agreed that it was content with Clause 2 as drafted by the Department.

### Clause 3 - Sunday working in licensed office

316. The Committee was content with the clause as drafted.

### Clause 4 – Pool betting

317. The Committee was content with the clause as drafted.

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

318. The Committee was content with the clause as drafted.

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

319. The question was put that the Committee is content with the clause as drafted.

320. The Committee divided: Ayes 5; Noes 3; Abstain 0

321. **AYES:** Ms Kellie Armstrong, Mr Mark Durkan, Mr Andy Allen, Ms Ciara Ferguson, Ms Aisling Reilly

322. **NOES:** Mr Paul Frew, Mr Stephen Dunne, Ms Paula Bradley.

**Agreed:** The Committee agreed that it was content with Clause 6 as drafted by the Department.

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

323. The Committee was content with the clause as drafted.

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

324. The Committee was content with the clause as drafted.

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

325. The Committee was content with the clause as amended by the Department.

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

326. The Committee was content with the clause as drafted.

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

327. The Committee was content with the clause as drafted.

## **Clause 12 – Cheating**

328. The Committee was content with the clause as drafted.

## **Clause 13 - Enforceability of gambling contracts**

329. The Committee was content with the clause as drafted.

## **Clause 14 – Industry levy**

330. The Committee was content with the clause as amended by the Department.

## **Clause 15 – Code of practice**

331. The Committee was content with the clause as drafted.

## **Clause 16 – Short Title and Commencement**

332. The Committee was content with the clause as drafted.

## **Schedule – 15A to the 1985 Order**

333. The Committee was content with the schedule as drafted.

## **Long Title**

334. The Committee was content with the Long Title.

## Links to Appendices

### **Appendix 1: Memoranda and Papers from the Department for Communities**

[View Memoranda and Papers supplied to the Committee by the Department for Communities](#)

### **Appendix 2: Memoranda and Papers from Others**

[View Memoranda and Papers supplied to the Committee from others](#)

### **Appendix 3: Minutes of Proceedings**

[View Minutes of Proceedings of Committee meetings related to the report](#)

### **Appendix 4: Minutes of Evidence**

[View Minutes of Evidence from evidence sessions related to the report](#)

### **Appendix 5: Written submissions**

[View written submissions received in relation to the report](#)

### **Appendix 6: Research Papers**

[View Research Papers produced by the Assembly's Research and Information Service \(RaISe\) in relation to the report](#)

### **Appendix 7: Other Documents relating to the report**

[View other documents in relation to the report](#)

### **Appendix 8: List of Witnesses that gave evidence to the Committee**

**09 September 2021**

Ciaran Mee, Departmental Official, Department for Communities

Martina Campbell, Social Security Policy and Legislation, Department for Communities



**25 November 2021**

Vincent Paul McLean, Chairman, NITGA

Gary Toal, Secretary, NITGA

Michael Fee, Committee Member, NITGA

**07 December 2021**

Brian McEvoy, Chief Executive, Ulster GAA

Diarmaid Marsden, Head of Community Development, Ulster GAA

Brian Mallon, Head of Finance and Human Resources, Ulster GAA

Patrick Nelson, Chief Executive, Irish Football Association

Sean Murphy, Chief Operating Officer, Irish Football Association

Ciaran Kearney, Executive Manager, Northern Ireland Sports Forum

**09 December 2021**

Brendan McAreavey, President, NIACTA

Gerald Steinberg, Chairman, NIACTA

Gerry Donnelly, Chairman, NIOCBA

Brian Graham, Representative, NIOCBA

**14 December 2021**

Seamus McAleavey, Chief Executive, NICVA

Denise Copeland, Official, NICVA

**14 December 2021**

Kevin Higgins, Advice NI

Emma Mullin, Advice NI

Charlotte Ahmed, Advice NI

**16 December 2021**

Jack Gibson, All Party Group on Reducing Harm Related to Gambling

Charles Richie, Representative, Gambling with Lives

Peter Keogh, Representative, Gambling with Lives

Barry Fennell, Representative, Gambling with Lives

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