



From: The Minister

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Our ref: COR-1685-2024
Date: 7 January 2025

Philip McGuigan MLA
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Dear Philip,

GAMBLING CODE OF PRACTICE

During the Topical Questions session on 26 November I had promised to come back to you with further information as to who is responsible for the monitoring, compliance and enforcement of The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 ('the 1985 Order').

Under the 1985 Order the courts are responsible for licensing of betting (ie bookmaking), gaming, club registration and the grant of gaming machine and lottery certificates. District councils are responsible for the granting of amusement and pleasure permits and the registration of society lotteries. The Department is responsible for the licensing of racetracks.

Traditionally, terms such as "monitor" and "monitoring" do not appear in Northern Ireland or GB gambling legislation. As such they are absent from the 1985 Order and the Gambling Act 2005. (Only recently, the terms were introduced into the Republic of Ireland's Gambling Regulation Act 2024.) However, the 1985 Order is structured in a way that both requires and allows for "monitoring" to take place. For example, in granting, renewing, continuing, amending, transferring, revoking and cancelling licences, certificates and permits the different regulatory authorities mentioned above must variously "take into consideration", "consider", "hear" and be "satisfied" that applicants are "fit" to hold licences etc, that the relevant gambling activities are "properly conducted" (including, for instance, that no offences under the 1985 Order or any other legislation have been committed and there has been no serious, continuing or repeated failure to comply with a Departmental code of practice in force).

Furthermore, in general terms, gambling licences, permits and certificates issued in accordance with the 1985 Order must be renewed every twelve months. Prior to renewal of bookmakers' office licences, bingo club licences, gaming machine certificates and lottery certificates the courts must publish a notification of the date of the renewal hearing not less than six weeks in advance of it. (In the case of registered clubs, the clubs are required to do this not more than six weeks and at least two weeks



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prior to the renewal date.) These notices are required to appear in at least two newspapers circulating throughout Northern Ireland. Those applying for renewal of licences are additionally required to notify in writing the local police sub-divisional commander and (in the case of lottery and gaming machine certificates and bookmakers' office, bingo club and registered club licences) the district council in whose area the relevant premises is situated. Such notices must be issued not less than three weeks in advance of the renewal date. These and other related requirements are designed to ensure that courts and other authorities have at least one opportunity in every twelve months to "hear", "consider" etc whether the licensed activities have been and continue to be "properly conducted", that the holder of the licence remains "fit" to do so and that there are no "grounds for" refusal of the licence.

In addition to those arrangements, the 1985 Order gives any "person" the right, at any time in any twelve-month licensing period, to apply to the courts for the revocation of a licence or certificate granted. Such "persons" may also attend hearings where objections they have lodged are considered. A "person" includes any member of the public or anyone acting on behalf of an organisation. (The PSNI, district councils, businesses, voluntary groups and any government department likewise fall within this category.) Similarly, amusement permits and track betting licences can be cancelled by the courts where those holding them have been convicted of offences that are set out in the 1985 Order or other offences involving fraud or dishonesty. Breaches of licensing conditions are generally an offence under the 1985 Order.

Turning to enforcement, whilst again this is not a term used in the 1985 Order, it is essentially the responsibility of the PSNI. The detailed arrangements are set out in [Article 180](#) of the legislation. Article 180 empowers the PSNI to enter any gambling premises both to ascertain whether any contravention of the Order or any regulations made under it is being or has been committed and to ensure that any registration, certification, permit or licensing conditions are being complied with. To this end the PSNI may: inspect premises; inspect seize or remove documents, records, monies, machines (including gaming machines); question the operator or search/question anyone found on the operator's premises etc. The PSNI may equally charge those whom they have reason to believe have committed 1985 Order related offences and may apply to the courts to have their licences, permits and certificates as applicable cancelled or revoked. Persons convicted of offences are also disqualified from holding gambling licences, permits and certificates.

I trust you find this response provides you with all the information you requested.

Yours sincerely,

Gordon Lyons MLA
Minister for Communities