



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 03/25

11 November 2024

NIAR 215-24

Regulating gambling advertisements in Northern Ireland

Karen McCallion

A description of who regulates broadcast and online gambling advertisements in Northern Ireland, and consideration of how the Online Safety Act 2023 extends to Northern Ireland for the advertisement of gambling.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

1 Regulation of gambling advertisements in Northern Ireland

1.1 Legislative position

Regulation of advertising and promotion of gambling is a reserved matter. Sections 3(1), 5 and 6 of the Gambling (Licensing and Advertising) Act 2014¹ extends to Northern Ireland. The Northern Ireland Assembly passed a Legislative Consent Motion² consenting to these provisions on 17 June 2013.

The specific provisions of the Gambling (Licensing and Advertising) Act 2014³ that extend to Northern Ireland include:

Section 3(1): This section extends the application of the Act to Northern Ireland, ensuring that the licensing requirements for remote gambling operators applies across the UK.

Section 5: This section addresses the advertising of gambling services. It makes it an offence to advertise remote gambling services in Northern Ireland unless the operator holds a valid licence from the Gambling Commission.

Section 6: This section provides for the enforcement of the Act in Northern Ireland, allowing for the prosecution of offences related to unlicensed remote gambling and advertising.

1.1.1 How is remote gambling defined?

Remote gambling operators are defined under the Gambling Act 2005⁴ as:

¹ [Gambling \(Licensing and Advertising\) Act 2014](#)

² Northern Ireland Assembly. [Order Paper Legislative Consent Motion: Gambling \(Licensing and Advertising\) Bill](#). 17 June 2013

³ [Gambling \(Licensing and Advertising\) Act 2014](#)

⁴ [Gambling Act 2005](#)

- Gambling in which individuals participate by using remote communication methods. These methods include the internet, telephone, television, radio, or any other kind of technology that enables gambling remotely.
- Remote communication includes any form of communication that allows gambling to take place without the participants being physically present together.
- Remote operating licences authorise gambling activities to be carried out via remote communication.

These definitions ensure that any gambling activities conducted through remote means in Northern Ireland are regulated under the same legal framework as remote and traditional, non-remote gambling activities in Great Britain.

However, traditional, non-remote gambling activities in Northern Ireland are regulated under the Betting, Gaming, Lotteries and Amusements (NI) Order 1985 ("the Order") (the 1985 Order) as amended by the Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022.⁵

Although the UK's Gambling (Licensing and Advertising) Act 2014 states that it is an offence to advertise remote gambling in Northern Ireland unless the operator holds a remote operating licence from the GB Gambling Commission, gambling consumers in Northern Ireland do not fall under the remit or protection of the GB Gambling Commission as gambling (rather than advertising), is a devolved issue.

Protecting children and young people from harm is mentioned in a recent Equality Impact Assessment for a Department for Communities Gambling Codes of Practice. One aim of the DfC Code of Practice included "imposing obligations on licensed operators to display age limit notices outside and inside their gambling premises".⁶ Also, The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015⁷ set out a self-contained set of procedures

⁵ [Betting, Gaming, Lotteries and Amusements](#) (Amendment) Act (Northern Ireland) 2022

⁶ Department for Communities. [EQIA Gambling Codes of Practice](#). September 2024

⁷ [The Planning \(Control of Advertisements\) Regulations](#) (Northern Ireland) 2015

for the placement of advertisements, but does not include consideration of the content.

1.2 Gambling advertising and broadcasting regulation

In Northern Ireland, the regulation of advertising and broadcasting of remote gambling activities involves several entities:

Gambling Commission

Online operators who wish to advertise their services in Northern Ireland must hold a licence from the Gambling Commission under the Gambling (Licensing and Advertising) Act 2014.⁸

Advertising Standards Authority (ASA)

The Gambling (License & Advertising) Act 2014 applies to Great Britain and Northern Ireland for remote gambling activities.

Ofcom

The Online Safety Act 2023⁹ makes companies that operate a wide range of online services legally responsible for keeping people, especially children, safe online. Ofcom is responsible for enforcing the Online Safety Act in Northern Ireland.

In practice, most of ASA's regulatory work on gambling advertising relates to advertisements by or on behalf of remote gambling services. In GB, these are regulated by the Gambling Commission under the framework established by the Gambling Act 2005 and Gambling (Licensing & Advertising) Act 2014. The ASA was asked by UK Government and the Gambling Commission to create

⁸ House of Commons. [UIN 73910 Gambling: Northern Ireland](#). 14 July 2020

⁹ [Online Safety Act 2023](#)

dedicated controls on gambling advertising when the Gambling Act 2005 entered into force in 2007. For gambling advertising, ASA's statutory backstops include Ofcom for broadcast gambling ads, and the Gambling Commission for non-broadcast gambling ads.

Considering the differences in legislation regulating remote and non-remote gambling activities in Northern Ireland, Members may wish to ask Ofcom, the Advertising Standards Authority and DfC officials for clarity on the issues of the regulation of advertising for non-remote gambling activities and the regulation of Northern Ireland-based broadcasters and online promoters of gambling activities.

1.3 Advertising Standards Authority and Northern Ireland

Regulation of advertising and promotion of gambling is a reserved matter.¹⁰ In Northern Ireland, advertising and promotion of remote gambling activities are regulated by the UK's independent Advertising Standards Authority. However, the UK Advertising Codes urge marketers to take specialist legal advice if they are advertising in Northern Ireland and state that the ASA will cooperate with the relevant authorities to address complaints relating to Northern Ireland.

The Advertising Standards Authority (ASA) administer the non-broadcast advertising code, written and maintained by the Committee of Advertising Practice (CAP), and the broadcast advertising code, written and maintained by Broadcast Committee of Advertising Practice (BCAP). The UK Advertising Codes are drafted and maintained by industry committees of CAP and BCAP, supported by ASA's Regulatory Policy team. Ofcom sign off on BCAP rule changes and ASA system's processes are open to judicial review. In 2011, the ASA remit was extended to include companies' advertising claims on their own websites and in social media spaces under their control.

¹⁰ Northern Ireland Assembly All Party Group on Reducing Harm Related to Gambling. [Written evidence submitted to House of Commons DCMS Committee Inquiry on Regulation of Gambling](#). July 2023

ASA are responsible for ensuring advertising is legal, decent, honest and truthful and act on complaints about misleading, harmful or offensive advertisements. ASA works collectively with Ofcom, the Gambling Commission, the Information Commissioner's Office, the Medicines and Healthcare products Regulatory Agency, the Financial Conduct Authority and the Competition and Markets Authority. This collective approach to regulation consists of sharing information and joint enforcement and referrals to bring non-compliant advertisers into line.

A recent House of Commons research briefing¹¹ about the regulation of Gambling Regulation stated:

Gambling operators selling into the British market must have a Gambling Commission licence to transact with, and advertise to, British consumers. The Commission's licence conditions and codes of practice require operators to comply with the advertising codes, administered by the Advertising Standards Authority (ASA). The codes aim to ensure that gambling ads do not:

- portray, condone, or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.
- exploit the susceptibilities, aspirations, credulity, inexperience, or lack of knowledge of children, young persons or other vulnerable persons.
- suggest that gambling can be a solution to financial concerns.
- link gambling to seduction, sexual success, or enhanced attractiveness.

¹¹ House of Commons Library. [Gambling advertising: How is it regulated?](#) 21 October 2024

- be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture.
- feature anyone gambling or playing a significant role in the ad if they are under 25 years old (or appear to be under 25).

Ads that breach the codes must be amended or withdrawn. If serious or repeated breaches occur, the ASA can refer advertisers to the Gambling Commission and broadcasters to Ofcom.

In 2023, the Northern Ireland Assembly All-Party Group on Reducing Harm Related to Gambling raised the issue of the vulnerability of children to gambling advertising in Northern Ireland and requested a Department of Culture, Media and Sport White Paper on Gambling Regulation to specifically address the issue of gambling advertising and promotion to citizens in Northern Ireland. However, Northern Ireland is not specifically mentioned in the [published DCMS White Paper](#).

In a submission¹² to the Department for Communities' consultation on Gambling Codes of Practice in February 2022, the ASA acknowledged a recent change of language in their own advertising codes of practice following research from GambleAware¹³. The change of code consisted of prohibiting content that "particularly" appealed to under-18s, to prohibiting content that "strongly" appealed to under-18s and vulnerable adults:

While our Codes already contain strict rules around gambling ads which significantly limit children's exposure to gambling ads, **GambleAware's research provided evidence** that the creative content of gambling ads, which were compliant with the

¹² ASA. [Submission to DfC consultation on Gambling Codes of Practice](#). February 2022.

¹³ GambleAware Press Release. [Impact of gambling advertising and marketing on children, young people and vulnerable adults](#). 2020

UK Advertising Codes, had **more potential, than previously understood, to adversely impact under-18s and vulnerable adults.**

CAP consulted on proposals to strengthen the rules to prohibit creative content of gambling and lotteries ads from appealing **‘strongly’ to under-18s** (currently gambling ads are prohibited from appealing **‘particularly’ to under-18s**; in other words, they are banned from appealing more to under-18s than to adults). **A ‘strong’ appeal test identifies content (imagery, themes and characters) that has a strong level of appeal to under-18s regardless of how it is viewed by adults.** Adopting the ‘strong’ appeal test would decrease the potential for gambling ads to attract the attention of under-18s in an audience.

Child-oriented content (like animated characters and superheroes) are already banned. The new rules would extend to cover characters’ behaviour, language, fashion/appearance etc. which are likely to appeal strongly to under 18s. In particular, ads would be prohibited from including a person or character who is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.

The new restriction would have **significant implications** for gambling advertisers looking to promote their brands using **prominent sports people and celebrities, and also individuals like social media influencers.**

1.4 Exceptions for consideration

1.4.1 Sponsorship by gambling companies of sports merchandise

Gambling sponsorship is excluded from ASA’s remit. Sponsorship is a contract or other arrangement between a sponsoring brand and another party; the Codes administered by the ASA do not apply to sponsorship arrangements

themselves. However, where sponsorship (e.g. of events, sports teams etc.) is featured in ads, the ads are subject to ASA regulation.

1.4.2 Volume of gambling market communications

In February 2022, an ASA submission to a Department for Communities' consultation on a Code of Practice for gambling operators stated that:

“to the best of our knowledge, other regulators exercising powers in relation to marketing communications, have limited scope to control the volume of advertising, beyond restrictions on the media placement or scheduling of advertising. To date, the ASA has not seen evidence of harm from gambling advertising to which volume restrictions (as opposed to scheduling, placement, or content restrictions) is likely to be an appropriate response.”¹⁴

As stated in the quote from a House of Commons research briefing, the gambling sections of the UK Advertising Codes include social responsibility codes to ensure that advertisements do not encourage gambling in ways that harm or exploit children, young people or vulnerable adults. Recent research about the volume of gambling ads on sports TV broadcasts and online highlighted that there are an:

...extremely high number of explicit and implicit marketing references, made frequently and throughout live sports programmes, supplemented by references before and after television programmes in advertising breaks and through social media content.¹⁵

Considering the GambleAware research findings that:

Exposure to gambling advertising, including on social media, can have an impact on attitudes towards the prevalence and acceptability of gambling,

¹⁴ ASA system [submission to the Department for Communities' consultation on a Code of Practice for gambling operators](#). February 2022

¹⁵ Aphra Kerr, Paul Kitchin, John O' Brennan, Tugce Bidav, and Erin McEvoy (2024) [Code-Red: Young People and their Exposure to Gambling Marketing through Media and Sport on the island of Ireland](#). Project Report. Maynooth University, Maynooth

and in turn the likelihood that a child, young person or vulnerable adult will gamble in the future.

The Betting and Gaming Council's "whistle to whistle" code of practice bans TV betting ads being shown from five minutes before a live sporting event until five minutes after it ends, before the 9pm watershed. However, the examples described in the Ulster University and Maynooth University research included the highest exposure to betting references¹⁶ on horseracing TV broadcasts on RTÉ (264 references) and ITV (627 references), and darts TV broadcasts on Sky Sports (1159 references).

Members may wish to seek further advice on how the frequency and volume of implicit and explicit marketing references to gambling outside of Betting and Gaming Council¹⁷ codes for "whistle to whistle" bans, are regulated.

1.4.3 Exceptions for non-remote advertising material

The restriction on allowing people who are, or seem to be, **under 25 years old** (i.e., aged between 18-24) to appear in marketing communications **are not applicable** in the case of non-remote point of sale advertising material, provided that the images used depict the sporting or other activity that may be gambled on and not the activity of gambling itself and do not breach any other aspect of the advertising codes.

¹⁶ A gambling reference in terms of broadcast media corresponds to every instance recorded of a gambling marketing communication (verbal and/or textual) from a gambling company, a broadcaster, or a commentator/presenter. References included a variety of formats such as commercial ads, verbal references, display of logos in various places, and sponsorship lead-ins. In one instance, gambling references in different formats were recorded separately until the camera switched to a new shot. Additionally, the number of logos to which viewers were exposed in one instance were recorded.

¹⁷ Betting and Gaming Council. [Code of Practice](#). Accessed November 2024

Members may wish to seek further advice from Departmental officials¹⁸, ASA¹⁹ and Ofcom²⁰ on considerations of these exceptions.

2 Gambling Commission Operating Licence Conditions and Codes of Practice for Advertising and Marketing

Current Gambling Commission operating licence conditions and codes of practice²¹ (LCCP) for advertising and marketing are as follows:

Compliance with Advertising Codes: Operators must comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) and the UK Code of Broadcast Advertising (BCAP Code). These codes ensure that gambling advertisements are legal, decent, honest, and truthful.

Social Responsibility: The LCCP includes social responsibility code provisions that require operators to ensure their advertising is socially responsible. This includes not targeting vulnerable individuals, such as children or those with gambling problems.

Misleading Advertising: Operators must avoid misleading advertising. This includes ensuring that all promotional material is clear and not deceptive.

¹⁸ Department for Communities. [Consultation on Article 180A of The Betting, Gaming, Lotteries and Amusements \(Northern Ireland\) Order 1985: Initial Gambling Code of Practice](#). October 2024

¹⁹ Advertising Standards Authority. [Gambling](#). Accessed November 2024

²⁰ Ofcom. [Protections for children using Video Sharing Platform \(VSP\) Twitch](#). March 2024

²¹ Gambling Commission [Operating Licence Conditions and Codes of Practice](#). Accessed November 2024

Promotional Marketing: Specific rules apply to promotional marketing, such as free bets and bonuses. These promotions must be transparent and not misleading.

Enforcement and Penalties: The Gambling Commission has the authority to enforce these conditions and can impose penalties on operators who fail to comply.

2.1.1 Operating Licence Conditions

Section 16 - Responsible placement of digital ads

- Ads must not be targeted at individuals under the age of 18 or other vulnerable groups.
- Operators must ensure that their ads do not appear on websites or platforms primarily aimed at children.
- The content of the ads must not exploit vulnerable individuals or encourage irresponsible gambling behaviour.
- Operators are required to regularly monitor their advertising practices to ensure compliance with these conditions.

2.1.2 Codes of Practice

Ordinary code does not have the same status as operator licence conditions but set out good practice. This means the Gambling Commission can consider any departure from ordinary code in the exercise of its functions (for example, on a licence review), but it cannot lead to a financial penalty.

Ordinary Code: Section 5.1.10 – Online marketing in proximity to information on responsible gambling

Licensees should ensure that no advertising or other marketing information, whether relating to specific offers or to gambling generally, appears on any primary web page/screen, or micro site that provides advice or information on responsible gambling.

Compliance with the social responsibility code is a condition of all licences, except lottery licences. A breach may lead to a Gambling Commission review of an operator's licence and potential suspension, revocation or a financial penalty, exposing the operator to risk of prosecution.

Social Responsibility Code: Section 5.1.6 – Compliance with advertising codes

All marketing of gambling products and services must be undertaken in a socially responsible manner. This means, licensees must comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP). For media not explicitly covered, licensees are expected to “have regard” to the principles included in the codes of practice.

2.2 Watershed on gambling advertisements

In August 2015, the Industry Group for Responsible Gambling²², coordinated by the Betting and Gaming Council, announced that it will no longer advertise gambling sign-up offers on television before 9pm, and as previously discussed, more recent measures include a whistle to whistle ban²³ on advertising around live sport pre-watershed on TV broadcasts.

In Ireland, the Gambling Regulation Act 2024²⁴ section 149 (1), included a 5.30am – 9.00pm watershed on gambling advertising on television and radio broadcasts and a ban on gambling related social media content. In October 2024, the Northern Ireland Assembly All Party Group on Reducing Harm Related to Gambling²⁵ asked for the UK Government to go further and:

... to introduce restrictions on gambling advertising in the UK similar to those in the Republic. This would prevent our children from being

²² IGRG. [Members of Betting and Gaming Council](#). Accessed November 2024

²³ Betting and Gaming Council. [Code of Conduct](#). Accessed November 2024

²⁴ Oireachtas. [Gambling Regulation Act 2024](#)

²⁵ Northern Ireland Assembly [APG on Reducing Harm Related to Gambling](#). October 2024

bombarded with gambling related marketing during sports broadcasts and those already experiencing gambling harm from being targeted by gambling companies on social media.

3 Online Safety Act – Northern Ireland

Online Safety Act 2023

- The Act as a whole extends to Northern Ireland, covering various aspects of online safety.
- Sections 179 to 183 and section 189(1) specifically extend to England, Wales and Northern Ireland.
- The Act introduces new criminal offences related to harmful online content, with penalties applicable in Northern Ireland. This includes imprisonment for up to 6 months or fines for non-compliance.
- Ofcom is responsible for enforcing the Act in Northern Ireland, ensuring that online platforms comply with safety standards.

The majority of the Act is outside the competence of the devolved legislatures as internet services are a reserved matter, with the exception of a small number of provisions where the UK Government sought the consent of the relevant legislatures. The Northern Ireland Assembly was adjourned during the parliamentary passage of the Online Safety Act 2023.

3.1 Summary of implications of Online Safety Act 2023 for Northern Ireland

A summary of the main implications of the Online Safety Act for the advertisement of gambling in Northern Ireland include:

[Ofcom](#) is responsible for enforcing the Act, which includes ensuring that online platforms comply with safety standards for advertising, including gambling ads.

Online platforms must have robust systems in place to manage and mitigate harmful content, including inappropriate gambling advertisements. This means that gambling ads must not target vulnerable groups, such as children.

Platforms are required to be transparent about their advertising practices and ensure that their ads are not misleading or harmful. This includes clear labeling and responsible placement of gambling ads.

Platforms that fail to comply with the regulations can face significant fines and other penalties.

Online gambling ads on social media must be targeted only at users aged 25 and over to protect younger audiences.

The advertisement of remote gambling activities in Northern Ireland must still comply with other relevant regulations and standards set by bodies like the Advertising Standards Authority (ASA).

4 Summary of further considerations

1. Considering the differences in legislation regulating remote and non-remote gambling activities in Northern Ireland, Members may wish to ask Ofcom, the Advertising Standards Authority and DfC officials for clarity on the issues of the regulation of advertising for non-remote gambling activities and the regulation of Northern Ireland-based broadcasters and online promoters of gambling activities.

2. Members may wish to seek further advice on how the frequency and volume of implicit and explicit marketing references to gambling, outside of Betting and Gaming Council²⁶ codes for “whistle to whistle” bans, are being regulated.
3. Members may wish to seek further advice from Departmental officials²⁷, ASA²⁸ and Ofcom²⁹ on considerations of exceptions such as sponsorship and under-25s appearing in gambling advertising at non-remote activities.

²⁶ Betting and Gaming Council. [Code of Practice](#). Accessed November 2024

²⁷ Department for Communities. [Consultation on Article 180A of The Betting, Gaming, Lotteries and Amusements \(Northern Ireland\) Order 1985: Initial Gambling Code of Practice](#). October 2024

²⁸ Advertising Standards Authority. [Gambling](#). Accessed November 2024

²⁹ Ofcom. [Protections for children using Video Sharing Platform \(VSP\) Twitch](#). March 2024