
Regulation of Gambling in Northern Ireland Consultation Document

December 2019

The outcome of this consultation will inform the Department for Communities on the regulation of gambling in Northern Ireland. It will help provide an incoming Minister with a broad evidence base on which to determine the way forward.

Scope of Consultation

TOPIC OF THIS CONSULTATION:

This consultation seeks views about the regulation of gambling in Northern Ireland.

SCOPE OF THIS CONSULTATION:

We are keen to hear the views of all parties with an interest in this issue, so that relevant views and evidence can be taken into account in deciding the way forward.

GEOGRAPHICAL SCOPE:

This consultation relates to Northern Ireland only.

IMPACT ASSESSMENTS:

When introducing new measures or a new or amended strategy, policy, procedure, or legislation, the Department is required to consider the impact the proposals may have on Section 75 groups and to have due regard to rural needs. Where regulation is being proposed, a Regulatory Impact Assessment is also required. This consultation is seeking views on the regulation of gambling rather than putting forward any policy proposals and so the Department has not carried out any screening exercises.

Basic Information

BODY/BODIES RESPONSIBLE FOR THE CONSULTATION:

This consultation is being undertaken
by Social Policy Unit in the
Department for Communities.

www.consultations.nidirect.gov.uk/

DURATION:

This consultation will last for 10 weeks
from 16 December 2019 to 21 February
2020.

ENQUIRIES:

For any enquiries about the consultation
please email the Department at:

**[gamblingconsultation
@communities-ni.gov.uk](mailto:gamblingconsultation@communities-ni.gov.uk)**

or write to:

Regulation of Gambling in
Northern Ireland Consultation
Department for
Communities Social Policy
Unit, Level 8 Causeway
Exchange
1–7 Bedford
Street Belfast,
BT2 7EG

or Telephone: 028 9082 3140

HOW TO RESPOND:

Online: You can respond online by
accessing the consultation documents on
the 'Citizen Space' web service. The online
version can be accessed at the following
link:

EMAIL:

You can also add your comments directly onto this document and email your responses to:

gamblingconsultation@communities-ni.gov.uk or download and post to:

Regulation of Gambling in
Northern Ireland Consultation
Department for
Communities Social
Policy Unit, Level 8
Causeway Exchange
1–7 Bedford
Street Belfast,
BT2 7EG

When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation.

If you are replying on behalf of an organisation please include:

- Your name
- Your position (if applicable)
- The name of your organisation
- An address (including postcode)
- An email address

CONSULTATION RESPONSE:

We will consider the responses received and publish an outcome report on the Departmental website.

In line with good practice and sustainable development this document has been published electronically.

ACCESSIBILITY:

A range of alternative formats are available upon request from this Department.

Please email the Department at:

**gamblingconsultation
@communities-ni.gov.uk**

or write to:

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Northern Ireland Consultation
Department for
Communities Social Policy
Unit, Level 8 Causeway
Exchange
1–7 Bedford
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How we consult

CONSULTATION PRINCIPLES:

This consultation is being conducted in line with the **Fresh Start Agreement – (Appendix F6 – Eight Steps to Good Practice in Public Consultation-Engagement)**. These eight steps give clear guidance to Northern Ireland departments on conducting consultations.

does not adhere to the values expressed in the Eight Steps

FEEDBACK ON THE CONSULTATION PROCESS:

We value your feedback on how well we consult. If you have any comments about the consultation process (as opposed to comments about the issues which are the subject of the consultation), including if you feel that the consultation

to Good Practice in Public
Consultation Engagement or that the
process could be improved, please
address them to:

Regulation of Gambling in
Northern Ireland Consultation
Department for
Communities Social Policy
Unit, Level 8 Causeway
Exchange
1-7 Bedford
Street Belfast,
BT2 7EG

Email: **gamblingconsultation**
@communities-ni.gov.uk

Privacy, Confidentiality and Access to Consultation Responses

For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity may be published. We will remove names, email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice.

Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however all disclosures will be in line

with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679.

If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

DfC is the data controller in respect of any personal data that you provide, and DfC's privacy notice, which gives details of your rights in respect of the handling of your personal data, can be found at: **www.communities-ni.gov.uk/dfc-privacy-notice**

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1. Introduction

- 1.1** A number of evidence sources, including the results of two Northern Ireland gambling prevalence surveys, stakeholder input, an earlier literature review and a previous consultation have informed the development of this consultation paper. Consideration has also been given to the regulatory approaches in Great Britain and the Republic of Ireland.
 - 1.2** The Department accepts that the current legislation is outdated and has not kept pace with industry and technological changes; it is also complex and inflexible.
 - 1.3** The purpose of this consultation is to seek views on the appropriateness of the current legislation and to identify areas of gambling activity which should be included in any future legislation on gambling in Northern Ireland.
 - 1.4** A number of questions have been posed throughout this paper on a range of issues. It will fall to the next administration to make final decisions on gambling reform and promote the necessary legislation.
-

2. Gambling in Northern Ireland

2.1 The law in Northern Ireland

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

The 1985 Order regulates betting in bookmaking offices and on tracks, the use, supply and maintenance of gaming machines, gaming in bingo clubs, small scale amusements with prizes, and local lotteries. It sets out the procedures for the licensing of gambling activities and

the offences and penalties for breaches of associated licensing conditions.

The courts and district councils license gambling activities; the Department is responsible for issuing track-betting licences; and responsibility for enforcement of gambling law lies with the Police Service of Northern Ireland (PSNI).

2.2 Structure of the industry

The gambling industry in Northern Ireland is relatively small when compared to Great Britain. Latest available figures show that 2310 persons are employed in all gambling and betting activities in Northern Ireland.

This figure is broken down as follows:

Male Full Time	Male Part Time	Total Male	Female Full Time	Female Part Time	Total Female	Total (Male and Female)
650	383	1033	644	633	1277	2310

A significant number of people are also employed indirectly in the local gambling industry such as gaming machine suppliers, and in ancillary activities.

Ireland wide gambling prevalence survey of

In the betting sector there are currently approximately 300 licensed bookmaking offices; the majority of these are operated by large chains including Ladbrokes, William Hill, McLeans and Toals. There are 2 horse racing tracks and 2 dog racing tracks licensed for betting.

There are around 40 commercial bingo clubs in Northern Ireland most of which are locally owned. The number of certificates issued for the supply and maintenance of gaming machines is around 40. Gaming machines are operated mainly in amusement arcades and the total number of amusement permits issued for this purpose is around 140. Gaming machines may also be operated (without a separate permit) in bookmaking offices, bingo halls and the bar areas of pubs, hotels and registered clubs.

Around 160 organisations have registered with district councils as societies' lotteries, in which tickets for prizes are sold to the public for good causes.

2.3 Gambling Prevalence Survey

The results of the first Northern

the adult population (aged 16+) were published in 2010; a second survey was subsequently carried out in 2016. The results of these surveys provide a good indication of the nature of the gambling industry here and its impact on society.

The 2016 survey showed that three out of four adults had taken part in some form of gambling within the past 12 months, with the most popular form of gambling being the National Lottery draw (46.8%). The other most popular gambling activities are local raffles and ballots (20.6%), scratch cards (23.7%) and betting with a bookmaker (22.8%). For those who had gambled in the last year, the percentage of respondents using an online method (15.8%) had more than doubled since 2010 (6.7%).

The survey also used an internationally recognised screening tool to measure the level of problem gambling here. It identified 2.3% of the population as having a gambling problem; over four times higher than that recorded in Great Britain. Problem gambling is discussed in more detail in the next chapter of this consultation.

The 2016 survey is available on the Departmental website at

**[www.communities-ni.gov.uk/
publications/2016-northern-ireland-
gambling-prevalence-survey](http://www.communities-ni.gov.uk/publications/2016-northern-ireland-gambling-prevalence-survey)**.

2.4 How does our law compare with Great Britain and the Republic of Ireland?

Great Britain

The Gambling Act 2005 (The 2005 Act) modernised the law in Great Britain, it strengthened regulation by introducing enhanced controls and stricter enforcement measures, and placed more emphasis on social responsibility. It does not encourage or obstruct lawful gambling nor make implicit judgements about the morality underpinning it.

The 2005 Act established an independent body, the Gambling Commission, to advise Government, control and regulate gambling, enforce the law and promote socially responsible gambling in Great Britain; it is accountable to the Department for Digital, Culture, Media and Sport.

The Gambling Commission is responsible for the granting of operating licences (for individuals or companies providing facilities for commercial gambling, including remote gambling) and personal licences (for people performing key management or operating functions in which they could influence the outcome of gambling). The Gambling Commission is pro-active in terms of assessing the suitability of

prospective gambling operators and has extensive powers for this purpose. It may impose

conditions on licences and issue codes of practice on how these conditions can best be achieved. The licensing system which the Gambling Commission oversees is intended to be flexible enough to keep pace with technological developments so that gambling delivered by new, unforeseen methods can be efficiently regulated in the future.

The Gambling Commission is also the main enforcer of gambling law in Great Britain, however the police and licensing authorities also have the power to prosecute. The Gambling Commission has extensive powers to investigate, enter premises, seize goods, prosecute, levy unlimited fines, revoke the licences of gambling operators and their employees who fail to comply with the law, and suspend and void bets.

Republic of Ireland

Gambling in the Republic of Ireland is currently regulated by a number of pieces of legislation including The Gaming and Lotteries Act 1956, the Betting Act 1931 (amended most recently in 2015) and The Totalisator Act 1929. A number of bodies have a role in respect of how it is regulated – Department of Justice and Equality, Department of Finance, Department of Public Expenditure and Reform, Revenue Commissioners, An Garda Síochána, Local Authorities and District Courts.

Work is currently under way to modernise the law in the Republic of Ireland; in March 2019 the Minister of State with special responsibility for gambling regulation, David Stanton TD, announced that the Government had approved the establishment of an Irish gambling regulatory authority.

Establishing the gambling regulatory authority, as an independent statutory body under the auspices of the Department of Justice and Equality, was the key recommendation of the report of the Inter-Departmental Working Group on the Future Licensing and Regulation of Gambling.

If you are replying **on behalf of an organisation** please include: • Your name • Your position (if applicable) • The name of your organisation • An address (including postcode) • An email address

This Consultation response is submitted by Professor Gerry Lynch, Chair of the Royal College of Psychiatrists Northern Ireland & Vice Chair Royal College of Psychiatrists – on behalf of Royal College of Psychiatrists Northern Ireland. We are the professional body for Psychiatrists in Northern Ireland and we have approx. 400 members in Northern Ireland.

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3. The Future of Gambling in Northern Ireland

This chapter asks whether some forms of gambling, which are not currently permitted in Northern Ireland but have become commonplace elsewhere, should now be offered here, and regulated accordingly.

room for which a charge may be

3.1 Casinos

Most countries in the European Union, and many others around the world, provide for commercial casino gaming within their gambling legislation.

In Great Britain there are currently approximately 150 casinos, including 15 in Scotland and 4 in Wales. The current legislation in the Republic of Ireland does not provide for casinos, nevertheless approximately 12 of these establishments are in existence, operating as members clubs.

The legislation currently being drafted in the Republic of Ireland is intended to bring such establishments within the law.

Well known casino games include roulette, blackjack, baccarat and craps (dice). These games all involve playing or staking against a bank (the casino) or playing a game where the chances are not equally favourable to all the players. Equal chance games, such as poker, can also be played in a separate card

made by the casino; gaming machines with high stakes and pay-outs are also usually available.

Current Northern Ireland gambling legislation prohibits high stakes banker games and games of unequal chance in all commercial settings. No provision for casinos was included in the 1985 Order because there was no evidence of any real demand for them in Northern Ireland.

Changing the law to enable casinos to operate in Northern Ireland, was subsequently raised during a consultation exercise in 1997 however there was substantial opposition to such a change and it was not taken forward.

Evidence shows that casinos can bring benefits to regions in terms of jobs, tourist revenue and regeneration; this is particularly so when the casino is developed as part of a wider leisure complex. In recent years, interest has been expressed in developing such a complex in Belfast on a number of occasions, however the inclusion of a casino is seen as a key component of such a development and these proposals have, therefore, not progressed.

Casino type gaming is generally regarded as the hardest form of gambling in terms of dangers to the individual and susceptibility to abuse by criminal elements. Anecdotal evidence suggests that a growing number of premises, which hold amusement permits or bingo licences, in towns across Northern Ireland are now providing casino type gaming. In addition, a number of PSNI operations have been carried out in recent years, including one which saw illegal gaming machines and casino roulette machines seized and which ultimately led to a successful prosecution.

A decision to allow high stakes casino type gaming therefore would have significant implications for the structure of the regulatory framework as it would be necessary for such gaming to be closely supervised by the authorities, as is the case in other jurisdictions.

Should the law be amended so as to permit casinos to operate in Northern Ireland?

Yes ☐ No ☒

3.2 Poker and other gaming in pubs and clubs

In recent years, poker tournaments,

bingo and other equal chance gaming have become a source of entertainment and income for pubs and registered clubs in Great Britain. Such gaming is permitted at these venues subject to strict limits on stakes and prizes and, for some games, charges for participation. These controls are designed to protect both the players and those providing the facilities to ensure that gaming remains ancillary to the main purpose of the pub or club.

The Northern Ireland law on gaming is much more restrictive to the extent that poker or other games cannot be organised commercially in licensed premises and registered clubs here.

The Department is, however, aware that in recent years a number of entertainment events have taken place across Northern Ireland, on premises other than bingo clubs, at which bingo is part of a wider entertainment offering, with music, dancing and alcohol also available. While some of these events appear to be in aid of charitable purposes and therefore may be permitted under current legislation, it is also clear that some are operating for private gain and would therefore appear to be unlawful.

Is the current legislation, which prevents premises licensed to sell alcohol and registered clubs from offering poker, bingo and other equal chance gaming, still appropriate?

Yes ☒

No ☐

If No, how should the legislation be amended?

3.3 Remote (online) gambling

Remote gambling, also known as online gambling, refers to gambling services that rely on a telephone connection

e.g. internet, interactive television and mobile phones; it has become increasingly popular in Northern Ireland

as with elsewhere in the world.

Among those who had gambled in the last year, the percentage of respondents using an online method had more than doubled in the 2016 Northern Ireland Gambling Prevalence Survey (15.8%) when compared with the figure in the 2010 survey (6.7%)

The 1985 Order predates the development of the internet and therefore contains no provisions relating to remote gambling activities, nor does it prevent a Northern Ireland resident from taking part in internet gambling. This consultation will consider two particular issues in respect of remote gambling, namely, the regulation of remote gambling and consumer protection.

to obtain the appropriate licence from the Gambling Commission in order to advertise to, or

3.3.1 Regulation of remote gambling

The 2005 Act regulated remote gambling in Great Britain for the first time and was subsequently amended by the Gambling (Licensing and Advertising) Act 2014. The legislation requires remote gambling operators

carry out transactions with, consumers in Great Britain - this applies to all remote gambling operators, whether they are based in Great Britain or outside it. It is a condition of the licence that operators adhere to social responsibility measures including age verification and self-exclusion.

To deal with unlicensed remote gambling operators, the Gambling Commission has an arrangement with major payment processors, such as Visa, MasterCard and PayPal, who have voluntarily agreed to block transactions between United Kingdom consumers and online gambling sites not licensed by the Commission. Northern Ireland consumers are therefore protected under this arrangement.

The 2014 legislation also made it an offence to advertise remote gambling in Northern Ireland unless the operator holds a remote operating licence from the Gambling Commission. Consumers here are therefore protected by the Licence Conditions and Codes of Practice (LCCP) and social responsibility measures in the same way as consumers in Great Britain.

Remote gambling operators have tended to base themselves overseas for tax reasons and it is therefore considered unlikely that an operator would seek to establish their operations in Northern Ireland.

Is it necessary to introduce additional, Northern Ireland specific, licensing and regulatory measures with respect to remote gambling operators?

Yes ☐

No ☐

If Yes, how should the legislation be amended?

Northern Ireland falls outside of the remit of the Gambling Commission which has been criticised for inadequately protecting problem gamblers. Insufficient information has been provided to recommend a bespoke solution for Northern Ireland.

3.3.2 Consumer Protection

The Gambling Commission does not resolve consumer complaints, for example, it does not assist individuals in getting money back from a bet placed or from playing poker or casino games online. The Commission's role is as a licensing and regulatory authority. When brought to its attention, it may investigate issues such as non-compliance with licence conditions and, where necessary, take regulatory action.

However, a significant degree of protection for online consumers is provided by the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), which require operators to

meet certain standards when handling complaints, and to offer dispute resolution by an independent third party or ADR (Alternative Dispute Resolution) provider—one such ADR body is **IBAS** (Independent Betting Adjudication Service). Consumers in Northern Ireland can avail of these complaints procedures in the same way as any other consumer.

Are the current consumer protection measures available to Northern Ireland consumers when gambling online sufficient?

Yes ☐

No ☒

If No, what additional measures could be introduced?

There are insufficient safeguards to ensure age verification, recognition and exclusion of problem gamblers and stopping inducements to gamble. A detailed response would require input from experts in this area, including service users.

3.4 Opening hours of bookmaking offices and commercial bingo clubs

The 1985 Order prohibits the opening of bookmaking offices and commercial bingo clubs on Sundays, Christmas Day and Good Friday. Sunday opening is already available in bookmaking offices and bingo clubs in the rest of the United Kingdom and in the Republic of Ireland.

Many opportunities to gamble in Northern Ireland on Sunday already exist, for example betting at a race track, at gaming machines in amusement arcades, pubs, hotels and clubs, on the National Lottery and via remote means.

In recognition of the fact that the issue of working on a Sunday evokes strong opinions, the current legislation includes protections for those who do not wish to work on a Sunday in the on-course sector of the bookmaking industry.

In recent years there has been a significant increase in the number of Sunday events that attract a betting audience, particularly sporting activities. Local bookmakers and bingo club owners believe the current law

has not created a level playing field and are pressing for it to be amended. Amending the legislation would provide a legitimate route for those currently said to be betting through illegal bookmakers in pubs and clubs particularly on Sundays, ensuring that gambling activities are undertaken in a controlled and regulated environment.

Is the current legislation in respect of the opening of bookmaking offices still appropriate?

Yes ☐ No ☐

If No, please choose one of the following:

I think the opening hours should be restricted further ☐

How should they be restricted?

Please explain on page 21

I think bookmaking offices should also be permitted to open:

on Sundays?

Yes ☐ No ☐

on Good Friday?

Yes ☐ No ☐

on Christmas day?

Yes ☐ No ☐

The Royal College of Psychiatrists Northern Ireland does not support any extension of the usual opening hours of bookmaking offices and commercial bingo clubs, but does not take a view on whether bookmaking offices should be open on Sundays or religious festivals.

Is the current legislation in respect of the opening of commercial bingo clubs still appropriate?

Yes ☐ No ☐

If No, please choose one of the below

I think the opening hours should be restricted further ☐

How should they be restricted?

Please explain on page 22

I think commercial bingo clubs should also be permitted to open: on Sundays?

Yes ☐ No ☐

on Good Friday?

Yes ☐ No ☐

on Christmas day?

Yes ☐ No ☐

The Royal College of Psychiatrists Northern Ireland does not support any change to the usual opening hours of commercial bingo clubs but does not take a view on whether commercial bingo clubs should open on Sundays or religious festivals.

Currently it does appear that a limited number of bingo clubs do open on Sundays.

3.5 Demand test

to stifle competition.

Before a court grants a new premises licence to a bookmaking office or bingo club it must be satisfied that provision in a particular area is inadequate to meet current local demand – the “demand test”. This was also a feature of the law in Great Britain prior to the 2005 Act. There is an argument for retaining the test so as to avoid the proliferation of gambling premises in a particular area, taking full account of all relevant local issues in this regard. On the other hand it could be argued that market forces and a robust licensing framework should keep premises to manageable numbers - it is not the purpose of regulation

Is the current 'demand test' for new bookmaking offices still necessary? Yes ☒ No ☐

Is the current 'demand test' for new bingo clubs still necessary? Yes ☒ No ☐

3.6 Residency and incorporation requirements

The 1985 Order requires an applicant for a bookmaker's licence, a bingo club licence, a gaming machine certificate or permit, or a lottery certificate to be ordinarily resident in Northern Ireland for at least 12 months prior to the date of application. Companies must be

incorporated under Northern Ireland companies law and directors of such companies must, in addition, fulfil the same residency conditions. A company intending to apply for an amusement or pleasure permit, must also be incorporated under Northern Ireland companies law but directors are not required to fulfil residency requirements.

Are the current conditions in respect of residency and incorporation for those wishing to enter the Northern Ireland gambling market still appropriate?

Yes **X** ☐

No ☐

If No, how should the current conditions be amended?

3.7 Age requirements for gambling operators

21 is the lower age limit under the 1985 Order for holders of a bookmaker's licence, bingo club licence, gaming machine certificate or permit, or lottery certificate. In the case of companies, the 21 age limit also applies to directors. There are no age restrictions for amusement or pleasure permits.

Under the law in Great Britain, licences are subject to a lower age limit of 18.

Are the current age restrictions in respect of the grant of a bookmaker's licence, bingo club licence, gaming machine certificate or permit or lottery certificate still appropriate?

Yes ☒ No ☐

If No, how should the current conditions be amended?

3.8 Advertising

There are various restrictions on the advertising of gambling in the 1985 Order. As the law here is largely premises based the restrictions tend to reflect this, for example, 'hard copy' advertising of bookmaking offices is allowed but the advertising of offices in other forms such as broadcast advertising is prohibited. Also, the advertising of premises in which gaming takes place is prohibited other than for specified exemptions e.g. bingo and gaming machines in arcades.

The 2005 Act has given broadcasters and publishers based in Great Britain considerably greater freedom to advertise gambling. The new rules in Great Britain mean that it is possible to

advertise gaming, betting and lotteries through a variety of media including television and radio; advertising of gambling through online means is also widespread, for example, through social media and email.

All media advertising is regulated by the Advertising Standards Authority (ASA) based on codes written by the Committee of Advertising Practice (CAP); these codes apply across the United Kingdom.

Is the current law in respect of advertising of gambling in Northern Ireland still appropriate?

Yes ☐

No ☒

If No, please choose one of the following

**Further restrictions should
be introduced** ☒

What additional restrictions
should be introduced? **Please
explain**

**The current restrictions should
be eased** ☐

How should the current
restrictions be eased? **Please
explain**

**There should be full alignment with the
law in Great Britain in respect of the
advertising of gambling** ☐

The advertising of gambling sites across the variety of media outlets should be reviewed and should carry stronger warnings about the risks of problem gambling.

3.9 Prize competitions

Northern Ireland law does not permit any commercially organised prize competition which involves forecasting the result of an event, or in which success does not depend to a substantial degree on the exercise of skill.

Commonly used as a sales promotion or marketing device, a commercial prize competition or draw which does not meet the “skill” requirement may still be lawful as long as there is a free method of entry.

Promotional prize draws whereby a person must buy a particular product or service e.g. a chocolate bar or a magazine, or have a particular bank account (such as for the Halifax Savers Prize Draw), in order to have a chance to win a prize are not considered free draws under the 1985 Order and are therefore unlawful in Northern Ireland.

In Great Britain, the purchase of a particular product or service as a requirement for entry to a prize draw is not regarded as payment to enter the competition so long as the price of the goods or services does not contain any additional cost which reflects the opportunity to participate in the competition.

In order to comply with Northern Ireland law, companies promoting UK-wide prize competitions associated with the purchase of a product/service must either exclude Northern Ireland from their competitions, offer a free entry route to Northern Ireland participants or offer a free entry route throughout the United Kingdom.

Should the current law in respect of promotional prize competitions and draws in Northern Ireland be amended to reflect that which exists in Great Britain?

Yes ☒ No ☐

3.10 Protection of children

There are a range of measures currently in place in Northern Ireland to protect children and young people from gambling. Under-18s are prohibited from engaging in betting transactions and are not permitted to enter a licensed bookmaking office. Under-18s may not participate in bingo in a licensed bingo club but there are no restrictions on under-18s being in such a club. No ticket or chance to win a prize in a society's lottery may be bought by or sold to anyone under the age of 16. There are, however, no restrictions in the 1985 Order specifically on the use of gaming machines by under-18s.

While there are no restrictions on the use of gaming machines, there are barriers to access to the higher value prize machines by under-18s. For example, under-18s

are not permitted in areas of amusement arcades with £25 prize machines.

In terms of premises licensed to sell alcohol, under-18s are only permitted in the bar where a children's certificate is in place and where they are accompanied by an adult.

In Great Britain, the 2005 Act established a number of offences concerning underage gambling; this included inviting, causing or permitting a child or young person to gamble on any gaming machine other than the lowest Category D machines.

Do you believe that other specific measures should be introduced to help protect children?

Yes ☒ **No** ☐

If Yes, what measures should be introduced?

There are serious concerns that young people under 18 are able to access online gambling sites which have poor age verification procedures or otherwise fail to carry out due diligence in excluding under-18s. Worryingly, some gambling sites seem to have been specifically designed to appeal to young people.

The National Lottery scratchcard minimum age is just 16 years old - which is a concern as instant win games are more likely to be associated with problem gambling.

The UK Government is currently considering the results of a consultation which ran from 16.07.19 to 08.10.19 on the minimum age for playing National Lottery games and which set out three options:-

1. No change to the minimum age of 16 for all National Lottery games
2. Raise the minimum age to 18 for National Lottery instant wins games (i.e scratchcards and online instant win games).
3. Raise the minimum age to 18 for all National Lottery games

Option 2 seems to be the UK Government's preferred option and should be considered in Northern Ireland.

Do you believe that specific offences should be created in relation to causing or permitting an under-18 to gamble using certain gaming machines?

Yes **X** ☐

No ☐

community services, such as Gamblers Anonymous, Addiction NI, GamCare and Dunlewey Addiction Service.

3.11 Problem gambling – research, education and treatment

As previously highlighted, the 2016 Northern Ireland Gambling Prevalence Survey found that over 2% of people in Northern Ireland aged 16 and over has a gambling problem. 'Problem gambling' is gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits.

Health issues arising from problem gambling are not the responsibility of the Department for Communities. There are no gambling specific services commissioned by the Health and Social Care Board. However, someone with a mental health issue, such as, anxiety or depression arising from the consequences of gambling would receive appropriate help for that condition in the same way it is available to anyone else in Northern Ireland, based on clinical assessment, clinical need and in line with the Regional Mental Health Care Pathway. Patients requiring specific gambling support are directed towards

The 24/7 Lifeline service is also available for anyone in crisis or despair.

There are no provisions within the 1985 Order which require the gambling industry in Northern Ireland to make any contribution to funding support services for problem gambling, however, the Department is aware that some gambling providers do contribute funding to local support organisations on a voluntary basis.

In Great Britain, under the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), all licensed gambling businesses make a contribution towards research, education and treatment of problem gamblers. Fundraising targets for the gambling industry are agreed by the Commission with the government and with the **Advisory Board for Safer Gambling**.

While the Commission highlights the work of **GambleAware**, they do not insist that they are the beneficiary of contributions nor do they seek to tell licensees how much their contribution should be.

The 2005 Act also contains provisions which would allow the government to impose a statutory levy upon industry; the levy would be paid to the Gambling

Commission and is specifically intended for alleviating problem gambling.

Following criticism in respect of the level of contributions which the industry make, the Advisory Board for Safer Gambling has called for the introduction of such a levy in Great Britain.

Do you believe that the Northern Ireland gambling industry should help fund research, education and treatment of problem gamblers?

Yes **X** No ☐

Do you believe that a power should be taken to impose a statutory levy on the Northern Ireland gambling industry?

Yes **X** No ☐

4. Sector Specific Issues

The main activities permitted under the 1985 Order relate to the following sectors; betting, commercial bingo clubs, gaming machines and lotteries (other than the National Lottery). This chapter looks at issues that are particular to each sector and seeks views in respect of possible amendments to the legislation in the future.

outcome. There are no odds involved; each winner's payoff depends simply on the number of gamblers and the number of

In considering the following issues, the reader may find it helpful to refer to the Department's information leaflets on the law on bingo, gaming machines and lotteries, which are available on the Departmental website at **www.communities-ni.gov.uk/topics/dsd-law-and-legislation/social-law**.

4.1 Betting

4.1.1 Existing law

The existing law on betting and related matters is contained in Part II of the 1985 Order and includes provision for general restrictions on betting, the licensing of bookmakers and their offices, the licensing of horse and greyhound tracks for betting purposes, pool betting and the conduct of licensed tracks.

4.1.2 Pool betting in bookmakers offices

Pool betting is a form of betting where gamblers pay a fixed price into a pool then make a selection on the

winners. There is a general prohibition on pool betting in Northern Ireland except by means of a totalisator (tote) on a licensed track, a totalisator is a computer that registers bets and divides the total amount bet among those who won. It is understood to have become common practice for local bookmakers to allow pool betting, such as Tote Direct, within their offices, in line with High Street bookmakers in Great Britain and the Republic of Ireland.

Should the law be amended so as to permit pool betting in bookmaking offices?

Yes ☒ No ☐

4.1.3 Enforcement of gambling contracts

The 1985 Order provides that any contract involving gambling is void and no legal action should be taken to recover any money won or paid on a wager. In Great Britain, contracts made for gambling purposes are treated similarly 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. However, the Gambling Commission has the power to void betting contracts in certain circumstances, for example if it is satisfied that a bet was substantially unfair.

Do you believe that gambling contracts should be legally enforceable?

Yes ☐

No ☒

4.1.4 Cheating

The 1985 Order contains an offence to cheat with respect to gambling, however this only applies when someone actually wins through cheating; a person who cheats and does not win money from another person is not guilty of an offence.

In Great Britain the 2005 Act makes it a criminal offence to cheat at gambling irrespective of whether or not the person actually wins anything as a result of the cheating, or whether the cheating

has the effect of improving the cheat's chances of winning. This means that an 'incompetent' cheat, or one who cheats for another person's benefit, will still commit an offence.

Do you believe that the law should be amended so that those who cheat at gambling commit an offence, regardless of whether or not they are successful?

Yes ☒

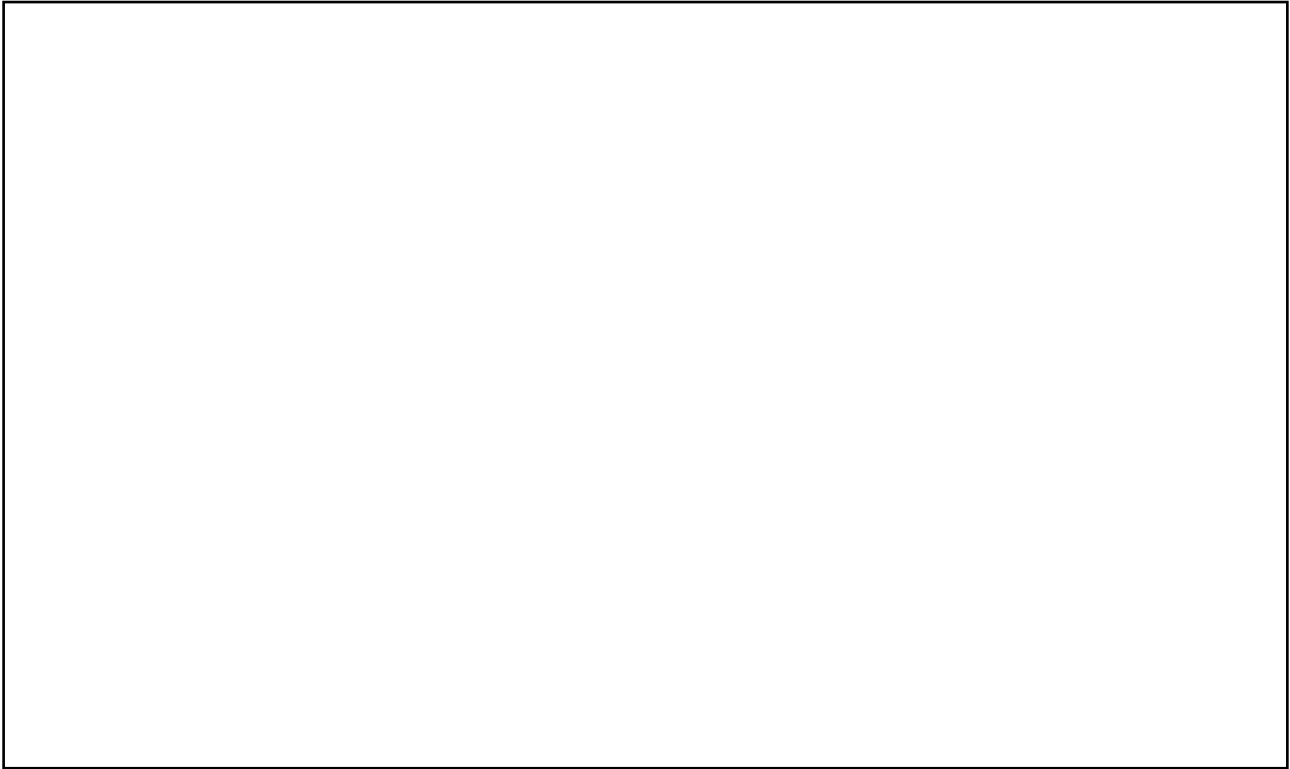
No ☐

Do you have any other comments in respect of betting?

Yes ☐

No ☐

If Yes, please provide details



4.2 Commercial Bingo Clubs

4.2.1 Existing law

The existing law on commercial bingo is contained in Part III of the 1985 Order.

4.2.2 Prize gaming in bingo clubs – stakes and prizes limits

The current monetary limits on prize gaming are:

- the maximum stake for one chance to win a prize is 50p
- the total amount taken for the sale of chances and the total value of prizes in a single game must not exceed £120
- the maximum monetary prize is £25

The prize limits in bingo clubs in Great Britain are:

- the maximum payment for one chance to win a prize is £1
- the maximum monetary prize is £100 (where no persons under 18 are permitted on the premises at any time when the game is being played; and £70 in all other cases)

Should the law be amended so as to increase the prize gaming monetary limits in bingo clubs?

Yes ☐

No ☒

4.2.3 Monetary controls on the playing of bingo in a licensed bingo club

There is a range of conditions and monetary restrictions that apply to playing bingo in a licensed bingo club. It must be equal chance gaming and no levy may be charged on stakes or winnings. There is no limit on the size of stakes but these must be returned to players in full as winnings, less any bingo duty payable. The total amount paid out in prizes in any week must not exceed the amounts staked by the players by more than £10,000 and all prizes must be in cash. Club owners may make a charge, not exceeding £10 per day, for admission and a charge not exceeding £5 for each chance in playing the game. Games of linked bingo - bingo played across multiple premises - in licensed bingo clubs are permitted subject to certain monetary limits.

In recent years there has been very significant deregulation of bingo clubs in Great Britain to the extent that there are no monetary controls on the playing of bingo games. Also, rollovers similar to those in the National Lottery are now permitted in Great Britain. As bingo is widely regarded as a soft form of gambling, and given the social framework within which it is played in Northern Ireland, it is

argued that there should be no
statutory limits
here on participation charges and
prize

limits. Instead it is considered that the market should determine these limits. A decision to remove these restrictions would mean the end of the principle that prize money must only come from stake money. It could create the potential for ‘rollovers’ whereby some of the stake money could be retained to offer jackpot rollover prizes.

Should the law be amended with respect to the monetary controls on bingo club games?

Yes ☐ No ☒

Should rollovers be permitted?

Yes ☐ No ☒

4.2.4 Membership requirement

At present only eligible members (for whom at least 24 hours have elapsed since applying for membership) and their guests may participate in bingo in a licensed bingo club. This rule is generally considered to be out-of-date and an unnecessary bureaucratic burden on both players and club owners.

Should the law be amended so as to abolish the 24 hour membership requirement?

Yes ☒ No ☐

Do you have any other comments in respect of commercial bingo clubs?

Yes ☐ No ☐

If Yes, please provide details

Bingo is “widely regarded as a soft form of gambling” which is often played within a very clear social framework.” This description is in part linked to the very modest playing costs and prizes offered at bingo sessions in Northern Ireland. By raising player costs and introducing higher prizes with potential rollovers there is a risk that bingo may attract more problem gamblers rather than clients who play small stakes games with friends and family for entertainment.

4.3 Gaming Machines

4.3.1 Existing law

There are three types of gaming machine permitted under current Northern Ireland legislation:

- jackpot machines (£250 prize/50p stake) mainly used in registered clubs
- two types of smaller prize machines, usually referred to as 'higher' (£25 prize/30p stake) and 'lower' (£8 prize/30p stake) amusement with prizes (AWP) machines

A full list of the gaming machine categories for Northern Ireland can be found at **Annex A**, the categories for Great Britain are also provided.

The existing law on gaming by way of a gaming machine is contained in Part III of the 1985 Order. Anyone who wishes to supply or maintain gaming machines must obtain a gaming machine certificate or permit (for one machine) from a court authorising him to do so. The most common premises for the playing of gaming machines are amusement arcades and operating permits for these are granted by local councils. Gaming machines may also be played (without the need for a separate permit) in commercial bingo clubs, bookmaking offices, the bar areas of

pubs and hotels, and in registered clubs. Gaming machines – including jackpot machines – may be used as an incidental

attraction at fundraising social events such as fetes and dinners on a not for private profit basis. For gaming machines used as an incidental attraction at such entertainments, there are no statutory limits on the number of machines, stakes or prizes. In addition, 'lower prize' AWP machines may be used at travelling showmen's pleasure fairs.

Should gaming machines – including jackpot machines - continue to be permitted to operate as an incidental attraction at entertainments such as fetes, sales of work, etc provided the entertainments are not run for private gain?

Yes ☒ No ☐

Should "lower prize" gaming machines continue to be permitted to operate at travelling showmen's pleasure fairs?

Yes ☒ No ☐

4.3.2 Definition of a gaming

machine The current definition for a gaming machine, set out in Part I of the 1985 Order is as follows:

any machine which:

(a) is constructed or adapted for playing a game of chance by means of it; and

(b) has a slot or other aperture for the insertion of money in the form of cash or tokens

In 2003, machines for use in casinos, amusement arcades and bingo clubs began appearing in Great Britain offering traditional casino games, usually roulette; these machines were subsequently introduced in Northern Ireland.

Their introduction took advantage of a loophole in the gambling law in both jurisdictions. It was argued that by locating the random number generator (which determined the outcome of the game) separate from the machine itself, the machine did not fall within the definition of a gaming machine.

In Great Britain, this loophole was closed by the 2005 Act, which set out a new definition for a gaming machine. Automated Roulette Machines and the Fixed Odds Betting Terminals (FOBTs) found in bookmaking offices, which have similar characteristics, are clearly treated as gaming machines and regulated as such.

The revised definition for a gaming machine in Great Britain also meant that a range of machines such as 'crane grabs', 'coin pushers' and 'penny falls' type machines, traditionally considered as skill machines, are now regulated as gaming machines.

In both Great Britain and Northern Ireland, machines where the outcome is determined by the exercise of skill

(skill machines), for example quiz machines, are not considered to be gaming machines.

Should the definition of a gaming machine be amended to reflect the variety of machines which now exist?

Yes ☒

No ☐

4.3.3 Gaming machine technical standards

The regulatory regime in Great Britain incorporates technical standards for the operation of gaming machines with respect to game features such as speed of play, display notices and general machine operation; the 1985 Order contains no provisions on any of these features.

A significant proportion of gaming machines in Northern Ireland are manufactured and meet the legal requirements in Great Britain, however the current lack of technical standards here means there is no way to ensure that machines are operated in a fair and open way.

Should the gaming machine technical standards that exist in Great Britain be adopted here?

Yes ☒

No ☐

and penny falls.

4.3.4 Increases in current stakes and prizes limits

Stakes and prizes levels in Northern Ireland are lower than those permitted in Great Britain. In Northern Ireland registered clubs may operate 'jackpot' machines with a maximum £250 prize for a 50 pence stake. The equivalent machine in Great Britain, the Category B4, has a maximum stake of £2 and a maximum prize of £400.

Adult areas of amusement arcades may operate the 'higher prize' £25 prize AWP machines for a 30 pence stake. These machines may also be operated in bookmaking offices, commercial bingo clubs and the bar areas of public houses and licensed hotels. The closest equivalent to these machines in Great Britain are Category C machines, these have a maximum stake of £1 and a maximum prize of £100.

The 'lower prize' AWP machines with an £8 prize (30 pence stake) may be used in amusement arcades, commercial bingo clubs and travelling showmen's pleasure fairs. These would fall within the Category D classification of machines in Great Britain, although Category D comprises a range of other machines including crane grabs, coin pushers

Generally speaking, permitted gaming machine stakes and prizes here are significantly lower than those allowed in Great Britain. The regime in Great Britain provides machine gaming ranging from machines with a £5 prize for a 30 pence stake (Category D) to those with unlimited stakes and pay-outs (Category A machines).

Stakes and prizes levels in Great Britain have generally been reviewed on a three yearly basis and can be readily adjusted through secondary legislation; the monetary limits in Northern Ireland have remained unchanged since 2003.

Operators are strongly of the view that monetary limit parity with Great Britain is essential to the viability of the Northern Ireland gambling industry; the differences in the stakes and prizes limits also present significant issues to the industry in sourcing new machines.

Should the law be amended so as to increase gaming machine stakes and prizes limits in line with the corresponding limits in Great Britain?

Yes ☐

No ☒

4.3.5 Payment methods for machine gaming

The 1985 Order only permits the use of coins for the operation of gaming

machines. Industry here have for some time sought a change to the law to permit the use of ‘note acceptors’ – such a change would be particularly necessary if the increases in stakes and prizes discussed earlier in this section were to be introduced. Modern gaming machines in Great Britain use a variety of payment methods, including ‘note acceptors’, a TITO (ticket-in, ticket-out) method or an operator-provided app- based digital wallet.

as they are simply a medium by which a contactless card payment is

In Great Britain, however, there also exists, through Regulations and the Licence Conditions and Codes of Practice (LCCP), measures intended to prevent consumers from spending more than they can afford and ensure consumers make regular decisions as to how much money they wish to commit to play a machine. There are also prescribed limits on the amount an individual can deposit onto a gaming machine in any single action.

In practice this means that the use of debit and credit cards for payments to play machines is prohibited; in addition, contactless mobile payment systems such as Apple Pay or Android Pay are regarded by the Gambling Commission as the same as payments to use a gaming machine by means of a card itself

made. TITO methods and operator provided app-based digital wallets are permitted but must adhere to the prescribed limits with respect to depositing funds.

Should gaming machines be able to accept stakes and pay out prizes in forms other than coins?

Yes ☒ No ☐

If Yes, please select from below

Banknotes

Yes ☒ No ☐

Ticket-in/ Ticket

Out Yes ☐

No ☐

Debit/credit cards

Yes ☐ No ☒

Operator proved digital

wallets Yes ☐ No ☒

Other

4.3.6 High-stake high-prize machine gaming (jackpot machines) in licensed gambling premises

In Great Britain, adult only amusement arcades, bookmaking offices, bingo clubs and registered clubs may operate machines with stakes of up to £2 and jackpots of up to £500. There are limits

on the number of such machines that may be run in conjunction with lower value machines and operators must adhere to the relevant licensing codes of practice. Current legislation here only permits jackpot machines, though with lower stakes than in Great Britain, in registered clubs.

Should higher stakes and prizes jackpot machines be permitted in bookmaking offices, bingo clubs and amusement arcades where entry is restricted to those aged 18 and over?

Yes ☐ No ☒

4.3.7 The number of gaming machines permitted in certain premises

At present, a registered club may have up to three gaming machines regardless of the size of the membership or the club premises; this is also the case in Great Britain. The sector has previously suggested that the number of permitted machines should be linked to the size of the club and its membership, up to a maximum of five machines.

Bookmaking offices are currently permitted two machines, in Great Britain the limit was increased to four machines. In practice however, because the legal status of Fixed Odds Betting Terminals is currently unclear in Northern Ireland, many bookmaking offices have as many as four FOBTs as well as two gaming machines.

Should the law be amended so that the number of gaming machines permitted in a registered club is related to the size of its membership?

Yes ☒ No ☐

Should the law be amended with respect to the number of gaming machines permitted in a bookmaking office?

Yes ☐ No ☐

If Yes, how many gaming machines should be permitted in bookmaking offices?

0 ☐

1 ☐

3 ☐

4 ☐

More than 4

Do you have any other comments in respect of gaming machines?

Yes ☐ **No** ☐

If Yes, please provide details

4.4 Lotteries

sweepstakes in work places and small- scale, fund-raising ballots by societies)

4.4.1 Existing law

The existing law on lotteries is contained in Part IV of the 1985 Order; under the 1985 Order all lotteries are unlawful unless they are:

- small lotteries ancillary to an exempt entertainment (e.g. at a charitable bazaar, sale of work, fete, dinner, dance, or at a sporting event)
- private lotteries (e.g. traditional

-
- societies' lotteries or
 - part of the National Lottery

Societies' lotteries involve the sale of tickets or chances (to win a prize) to the general public by clubs, associations, institutions etc., in support of 'good causes' and these will be the main focus of this part of the consultation.

Should you wish to make any comment with respect to Private Lotteries or Small Lotteries, these would also be welcome and can be included within your

response to the final question of this lotteries section. The National Lottery is controlled by Westminster legislation, the National Lottery etc. Act 1993, and will not therefore be considered within this consultation.

efforts.

A **leaflet** is available on the Department for Communities website which provides further details in respect of the other lotteries mentioned above.

4.4.2 Monetary limits on stakes and prizes for societies' lotteries

At present, the maximum price of a ticket or chance to participate in a society's lottery is £1 and no prize may exceed £25,000 (in amount or value) or 10% of proceeds, whichever is greater. No more than 50% of the proceeds of a lottery may be used to provide prizes. The total value of tickets or chances sold in any one lottery must not exceed £80,000. The total value of tickets or chances sold in all the lotteries promoted by one society in any year must not exceed £1m. These limits have remained unchanged for many years and local charities feel they are too restrictive. In particular, the maximum face value of £1 per ticket means that charities cannot run raffles with attractive prizes. The limit of £80,000 which can be raised from ticket sales in any one raffle is also said to be hampering fund raising

The current legislation also requires that each chance in a lottery must have the same price, in effect this means that the common practice of selling, for example, a book of 6 tickets for £5 where each ticket costs £1 is not legal.

In Great Britain, the £1 stake limit for societies' lotteries has been removed, but the price of every chance in the same lottery must be equal. The rationale for removing the stake limit in Great Britain was that lottery promoters were better placed to judge what the market may withstand. The maximum prize limit is £25,000 or 10% of proceeds, whichever is greater (up to a maximum of £400,000). Ticket sales of up to £4m for an individual lottery are permitted but annual proceeds by one society must not exceed £10m.

Rollovers are becoming increasingly common in societies' lotteries, a rollover occurs where a prize that has not been allocated in one lottery is added to prizes available for allocation in a subsequent lottery, thereby providing a bigger jackpot. Following the 2005 Act, society lotteries in Great Britain are permitted to have rollovers provided the maximum single prize limit is not breached; the 1985 Order does not make explicit provision for rollovers.

Should the law be amended so as to remove the £1 stake limit on society lottery tickets?

Yes ☐ **x** No ☐

If Yes, what limit, if any, would be appropriate

£2 ☐

£5 ☐

£10 **x**

Other amount

No limit ☐

(exclusive of prizes) is:

Should the principle that the price of every chance in the same lottery must be the same be retained?

Yes **x** No ☐

Should the current limits on proceeds (ticket sales) from an individual lottery and the total amount per society in any year be increased to reflect those in Great Britain?

Yes ☐ No **x**

Should the legislation in Northern Ireland be amended to reflect the law in Great Britain on lottery rollovers?

Yes **x** No ☐

4.4.3 Deduction of expenses

At present, the amount of a society lottery's proceeds which may be deducted to meet expenses

-
- where the total proceeds are £10,000 or less, no more than 20% of the total
 - where the total proceeds are more than £10,000, no more than 15% of the total
 - in each case the expenses actually incurred, if less

Should the law be amended so that the proportion which can be deducted for expenses is the same, regardless of the amount of total proceeds?

Yes ☐ No ☐

Should the law be amended so as to permit a greater proportion of the proceeds to be used for expenses?

Yes ☐ No ☐

4.4.4 The use of the internet for the sale of lottery tickets

In recent years the Department has become aware of a considerable growth in the numbers of society lotteries, raffles or draws being promoted online, by charitable organisations, sporting clubs and organisations. In the majority of these promotions, tickets for the lottery or draw are sold and paid for online.

The 1985 Order makes no reference to the provision of gambling services on the internet nor do any subsequent regulations or amendments to the Order deal directly with online

gambling. Regulation 6 of the Lottery Regulations (Northern Ireland) 1994, however, prohibits the sale of any ticket or chance in a society lottery by means of a “machine”. Article 2(2) of the 1985 Order says that, ““machine” includes any apparatus”.

In Great Britain the legislation preventing the sale of society lottery tickets by machine was repealed by the 2005 Act; in addition, National Lottery legislation also allows for the sale of

chances by way of the internet.

Should the law be amended so as to permit the use of the internet in the sale of lottery tickets?

Yes ☒

No ☐

Do you have any other comments in respect of lotteries?

Yes ☐

No ☐

If Yes, please provide details

5. Licensing, Enforcement and Regulation

This chapter looks at current licensing and enforcement arrangements and seeks views as to whether and how this might be amended going forward. The potential for a regulator to be introduced, and how it might function will also be considered.

- the registration of clubs (clubs registered under the 1985 Order are

5.1 Current licensing arrangements

Licensing responsibilities under the 1985 Order currently rest with the courts, district councils and the Department. Courts are responsible for granting:

- bookmakers' licences which authorise the holder to carry on a business or act as a bookmaker
 - bookmaking office licences which authorise the holder to carry on business as a bookmaker in the relevant premises
 - bingo club licences which authorise gaming (including bingo and gaming for prizes) and subject to a direction by the licensing court, the operation of gaming machines in the relevant premises
 - gaming machine certificates or permits which authorise the holder to supply and maintain gaming machines
 - lottery certificates which authorise the holders to act as lottery consultants or managers
-

permitted to have up to 3 “Jackpot” type machines with a maximum stake of 50p and maximum prize of £250).

District councils are responsible for granting:

- amusement permits which authorise the operation of gaming machines and amusements with prizes in arcades and similar premises
- pleasure permits which authorise amusements with prizes (but not gaming machines)
- the registration of societies for societies’ lotteries purposes

The Department is responsible for granting:

- track betting licences which authorise betting (bookmaking and totalisator betting) on the relevant horse or dog tracks

Currently, licensing procedures include a requirement for licensing authorities to make an assessment of the suitability of prospective gambling operators to be granted a licence. In practice the general system relies heavily on the consideration of objections from organisations such as the PSNI, as opposed to active investigation by the licensing authorities.

5.1.1 Duration of licences

With the exception of track betting licences, which run for seven years, licences, certificates, and permits granted under the 1985 Order are renewable annually.

In Great Britain, gambling licences are generally open-ended although licensees are usually required to make a contribution annually towards the cost of the licensing system. In terms of better regulation principles it could be argued that the requirement for businesses to make a formal application to renew their licence annually is overly bureaucratic and expensive. However, there are those who would argue that the risk of not having a licence renewed serves to maintain standards in the industry.

The Department's examination of the licensing system indicates a fairly 'settled' industry with few objections to the annual renewal of licences and it may therefore be appropriate to consider a longer licensing cycle; this

must be balanced however against the need to ensure that appropriate safeguards are in place to enable licences to be suspended or revoked where it is deemed necessary.

Is the current duration of licences appropriate?

Yes ☐

No ☒

If no, please select one of the below

3 years

☒

5 years

☐

Open ended

☐

Unsure

☐

5.2 Enforcement

The PSNI is responsible for the enforcement of all parts of the legislation. In the past it has expressed the firm view that enforcement of the gambling law is mainly a social and revenue matter and wish to see responsibility transfer to a more appropriate agency.

Do you believe that the PSNI is the most appropriate agency to enforce the law?

Yes ☒

No ☐

If no, please
provide details

5.3 Future regulatory framework for Northern Ireland

Earlier chapters of this consultation have focussed on a number of elements of the current gambling law and sought views as to whether change is necessary. A decision to permit harder forms of gambling here, such as casinos, would have implications in terms of how the industry is regulated.

Previous engagement with stakeholders showed no common

view about an appropriate regulatory framework

with some favouring an independent regulator or gaming board while others saw merit in retaining the existing mainly court based licensing system with police enforcement.

Determining the appropriate way forward in respect of the regulatory framework will be determined by what changes to the law an incoming Minister wishes to make and this consultation does not therefore seek to explore this matter in great depth.

It is however useful to outline some of the variety of approaches which might be taken once a Minister has made the position clearer.

- **Continue the current position (No regulatory body) -**
Successive Northern Ireland administrations have taken the view that since large-scale commercial gaming is not permitted here, the necessary scrutiny and regulatory functions can be discharged satisfactorily by existing agencies
- **Establish an independent body –**
In recent years there has been a move towards independent regulation of licensing and enforcement activities across most European states and beyond; an example of this is the Gambling Commission in Great Britain
- **Government regulator -**
Establish a new gambling regulator's office within a Government Department to undertake particular regulatory functions

- **An existing regulatory body –**
Another potential option would be to seek the support of another regulator to carry out the regulatory functions required in Northern Ireland. It is expected that such a body would need to have experience in either the regulation of gambling or of a related subject, one such example might be the Gambling Commission

Do you believe that there is a need for a regulatory body for gambling?

Yes ☒ No ☐

If Yes, which, if any, of the following options do you think would be most appropriate for Northern Ireland?

- An independent body** ☐
Government regulator ☐
An existing regulatory body ☐
Don't know / No strong view ☐

**Do you have any other comments
in respect of the licensing,
enforcement or regulation of
gambling in Northern Ireland?**

Yes ☐

No ☐

If Yes, please provide details

Gambling – Final comments

Do you have any other comments in respect of the future of gambling in Northern Ireland?

Yes ☐ X No ☐

If Yes, please provide details

The Royal College of Psychiatrists Northern Ireland (RCPsych NI) welcomes this opportunity to comment on the consultation document released by the Department for Communities on the regulation of gambling in Northern Ireland.

The consultation rightly acknowledges that the NI legislation on gambling is “outdated and has not kept pace with industry and technological changes” with little change in practice since 1985. In Northern Ireland licensing responsibilities under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 appear to be fragmented and currently rest with the Courts, District Councils and the Department for Communities. The rapid growth of online gambling in particular has substantially changed access and patterns of gambling and their associated risks.

Gambling in the rest of the United Kingdom is regulated and supervised by the Gambling Commission. However this organisation has been criticised for not adequately protecting problem gamblers by, for example, permitting Fixed odds betting terminals (FOBT) to operate in betting shops which, until recently permitted a maximum stake on a single bet of £100. This maximum stake in GB was reduced following new legislation in April 2019 to £2 but in Northern Ireland the main operators have voluntarily introduced a £2 maximum stake on FOBTs in April 2019. It does seem FOBTs are still in place in NI despite some uncertainty about their legal status.

The 2016 Northern Ireland Gambling Prevalence Survey found 2.3% of respondents were identified as problem gamblers, higher than other regions in the UK and indeed a range of other countries - with almost 4 times more males than females being identified.

In responding to this report the RCPsych NI have taken the view that expanding access, advertising, higher permissible stakes and higher potential prizes for gambling in Northern Ireland is likely to add to the number of problem gamblers.

However there may be a case for permitting an increase in the money which can be generated by charities or private clubs through special lotteries or raffles where the primary purpose is to raise funds which contribute to community life and wellbeing and are not unduly attractive to problem gamblers.

The consultation states that “casinos can bring benefits to regions in terms of jobs, tourist revenue and regeneration; this is particularly so when the casino is

developed as part of a wider leisure complex.” No evidence is provided to support this statement, particularly when casinos are introduced into an area with a relatively low wage economy and particularly in the longer term. At the same time it can be expected that casinos will add to the number of problem gamblers who may become the group which sustains their revenue base.

Gambling disorders should be seen as a public health priority and require a cross cutting departmental strategy involving Departments of Education, Health, Communities and Criminal Justice. Children are now growing up with easy access to smartphone and other devices which potentially give them access to 24 hour gambling sites - while the National Lottery is open to 16 year old children both in local outlets and online.

Measures are required to;-

1. Reduce demand for gambling through education, particularly for young people - and restriction on advertising and inducement offers such as free bets or special deals.
2. Ensure people who wish to gamble do so responsibly in the spirit that this is an entertainment and not a pathway to profit. It is important to address the industry narrative that having a bet on a sporting event enhances the overall experience.
3. Ensure the gambling industry accepts their responsibility to monitor their customers for indications of problem gambling and when necessary provide guidance, including assistance, in excluding themselves from gambling sites and advice on treatment services. The gambling industry also have a responsibility not to develop or market forms of gambling which are likely to result in problem gambling as happened with Fixed Odds Betting Terminals.
4. Ensure problem gamblers are offered high quality treatment for their gambling use disorder and any co-existing mental disorder - similar to the treatment of alcohol or drug use disorders - within the HSC system and other community or voluntary agencies with expertise in this area. Problem gamblers should be given information on how to attend local meetings of Gamblers Anonymous, a fellowship for men and women who wish to stop gambling.
5. More research is required in NI to identify the prevalence of problem gambling and the impact of problem gambling on individuals and wider society. This includes the role of problem gambling in suicide. It is estimated that equivalent to 250-650 deaths per year in the UK are related to gambling.

6. Coroners and health professionals working particularly in primary care and mental health services should have an increased awareness of problem gambling as a risk factor for suicide.
7. There is a very clear need for a regulatory body for gambling - but there is insufficient information available on which of the suggested options (an independent body, Government regulator or existing regulatory body) would be the most appropriate for NI.
8. The recommendations made in a RAPID EVIDENCE REVIEW OF EVIDENCE-BASED TREATMENT FOR GAMBLING DISORDER IN BRITAIN (2016) produced by the Royal College of Psychiatrists should be carefully considered and implemented:-

RECOMMENDATIONS

The Royal College of Psychiatrists recommends the following:

1. Randomised controlled trials assessing the impact of psychological therapies and medication should be conducted in the UK rather than allowing US-based studies alone to inform clinical practice. The experiences of gambling-related harm and the use of gambling-related products and treatment provision differ widely from country to country, so it would be preferable to base national recommendations on UK-based research.
2. Gambling disorder is a mental disorder that needs to be regarded as an addiction like any other, with significant levels of harm to the individual and to society. Treatment services for problem gambling should have parity of esteem with other mental disorders, in particular alcohol, drug and tobacco addiction, and should be a core element of addictions treatment provision within the HSC system.
3. Naltrexone, as the treatment intervention of choice for treatment-resistant pathological gamblers, should be made available to all patients whose lives are affected negatively by their illness.
4. NICE Guidelines for the treatment of gambling disorder are required to address a pathology that affects almost half a million people in England but has not been sufficiently prioritised by the NHS.
5. Training in identifying and treating problem gambling symptoms should be a component of all medical school curricula and the postgraduate psychiatry training curriculum.

A Selection Of Useful References and Resources:

Report pursuant to section 3(11) of the Northern Ireland (Executive Formation etc) Act 2019 - Gambling Presented to Parliament pursuant to section 3(11) of the Northern Ireland (Executive Formation etc) Act 2019:

The number of people who are seeking treatment for problem gambling:

"There are no gambling specific services commissioned by the Northern Ireland Health and Social Care Board and therefore the Board does not hold data regarding the number of people who are seeking treatment for problem gambling. There are no gambling specific services commissioned by the Health and Social Care Board. However, if a person who is struggling with problem gambling has a mental health issue, whether related or unrelated to the gambling, such as anxiety or depression arising from the consequences of gambling, they would receive the appropriate help and treatment in the HSC system for that condition. This treatment is delivered by the provider of the service in the same way as others who have mental health problems. This would be based on a clinical need through an assessment, in line with the Regional Mental Health Care Pathway:

Patients requiring specific gambling support are directed towards community services such as, Gamblers Anonymous, Addiction NI, GamCare and Dunlewey Addiction Service. The 24/7 Lifeline service is also available for anyone in crisis or despair.

The level of support from the gambling industry for problem gambling:

"There are no statutory codes of practice in place in Northern Ireland, nor is there any statutory or voluntary arrangement with the gambling industry requiring any contribution to funding support services for problem gambling. The industry's main trade associations, the Northern Ireland Turf Guardians Association (NITGA) representing over 80% of bookmaking offices and the Northern Ireland Amusement Caterers Trade Association (NIACTA) representing 60% of the amusement arcade/gaming machine sector, state that they are committed to implementing social responsibility measures. Both organisations state that their members voluntarily adhere to industry codes of practice and protocols and provide induction and regular refresher training to staff on all aspects of social responsibility. They also state that help services for problem gamblers are widely advertised and signposted in premises, providing information on social responsibility procedures, links to support websites such as Gambleaware and Gamcare, and helpline information for Dunlewey Addiction Services (Dunlewey). Both organisations state that members operate self-exclusion schemes for customers who wish to avail of them".

"NITGA contributes approximately £24,000 per year to Dunlewey. NIACTA also provide annual funding to Dunlewey and finance a dedicated telephone helpline through Gamcare; Dunlewey have advised that in 2018, some 82 users from across Northern Ireland accessed the gambling service and availed of over 360 counselling sessions."

Gambling related suicide research – summary of research carried out by Dr Heather Wardle and Sally McManus; and Professor Ann John, Professor Simon Dymond, Swansea University, Dec 2018-July 2019 (2019):

(Based on the Adult Psychiatric Morbidity Survey 2007)

The 2007 APMS data found that problem gamblers had elevated rates of suicidal thoughts, attempts and non-suicidal self-harm. Key findings for those identified as problem gamblers were that:

- They had higher levels of lifetime suicidal thoughts (42.2% vs. 17.5%), non-suicidal self-harm (22.4% vs. 5.0%) and suicide attempts (27.0% vs. 5.4%) than non-problem gamblers.
- 19.2% had thought about suicide in the past year. The equivalent estimate among those with no signs of problem-gambling was 4.1 %.
- 20.9% had felt that life was not worth living in the past year, compared to the equivalent rate of 6.0% among those with no signs of problem-gambling.
- 17.1% had wished they were dead while the equivalent rate was 4.7% among those with no signs of problem-gambling.
- One in twenty had made a suicide attempt in the past year (4.7%). The equivalent estimate among those with no signs of problem-gambling was 0.6%.
- Problem gamblers and at-risk gamblers were more likely than the rest of the population to be male, younger, single, living in rented accommodation, and to have few qualifications.
- Among people who had made a suicide attempt in the past year, about one in twenty were problem gamblers (5.2%) and another one in twenty were at-risk gamblers (4.9%).
- Suicidal thoughts and attempts often have multiple causes, yet the association between current problem gambling and suicidal attempts/thoughts remained once a range of other things, like experience of other common mental disorders or substance misuse, were taken into account”.
- This report included a recommendation to “Develop educational packages for clinicians and other primary care providers to raise awareness of gambling and gambling-related suicide

Thorley C, Stirling A, Huynh E. **CARDS ON THE TABLE. THE COST TO GOVERNMENT ASSOCIATED WITH PEOPLE WHO ARE PROBLEM GAMBLERS IN BRITAIN (2016)**

Gambling with Lives Website (accessed 20.02.20):

<https://www.gamblingwithlives.org/>

- "There are 340,000 adult gambling addicts in the UK, with a further 2 million "at risk"
- 55,000 young people aged 11-16 are addicted to gambling
- Research in the UK and Hong Kong found that 4-11% of suicides were related to gambling ... equivalent to 250-650 deaths per year in the UK
- Gambling addicts are 3-4 times more likely to attempt to kill themselves than other types of addict
- Over half of people playing FORTs are addicted to gambling or at risk
- Nearly half of people playing casino games online are addicted or at risk
- 27.9% of people gambling online are addicted or at risk
- Only 33% of people think that gambling is fair and can be trusted; 71% think that it is dangerous to family life
- The industry made nearly £14 billion gross profit in 15/16 ... but contributed just £8m to pay for research, education and treatment
- Just 2% of addicts were able to access treatment - compared to 15-20% for drugs and alcohol addictions
- The GamCare treatment network is not linked in any way to the NHS, so that 90% of those who receive treatment are self-referrals"

Understanding the Gambling Industry and the Impact of Gambling (accessed on Gambling with Lives website):

[https://238317bb-a8fb-4ec4-89e8-](https://238317bb-a8fb-4ec4-89e8-33db4ae69de7.filesusr.com/ugd/c47eec_20053e598420480d8b83f319518814ac.pdf)

[33db4ae69de7.filesusr.com/ugd/c47eec_20053e598420480d8b83f319518814ac.pdf](https://238317bb-a8fb-4ec4-89e8-33db4ae69de7.filesusr.com/ugd/c47eec_20053e598420480d8b83f319518814ac.pdf)

**2016 Northern Ireland Gambling Prevalence Survey Main release May 2017
Department of the Communities:**

<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/2016-ni-gambling-prevalence-survey-main-report.pdf>

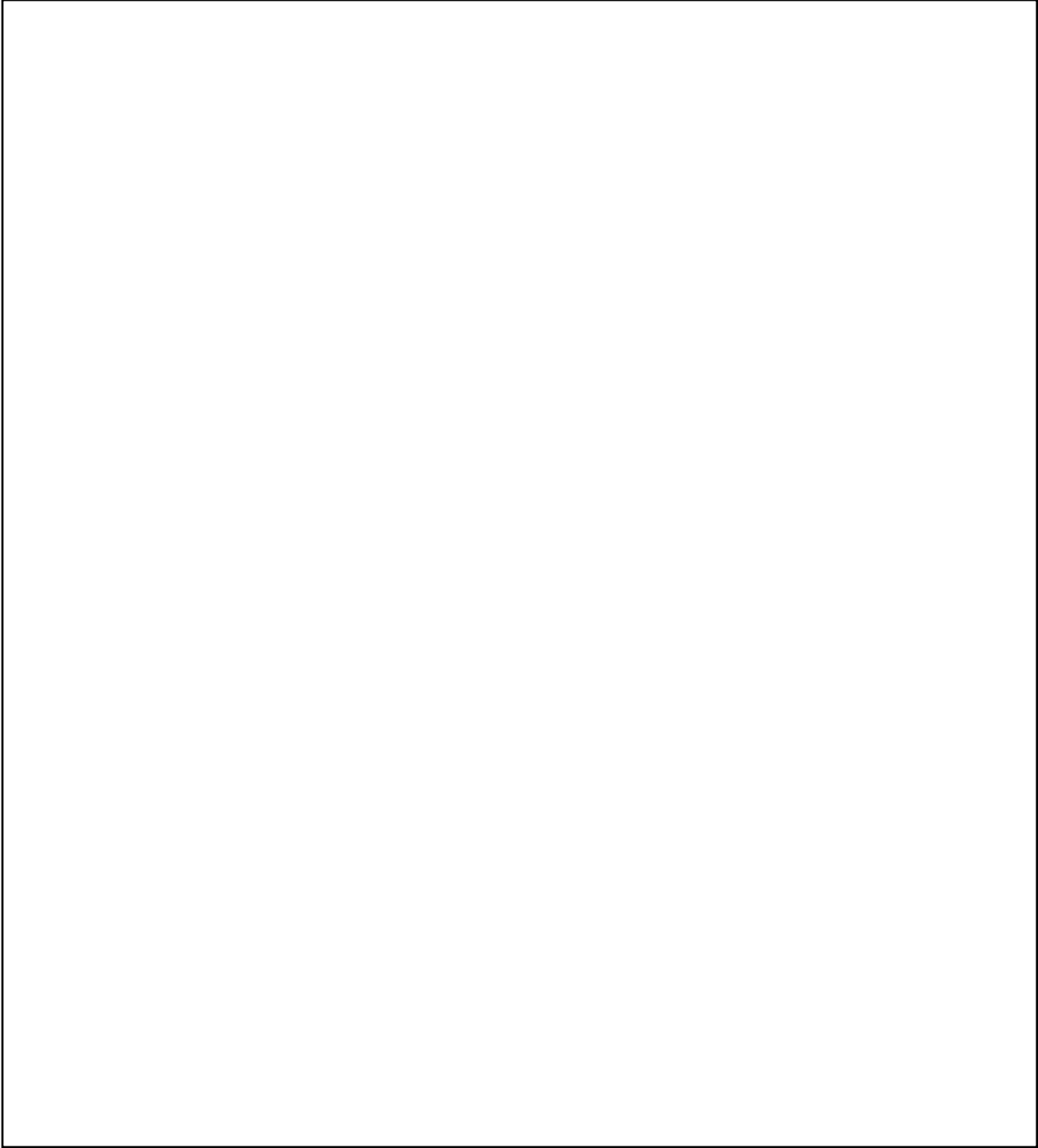
Why Casinos Matter - Thirty-One Evidence-Based Propositions from the Health and Social Sciences (2013) - A Report from the Council on Casinos Institute for American Values

George S, Henrietta Bowden-Jones H- **Gambling: the Hidden Addiction** Faculty report FR/AP/01 Future trends in addictions – discussion paper 1

Faculty of Addictions Psychiatry, Royal College of Psychiatrists (2014)

<https://fairergambling.org/wp-content/uploads/2014/04/Gambling-The-Hidden-Addiction.pdf>

BOWDEN-JONES H, DRUMMOND C, THOMAS S (2016) RAPID EVIDENCE REVIEW OF EVIDENCE-BASED TREATMENT FOR GAMBLING DISORDER IN BRITAIN. ROYAL COLLEGE OF PSYCHIATRISTS



Gaming Machines - Northern Ireland

Supply and maintenance of gaming machines

Anyone wishing to supply or maintain gaming machines must obtain a gaming machine certificate or permit from a court authorising him to do so.

Permitted gaming machines

There are three types of gaming machine permitted:

- jackpot machines mainly used in registered clubs

- two types of smaller prize machines (usually referred to as 'higher' and 'lower' amusement with prizes (AWP) machines)

Location, stakes and prizes

Gaming machines may be lawfully used in a limited number of locations and are subject to statutory limits on stakes and prizes as shown in the table below:

Type of Machine	Permitted Locations	Maximum Stake	Maximum Prize
Jackpot	Registered clubs	50p	£250
AWP higher prize machines	<ul style="list-style-type: none"> • Adult only areas of amusement arcades & similar premises • Bookmaking offices • Commercial bingo clubs • Public houses and licensed hotels (bar areas only) 	30p	£25
AWP lower prize machines	<ul style="list-style-type: none"> • Arcades & similar premises • Commercial bingo clubs • Travelling showmen's pleasure fairs 	30p	£8

Gaming Machine Categories

- Great Britain

Category	Maximum Stake £	Maximum Prize £	Permitted Locations
A	Unlimited	Unlimited	No category A machines are currently permitted
B1	5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)	Casinos only
B2	2	500	Betting shops, tracks, casinos
B3	2	500	Bingo halls, adult gaming centres, betting shops, tracks, casinos
B3A (Lottery style games only)	2	500	Registered clubs only
B4	2	400	Commercial clubs, registered clubs, bingo halls, adult gaming centres, betting shops, tracks, casinos
C	1	100	Family entertainment centres, pubs, commercial clubs, registered clubs, bingo halls, adult gaming centres, betting shops, tracks, casinos
D There are five different combinations of stake and prize for the various types of category D machine	10p to 1	15 to 50	Casinos, betting shops, tracks, bingo halls, adult gaming centres, registered clubs, commercial clubs, family entertainment centres, pubs, travelling fairs

Further details can be seen at: [www.gamblingcommission.gov.uk/for-gambling-businesses/ Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/ Gaming-machine-categories.aspx](http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx)

Available in alternative formats.

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