

## BETTING AND GAMING

# Regulation of Gambling in Northern Ireland Consultation 2019/2020

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Launched in December 2019, the Northern Ireland Department for Communities carried out a public consultation into the state of the current legislative regime for gambling in Northern Ireland.



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The “Regulation of Gambling in Northern Ireland Consultation” document (the “**NI Consultation**”) was published in order to gauge public opinion on a wide range of gambling legislative and regulatory issues, the underlying purpose being to determine *whether and where* reform is necessary (particularly in the eyes of those working within the gambling industry) to bring the Northern Irish legislative regime into line with advances in the modern industry.

[Click here](#) to view the Consultation in PDF format.

## CURRENT LEGISLATIVE POSITION IN NORTHERN IRELAND

The primary legislation in Northern Ireland in respect of gambling is found in “The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985” (the “**1985 Order**”). It is modelled after the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976, which were the key statutes as regards gambling in Great Britain (“**GB**”) prior to 2005.

The Gambling Act 2005 did however serve to modernise gambling laws in GB, replacing somewhat archaic laws which were not suitable for the demands of, or advances in, the gambling industry in modern day GB.

Gambling in Northern Ireland has also

evolved since the 1985 Order, yet (unlike GB) no such legislative reform has taken place. This has left Northern Ireland with a regime described by the Stormont “All Party Group” tasked with reviewing this area as being “hopelessly out of date” in the internet age.

## THE NI CONSULTATION

The NI Consultation addressed a wide base of issues related to three overarching themes:

- 1. The Future of Gambling in Northern Ireland:** this addressed whether some forms of gambling which are permitted elsewhere, but not in Northern Ireland, should be permitted and regulated. Examples of issues raised included: whether casinos should be permitted to operate in Northern Ireland; whether premises which are licensed to sell alcohol and registered clubs should be able to offer poker, bingo and other equal chance gaming; and should promotional prize competitions and draws be permitted in Northern Ireland, similar to that in GB;
- 2. Sector Specific Issues:** this addressed specific issues in the core areas of gambling that the 1985 Order applies to, namely: betting; commercial bingo clubs; gaming machines; and lotteries (other than the National lottery). Ultimately the Consultation raised the question of whether the law in these areas should be amended to bring

things more into line with GB, for example: should those who cheat at gambling commit an offence, regardless of the success of the outcome?; should the sale of lottery tickets over the internet be permitted?; and 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?

### 3. Licensing, Enforcement and Regulation:

the current licensing and enforcement arrangements were considered. Most notably it was queried whether the PSNI is the most appropriate agency to enforce gambling law and whether an altogether new regulator should be established to oversee the gambling in Northern Ireland (as in GB).

#### RESPONSE TO THE NI CONSULTATION AND LOOKING AHEAD

By way of example of the responses received to the questions posed by the NI Consultation:

- a. 63% of responses were in favour of the introduction of land based casinos in Northern Ireland;
- b. 66% of responses were in favour of bookmakers and betting shops opening on a Sunday;
- c. 93% of responses were in favour of the introduction of a new regulatory body to oversee gambling legislation; and
- d. 97% of responses wanted to see focus on research/education/treatment in respect of those affected by gambling addiction.

[Click here](#) to view NI Consultation response summary tables in PDF format.

Whilst there has therefore been varying levels of support for reform in the different areas covered by the NI Consultation, it is absolutely clear that change is being called for by those within the gambling industry in Northern Ireland.

Gambling laws could of course be developed to mirror that of GB and Ireland, giving Northern Ireland legislation an outlook that is more reflective of the state of gambling in Northern Ireland today. However, the political and religious

sensitivities in Northern Ireland cannot be ignored and will be factored into any decisions taken by the legislators in Northern Ireland – making the timing of any reform difficult to predict.

#### CURRENT LEGISLATIVE POSITION IN IRELAND

The law in Ireland on gaming and lotteries changed on 1 December when the Gaming and Lotteries (Amendment) Act 2019 (the “**2019 Act**”) came into effect. Among other things, the 2019 Act updates the significantly outdated prize and stake limits under the current legislation, and introduces a standardised minimum age of 18 for all forms of betting. (See our briefing on the 2019 Act [here](#).) (For a high level overview of gambling regulation in Ireland, see our contribution to the Practical Law Guide: “Gaming in Ireland”, which is accessible [here](#).)

If you have any specific queries in relation to the NI Consultation or would generally like to discuss the gambling laws in the UK or Ireland, please do not hesitate to contact our betting and gaming team.

This document contains a general summary of developments and is not a complete or definitive statement of the law. Specific legal advice should be obtained where appropriate.

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