

JOELSON WILSON

JOELSON WILSON LLP LICENSING/GAMING TEAM

GAMBLING LAW UPDATE: 31ST JANUARY 2010



JOELSON WILSON LLP
Solicitors
30 Portland Place
London W1B 1LZ

T: (+44) (0)20 7580 5721
F: (+44) (0)20 7580 2251
E: info@joelsonwilson.com
W: www.joelsonwilson.com
DX: 9001 West End

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- The Gambling Commission has published advice for those wishing to offer non-commercial and private betting and gaming. The advice sets out which types of gambling fall into this category and in which circumstances the Gambling Act 2005 does not require them to have specific permission. Reference is also made to Occasional Use Notices and which activities they can be used for. The advice states that the rules governing non-commercial and private betting and gaming are complex and that independent legal advice should be sought by anyone wishing to offer gambling of this nature. The note can be found at http://www.gamblingcommission.gov.uk/publications_guidance_advic.aspx.
- The Advertising Standards Agency has upheld the competition rules of Marcoms Associate Garmin (Europe) Limited. Two complaints were made against the company following disqualification from a photo competition. Garmin told the ASA that they believed one of the complainants was passing off someone else's photo as their own and thought the other complainant's online account was fraudulent. The competition rules stated that in the case of a dispute Garmin's decision was final. The ASA considered that Garmin could have investigated further but had not acted unreasonably in the circumstances. The decision confirms that promoters may rely on terms stating that their decision is final. Promoters should be aware that the ASA considers all cases on their merits and is not bound by previous decisions. For further details go to [www.asa.org.uk/Complaints-and-ASA-action/Adjudications/2010/1/Marcoms-Associate-Garmin-\(Europe\)-Ltd/TF ADJ 47934.aspx](http://www.asa.org.uk/Complaints-and-ASA-action/Adjudications/2010/1/Marcoms-Associate-Garmin-(Europe)-Ltd/TF_ADJ_47934.aspx).
- The Office of Fair Trading has started proceedings in the High Court to seek injunctions against five companies under the Consumer Protection from Unfair Trading Regulations 2008 (CPRs) and the Enterprise Act 2002. The companies are currently carrying out direct mailings and distributing scratchcards which the OFT says are unfair, as they give the impression that the recipient has already won a prize. However, the prize cannot be claimed without making a call to a premium rate phone number or making a payment for "insurance and delivery". The companies claim that their promotions are not unlawful and say they will continue to run them. For more information go to www.of.gov.uk/news/press/2010/02-10.

Need to know more? Ask us. "This value-for-money practice provides an excellent level of service", "a steady firm that will deliver consistently high results", "truly proactive practitioners"– Chambers & Partners Guide to the UK Legal Profession 2010. For information/advice on gaming, betting, lotteries or remote gambling, or alcohol and entertainment licensing matters, please contact:

David Clifton or Suzanne Davies
Joelson Wilson LLP
30 Portland Place, London W1B 1LZ
Telephone: +44 (0) 20 7580 5721
Fax: +44 (0) 20 7580 2251
e-mail: drqc@joelsonwilson.com or scd@joelsonwilson.com
Web: www.joelsonwilson.com

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