

JOELSON WILSON

JOELSON WILSON LLP
LICENSING/GAMING TEAM

GAMBLING LAW UPDATE: 28TH AUGUST 2009



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GAMBLING LAW UPDATE

- The Gambling Commission has published a summary of proposed changes to their previous advice in connection with prize competitions and free draws. The substantive changes include emphasis that the Commission does not think research which requires little or no effort is sufficient to ensure the competition involves the required level of skill or knowledge, added clarification about its approach to organisers of competitions where they have concerns about their schemes and expanded advice on the types of information it thinks appropriate when considering whether the test for prize competitions has been met. The Commission aims to publish the revised advice document in Autumn 2009.
- Section 19 certificates which were issued to people working in specified roles within the bingo and casino industries will cease to have effect on 31 December 2009. Employees who hold certificates of approval issued under Section 19 must apply to the Commission for their new personal licence before the end of August in order to ensure that their application is determined by the end of the year.
- As the Gambling Act 2005 reformed virtually all of the previous restrictions on the advertising of gambling, the Commission has produced a guide to gambling advertising codes. It has also included an ordinary code provision within its Licence Conditions and Codes of Practice (LCCP) which requires licensees to comply with the advertising codes of practice which apply to the form and media in which they advertise their gambling facilities and services. Advertising is subject to the CAP and BCAP advertising codes and operators should also follow the Gambling Industry Code for Socially Responsible Gambling. The advertising codes apply to all gambling operators and advertisers permitted to advertise in Great Britain. This includes operators from the EC and Gibraltar, and also the white listed jurisdictions of Alderney, Antigua and Barbuda, Isle of Man and Tasmania.
- Just a reminder that following joint consultation with the Commission and the Department for Culture, Media and Sport new fees and licence changes came into effect on 1 August 2009. Two new licence types were also introduced. A new remote licence type is now available for operators who provide facilities for remote betting on the outcome of a virtual game, race or other event or process. This type is known as General Betting Standard (virtual events only). The previous remote licence type, General Betting Standard, will now be known as General Betting Standard (real events). Betting operators who, in addition to betting on real events, offer virtual racing via remote communication, will now require both a General Betting Standard (virtual events) and a General betting standard (real events) licence.

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- The Commission has published a leaflet outlining the rules regarding playing poker in pubs. It confirms that poker can be played in pubs, but only subject to the conditions that apply to gaming in pubs (including limits on stakes and prizes). The maximum stake per player is £5 per game, and the combined stakes for any premises must not exceed £100 per day. The maximum prize is £100 per game, which includes such items as vouchers, donated items and goody-bags. Also you cannot charge a participation fee, which might for example include making an entrant pay for a compulsory meal. The Commission recommends seeking legal advice though prior to running any poker tournament or league.
- Gaming Machine suppliers will have received letters from the Gambling Commission reminding them that from 31 July 2009, Section 34 permits regarding the use of AWP machines in non-gambling premises such as chip shops and taxi offices have expired. Any gaming machine in use under a Section 34 permit must have been removed before 1 August 2009 or the site operator risks committing an offence under the Gambling Act 2005. This does not apply to premises licensed for on-sales of alcohol.
- As part of its ongoing compliance activity, the Gambling Commission's online mystery shopping programme on gambling websites is looking at various aspects of social responsibility. Operators regulated overseas are also included if they advertise to the UK. Results have shown that most of the big operators have sufficient measures in place. Operators who do not will be notified formally by the Commission and subject to re-testing. Regulatory action will be taken against operators who do not improve their systems.
- The DCMS has confirmed that it will not be granting white list status to any new applicants as it undertakes a review of the legislation around the Gambling Act 2005.

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Licensing/Gaming queries arising? Please contact the team at Joelson Wilson if you have any questions relating to this update or any licensing or gambling enquiries generally. The team's contact details follow.

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