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LICENSING/GAMING TEAM

GAMBLING LAW UPDATE: 30TH OCTOBER 2009

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GAMBLING LAW UPDATE

- The Gambling Commission has published an advice document to assist all gambling operating licence holders (except casino licence holders) which sets out their duties and obligations under the Proceeds of Crime Act 2002 (POCA). The document provides details of the offences committed under POCA, the steps operators can take to avoid committing these offences and how suspicious activity should be reported to the Serious Organised Crime Agency (SOCA).
- The Gambling Commission has also published advice in respect of sponsorship of British sporting clubs by foreign gambling operators. It is an offence under section 331 of the Gambling Act 2005 for any gambling operator who is not licensed and regulated in either an EEA state (Gibraltar is considered an EEA state under the Act) or one of the states on the Government's white list, to advertise within Great Britain. British sports clubs should also bear this in mind when hosting international events and ensure that if the visiting team has a gambling sponsor who is represented on the team shirt, they too must be permitted to advertise in Great Britain or an offence will be committed. The Commission also reminds gambling operators that they are not permitted to promote themselves on merchandise used by children, e.g. operator logos on sports shirts.
- The Gambling Commission has published a further document to be read in conjunction with its Statement of principles for licensing and regulation which is to be effective immediately, which sets out its regulatory policies, for example, assessing the likelihood of risk presented by operators and the potential impact that risk, if realised, will have upon the licensing objectives; the licensing of operators and key personnel; details of how the Commission carries out compliance activities and regulatory enforcement etc. The Commission has also produced statements setting out the principles it will apply in exercising its functions, for example, how it will determine financial penalties for breach of licence conditions.
- Is a product remote betting or remote gaming? The Commission has produced an advice note to provide a clear distinction between betting and gaming and has devised a two stage test in order to determine whether a product is classed as betting or gaming. The distinction to date has not been clear and the definition will assist operators in applying for the appropriate licence. It will also be clear to operators which regulatory system applies to their operation.
- Consultation is open until 10 November 2009 on the proposed changes to the Commission's code of practice for equal chance gaming in clubs and premises with an alcohol licence in Scotland. The proposed changes are minor but if you would like to respond please email consultationmailbox@gamblingcommission.gov.uk by 10 November 2009.

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Need to know more?

Ask us. *“Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...”* – Chambers Guide to the UK Legal Profession 2008. For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:

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