

**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



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

This is a devolved matter. This report is based on information provided by the Northern Ireland Department for Communities.

Section 3 of the Northern Ireland (Executive Formation etc) Act 2019 requires the Secretary of State publish and lay before both Houses of Parliament a report on progress made towards forming an Executive and other matters.

This report is made in accordance with section 3(11) of that Act which states:

The report under subsection (1) must include a report to be published on or before 4 September 2019 on progress made in Northern Ireland on—

- (a) the law on gaming machines,
- (b) the law on online gambling,
- (c) the number of people who are seeking treatment for problem gambling,
- (d) the services available to people seeking problem gambling,
- (e) the level of support from the gambling industry for problem gambling, and
- (f) delivering regulatory alignment between Northern Ireland and the rest of the United Kingdom in regard to gambling.

The law on gaming machines

Gaming machines in Northern Ireland are regulated under the Betting, Gaming, Lotteries and Amusements (NI) Order 1985 (the Order). The Order permits the operation of gaming machines in a range of premises and specifies the type of machine permitted as well as the stakes and prizes limits; for certain premises it restricts the number of machines permitted.

Stakes and prizes limits for gaming machines in NI

Type of machine	Maximum stake	Maximum prize
Jackpot	50p	£250
Amusements with prizes - higher	30p	£25
Amusements with prizes - lower	30p	£8

The Order predates the development of electronic machines such as Fixed Odds Betting Terminals (FOBTs) and the legal position of these machines is unclear; it is estimated that 800-900 operate in local bookmaking offices in NI. With effect from 1 April 2019, the Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018 reduced the maximum stake on FOBTs in Great Britain from £100 to £2. Although that legislation does not apply in Northern Ireland the main operators have voluntarily introduced a £2 maximum stake on FOBTs, also effective from 1 April.

The law on online gambling

The Betting, Gaming, Lotteries and Amusements (NI) Order 1985 has become increasingly outdated and has not kept pace with industry and technological changes; it contains no provisions which relate to online gambling. The introduction of any measures to address online gambling will require primary legislation in the Assembly.

As a result of the 2014 Gambling (Licensing and Advertising) Act, it is an offence for an online gambling operator to advertise to Northern Ireland consumers unless the operator holds the appropriate GB Gambling Commission licence and complies with their codes of practice.

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. Where industry have relevant information, it has been provided below.

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 Pathway¹:

¹http://www.hscboard.hscni.net/download/PUBLICATIONS/MENTAL%20HEALTH%20AND%20LEARNING%20DISABILITY/you_in_mind/June-2017-You-In-Mind-Regional-Mental-Health-Care-Pathway.pdf

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.

Bringing gambling law in Northern Ireland into line with the rest of the United Kingdom

The regulatory arrangements for gambling in Northern Ireland differ greatly from those in place in Great Britain and operate under different legislation in each jurisdiction.

In Northern Ireland licensing responsibilities under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 currently rest with the courts, district councils and the Department for Communities.

In Great Britain, under the Gambling Act 2005 the Gambling Commission is responsible for the regulation of all gambling in England, Scotland and Wales, other than spread betting. It also regulates the National Lottery. The Commission is responsible for licensing individuals or companies providing facilities for commercial gambling, including remote gambling and is the main enforcer of gambling law.

Following a review of the legislation and a public consultation, the Northern Ireland Executive agreed, in 2012, to the drafting of new legislation to modernise the law on gambling which would have delivered some element of alignment. Unfortunately, due to competing priorities, the then Minister for Communities decided not to progress this legislation before the Northern Ireland Assembly election of 2016, nor was it possible subsequently. Any change to the existing regulatory framework for gambling in Northern Ireland will require primary legislation in the Assembly; it will be for an incoming Minister for Communities to determine the way forward.

