

De Minimis Assessment: Self-Certification Template



Department for
Digital, Culture
Media & Sport

Title of regulatory proposal	<i>Increasing the minimum age of sale for National Lottery games to 18</i>
Stage	Final
Lead Department/Agency	DCMS
Expected date of implementation	01/10/2021
Origin	Domestic
Date	02/09/2020
Lead Departmental Contact	Jamie Cotton, jamie.cotton@dcms.gov.uk , 07702823347
Departmental Triage Assessment	Equivalent Annual Cost to Business (EANDCB: 2019 prices) = £4.0-£4.9m

Call in criteria checklist

Significant distributional impacts (e.g. significant transfers between different businesses or sectors)	No
Disproportionate burdens on small businesses	No
Significant gross effects despite small net impacts	No
Significant wider social, environmental, financial, or economic impacts	No
Significant, novel, or contentious elements	No

BRU (CAT) signoff: *Adam Bennett* Date: 22/09/2020

Chief Economist signoff (delegated): *Dipti Bhadresa* Date: 22/09/2020

SUMMARY

Rationale for government intervention

Gambling-related harm produces several negative externalities, including but not limited to: increased healthcare costs, welfare costs, and other costs to individuals associated with problem gamblers (e.g. family, friends and employers).

Since the award of the third National Lottery licence in 2009, there have been changes to the landscape in which the National Lottery sits. There has been a significant growth in online gambling in general and major new online and mobile platforms have revolutionised the way players interact with the National Lottery games. In addition to technological changes, the relative proportion and total sales revenue of instant win games, especially scratchcards, has increased. This raises the question whether the availability of all National Lottery games to 16 and 17 year olds remains appropriate or whether the age limit should be aligned with most forms of commercial gambling at 18.

Policy options

The Government consulted on three options:

- **Option 1:** Doing nothing - keeping the minimum age for all types of product at 16 (Counterfactual)
- **Option 2:** Increasing the minimum age to 18 for instant win games only
- **Option 3:** Increasing the minimum age to 18 for both types of game (final proposal)

Consultation feedback was clear that option 2 would be more difficult to implement for retailers and the operator, so that option was discounted.

The final proposal is Option 3 because a) there is emerging evidence of potential harm to young people and b) public and parliamentary opinion supports increasing the minimum age to 18 for all products

Summary of business impact

Transition Cost: Camelot (incumbent operator) estimate that the cost of implementing either new age restriction in time for the start of the fourth Licence is between £5.6 million and £8.5 million (at 2019 prices). In addition, there are potential stock write-off costs (i.e. playslips etc.) of c. £1 million (option A) and c. £6.2 million (option B). The total cost of option A is £6.6 million, and Option B is £14.7 million.

The time cost to retailers (including overhead costs) is assumed to be £3.07 million, giving a total transition cost of: £9.7 - £17.8 million.

Annual Cost: The annual cost to business, incurred by the NL operator, and retailers (from a reduction in lottery sales once 16 and 17 play is removed) combined is estimated at approximately £3.0 million per year.

The EANDCB* is estimated at £4.0 - £4.9 million.

*(2019 prices, 2020 present value and 2021 present value base year)

DETAIL & SUPPORTING EVIDENCE

Rationale for government intervention

Gambling-related harm produces several negative externalities including but not limited to: increased healthcare costs, welfare costs, and other costs to individuals associated with problem gamblers (e.g. family, friends and employers). The marginal social cost is higher than the marginal private cost to the gambler. Government intervention is necessary to ensure we strike the right balance between socially responsible growth and the protection of consumers and wider communities.

The minimum age to play the National Lottery was set at 16 in 1994, in line with the pre-existing minimum age to play society lottery games.

National Lottery games are split into two categories: draw-based games such as Lotto and EuroMillions, and instant win games, including scratchcards and online instant win games. Both types of game currently have a minimum age of 16 to play.

Since the launch of the National Lottery in 1994, there have been significant technological advances and the National Lottery's games portfolio has changed considerably - including the introduction of scratchcards in 1995, additional draw-based games, and online instant win games in 2003.

Furthermore, since the award of the third National Lottery licence in 2009, major new online and mobile platforms have revolutionised the way players interact with National Lottery games, reflecting the significant growth seen in online gambling in general (total GGY in 2008/09 for remote gambling was £1.53bn which has since increased to £5.6bn in 2018/19). In addition to technological changes, the relative proportion and total sales revenue of instant win games, especially scratchcards, has increased. 24% of total sales were from scratchcards and online instant win games in 2009-10, compared to more than 40% in 2019-20.

Given these changes, the Government decided (following the 2018 Gambling Review) to consider whether the availability of all National Lottery games to those under 18 remains appropriate.

Policy options

The consultation considered three policy options.

Option 1. Do nothing - keep the minimum age of sale at 16 for all products.

Option 2. Increase the minimum age of sale to 18 for instant win games only.

Option 3. Increase the minimum age of sale to 18 for both types of game - draw-based and instant-win.

Non-regulatory options were discounted before the consultation. The Government's levers over this policy are primarily regulatory. The Government awards the licence to run the National Lottery to an operator, which makes day-to-day decisions; the Gambling Commission regulates the operator. It is not clear that any voluntary action undertaken by the operator could meet all the objectives of this consultation, particularly objectives 2 to 4:

Objective 1. To ensure that young people are protected from the potential risks of gambling related harm

Objective 2. To maintain the National Lottery's special status as a low-risk product and distinct from commercial gambling, to ensure that it remains attractive to the player base and continues to support good causes in the future

Objective 3. To respond to trends in technology and player behaviour and future proof the National Lottery for the life of the next licence

Objective 4. To ensure that there is a clear position regarding the minimum age to play National Lottery games for the upcoming bidding process for the fourth National Lottery licence competition.

Option 2 was discounted following feedback from retailers and the operator, who made it very clear in their consultation responses that it would be more difficult to implement a different minimum age for draw-based games and instant-win games. They felt that it would cause confusion both for consumers and for retailers. In a survey run by the Association of Convenience Stores, which represents 33,500 shops, just 4% of the 1,174 independent retailers surveyed supported option 2, compared to 38% for option 1 and 34% for option 3¹. There are over 46,000 convenience stores in the UK, 83% of which offer National Lottery products.

That left options 1 and 3. Our consultation, and emerging evidence, has given three compelling reasons to opt for option 3 - increasing the minimum age to 18 for both types of product.

- 1. Emerging evidence** - Figures from NHS Health Surveys, with additional analysis by the Gambling Commission, show National Lottery products have a low and stable association with problem gambling on a population level. In the latest release from

¹ See [ACS's submission to the consultation](#)

2018², these were 1.0% of players for draw based games and 1.8% of players for scratchcards. Additionally, we have not seen any evidence of a causal link between National Lottery play at 16 and 17 and gambling-related harm.

However, some evidence has emerged suggesting a correlation between recall of National Lottery play at 16 and 17 and gambling-related harm. Recent studies have claimed an association between recall of playing National Lottery games at 16 and 17 (particularly scratchcards) and score on the Problem Gambling Severity Index as an adult.^{3 4}

In addition, qualitative research from the Gambling Commission found that for some 16 and 17 year olds, National Lottery play was a “secret activity”. Some young people - particularly from more vulnerable groups - saw the National Lottery as a way to “progress their lives”. While the young people spoken to generally played a set amount on draw-based games, scratchcards were more likely to prompt additional spend.

2. **Public opinion** - there were c. 60 responses to the consultation, most of which were in favour of increasing the minimum age. This complemented existing evidence commissioned by the Gambling Commission in 2018, which found that 67% of respondents did not believe that 16 and 17 year olds should be able to play any National Lottery games.
3. **Parliamentary opinion** - since the consultation, three parliamentary committees held inquiries, gathering evidence from national and international experts, and published reports making recommendations on National Lottery 16-17 year old play:
 - a. In June 2020, the All-Party Parliamentary Group on Gambling-Related Harm published a report⁵ highlighting evidence that 2% of 11-16 year olds had spent money gambling online in the last week. While the National Lottery has very few online players under 18 (fewer than 500 16-17 year olds played interactive instant win games in the final quarter of 2019/20), the report recommended that to safeguard children and young people, all online gambling, including the National Lottery, should be restricted to those over 18.
 - b. Also in June, the Public Accounts Committee published a report⁶ recommending that the Gambling Commission “should urgently investigate the impact of fixed odds betting that falls under “lottery” legislation and is accessible by 16 and 17 year olds.”

² [Gambling Commission Combined Health Survey, published September 2018](#)

³ [Newall, P. W. S., Russell, A. M. T., Sharman, S., & Walasek, L. \(2020, August\). "Associations between recalled use of legal UK youth gambling products and adult disordered gambling". *Journal of Behavioural Addictions*](#)

⁴ [Newall, P. W. S., Russell, A. M. T., Sharman, S., & Walasek, L. \(2020, March 17\). Frequency of engagement with legal UK youth gambling products is associated with adult disordered gambling.](#)

⁵ <http://www.grh-appg.com/wp-content/uploads/2020/06/Online-report-Final-June16-2020.pdf>

⁶ <https://committees.parliament.uk/publications/1626/documents/19602/default/>

- c. In July 2020, the House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry published a report⁷ on their inquiry. The report noted that the written evidence they received was “unequivocal” in recommending an increase in the National Lottery minimum age; the Committee made the same recommendation.

Given the above, ministers have chosen option 3 - to increase the minimum age of sale for all National Lottery games to 18. Given the importance of protecting young people, ministers are keen to make this change quickly, while being acutely aware of the need to give retailers and the operator the time they need to ensure a smooth transition. The legislative change will therefore come into force on 1 October 2021 - the second Common Commencement Date next year - rather than at the start of the next licence period in 2023, to protect young people while ensuring that the change is implemented successfully and reducing the impact on business.

⁷<https://committees.parliament.uk/work/10/social-and-economic-impact-of-the-gambling-industry/publications/>

Assessment of business impact

We have received figures from the Gambling Commission on 16-17 year old sales revenue. Total National Lottery sales in 19/20 were £7.9bn, with £1.8bn going to good causes. Of those sales, an estimated £40.8m were sales to 16 and 17 year olds, accounting for good cause returns of £6.1m.

While there is a slightly downward trend in sales revenue for the age category, for the purposes of estimating the impact to business we assume sales revenue is fixed from 19/20 onwards. This cautious approach reflects the uncertainty around future National Lottery sales, especially given that the fourth licence to run the National Lottery will commence in 2023.

There are 3 direct impacts to business.

Direct costs: transition/familiarisation costs

The operator: The operator will incur costs for the transition, including IT costs, training for retailers and signage, which Camelot have estimated at £6.6m - £14.7m.

Retailers: There will be a familiarisation cost associated with ensuring retailers are now using the right age requirement. For the purposes of this impact assessment, we assume that this is in the form of time spent in training. This is likely to be a very low cost but across a large number of retailers (every retailer that sells National Lottery products).

We do not anticipate this would be significant for retailers. They should already be verifying age when selling National Lottery tickets and often sell alcohol and tobacco (which already has a minimum age of 18). In addition, Camelot already delivers regular training to retailers, so it is likely that this change would simply form part of that usual training.

Nevertheless, the following analysis takes a precautionary approach and assumes that any training will be above and beyond what the operator usually delivers.

Total Retailers who sell Lottery Products	45,263
Assumption on time it will take to familiarise to the minimum age change	60 minutes
<i>Based on evidence from the Expert Panel on Age Restrictions</i>	

Using the ASHE Survey⁸ we extrapolate the hourly gross wage for occupations impacted by the change. This is assumed to be:

- a. Shopkeepers and proprietors – wholesale and retail
- b. Sales assistants and retail cashiers.

⁸ ONS Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/dataset/occupation4digitsoc2010ashtable14>

We pro-rata the hourly wage to estimate the cost of familiarising with the new minimum age - assumed to be 60 minutes (based on information obtained in the consultation from the Expert panel on age restrictions).

	Hourly Wage (Mean)
Shopkeepers and proprietors – wholesale and retail	£12.98
Sales assistants and retail cashiers	£8.80

Assumed Staff

	Independent Retailers	Non Independent
Total Retailers	24,696	20,567
Assumed staff	2	10

**Caveat: Assumed staff per retailer is an evidence gap, numbers will likely vary in reality*

Assumed Staff Breakdown

Retailer Type	Shopkeepers and proprietors – wholesale and retail	Sales assistants and retail cashiers	Total
Independent	1	1	2
Non- Independent	2	8	10

**Caveat: these figures are assumption based to give a best estimate of the familiarisation cost, numbers will likely to vary in reality*

	Stores	Familiarisation Cost
Independent	24,696	£540,000
Non Independent	20,567	£1,980,000
Total	45,263	£2,520,000

Figures rounded to the nearest £10,000

Finally, as per Regulatory Policy Committee guidance⁹, we have applied a 22% uplift on labour costs to account for non-labour costs.

Non Labour costs: 22% adjustment - final cost	£3,070,000
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Figures rounded to the nearest £10,000

This means that the **total Monetised Familiarisation Cost to the Operator and Retailers is £9,670,000 - £17,770,000.**

Direct costs: annual costs

There are two further, annual, costs to consider.

⁹ RPC Guidance not on 'implementation costs':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827926/RPC_short_guidance_note_-_Implementation_costs__August_2019.pdf

1. **Annual cost - reduction in retailer commission** - retailers get a small percentage of each National Lottery ticket sale in commission. This will be lost for sales to 16-17 year olds.
2. **Annual cost - reduction in operator profit (currently Camelot)** - the operator takes a small percentage of each National Lottery ticket sale as profit. This will be lost for sales to 16-17 year olds.

Annual costs 1 and 2 are set out for options 2 and 3 below. Option 1 has no such cost.

Table 1. Option 2 Annual Business Impact		
Business Impacts	1. Retailer Commission	2. Operator (Camelot) Profits
Scratchcards	£1,800,000	£400,000
Instant Win games	£0	£10,000
Total (£m)	£2,200,000	

All figures rounded to the nearest £100,000, except IWG operator profit, which is rounded to nearest £10,000. Figures may not sum due to rounding.

Table 2. Option 3 (Final Proposal) Annual Business Impact		
Business Impacts	1. Retailer Commission	2. Operator (Camelot) Profits
Draw based games	£300,000	£500,000
Scratchcards	£1,800,000	£400,000
Instant Win games	£0	£10,000
Total (£m)	£3,000,000	

All figures rounded to the nearest £100,000, except IWG operator profit, which is rounded to nearest £10,000. Figures may not sum due to rounding.

Indirect costs

There are four other, indirect impacts to consider.

- **Reduction in good cause income** - 22%¹⁰ of National Lottery sales go to the National Lottery Distribution Fund, where distributors can draw down funds and offer grants to organisations for time-limited projects. There will be a small reduction in income to the National Lottery Distribution Fund, meaning distributors will be able to draw down less funding to offer in grants.

At consultation stage, the reduction in good cause income was treated as a direct cost to business. Following further discussions with the Regulatory Policy Committee secretariat, reduction in good cause income has been recategorised as an indirect cost for the following reasons. Good cause income is received by National Lottery

¹⁰ Average across all National Lottery sales - i.e. all ages and all products. For 16-17 year olds, this is lower, as they are proportionately more likely to play instant win games than other age groups.

Distributors to be issued as grants for time-limited projects only. These grants cannot be used for general running costs by law, meaning businesses and third sector organisations cannot factor NLDF income into their baselines to cover day-to-day costs. Furthermore, this reduction in income will not have an impact on grants which have already been awarded. No business or third sector organisation is guaranteed a National Lottery grant, meaning that a reduction in good cause income is more appropriately defined as an indirect cost to business.

- **Reduction in lottery duty take** - 12% of National Lottery sales go to the Exchequer in lottery duty. There will be a small reduction in this income.
- **Reduction in other retail sales** - retailers may lose some 16-17 year old footfall as a result of this decision, which may affect sales of other products.
- **Displacement** - it is possible, albeit unlikely, that this change will trigger a displacement effect where some 16-17 year olds substitute their National Lottery play with other products. The most directly comparable substitute (both in terms of legality of play at 16 and characteristics of product) are society lotteries. As part of the Gambling Act review, the Government will be considering the minimum age of sale for society lotteries.

Table 3: Indirect costs to business - reduction in good cause income

	Option 1	Option 2	Option 3
Business Impacts	NLDF (majority Good Causes)	NLDF (majority Good Causes)	NLDF (majority Good Causes)
Draw based games	£0	£2,800,000	£3,200,000
Scratchcards	£0	£100,000	£2,800,000
Instant Win games	£0	£0	£100,000
Total (£m)	£0	£3,100,000	£6,100,000

Rounded to the nearest £100,000. Figures may not sum due to rounding

Benefits

The most significant non-monetised benefits are the benefits to society from the decrease in the risk of problem gambling in 16 and 17 year olds. Adolescence is a key stage of development and any harms experienced at this stage in life can be detrimental to the future development, confidence and potential of young people. The policy aims to ensure the framework for the National Lottery continues to protect young people from the potential risk of gambling related harm. A study by IPPR, commissioned by the charity GambleAware, estimated that the cost of problem gambling to the UK government was between £0.26 billion and £1.2 billion per annum.

It is not possible to accurately estimate the cost of problem gambling which is attributable to the 16/17 age group, nor is it possible to estimate the costs caused by individual games,

products or gambling sectors. This is supported by research which shows that rates of problem gambling are higher among those who participate in more than one activity.

Monitoring and evaluation

Compliance

Under the terms of the current National Lottery licence, the operator is required to conduct strict age-verification checks to ensure compliance with the legal age limit when selling National Lottery products.

In retail outlets, where the operator is not the sole provider, the operator runs an extensive mystery shopper programme - Operation Child - to identify retailers who are not conducting suitable age verification checks. This programme involves over 11,600 visits to retailers every year. The results of these checks are recorded and reported to the Gambling Commission on a quarterly basis, and will be used to monitor compliance with this policy. The operator reserves the right to remove the retailer's terminal and terminate their retail agreement at any time for a failure to implement sufficient safeguards.

Online play is account-based which enables the operator to conduct age verification checks prior to a player purchasing a National Lottery product. The operator uses an independent organisation to verify a player's age, which provides an Interactive Age Checked accreditation. Should the operator not comply with terms set out in the licence, the Gambling Commission has a variety of enforcement powers, including the ability to introduce new or amended licence conditions, impose financial penalties and if required, revoke the licence.

Impact on gambling-related harm

The Gambling Commission closely monitors the level of gambling-related harm across the National Lottery portfolio. In retail, where it is more difficult for the operator to monitor in 'real time', the Gambling Commission utilises recalled survey data to monitor problem gambling rates for National Lottery products. For example, evidence from the latest combined Health Survey showed that problem gambling rates for players of National Lottery draw-based games were 1.0%, while the figure for scratchcards was 1.8%. The Gambling Commission also conducts an annual participation survey concerning underage play and assesses the risks of underage play on a quarterly basis.

For online play, the operator utilises an industry leading behavioural analytics tool (Mercury v2), which allows them to use customer data to identify patterns of behaviour which suggest a player is exhibiting signs of problem play. As all online play is account based, this tool enables the operator to see trends in the rate of problem play across different age-ranges.

Summary Tables

Lower end

Cost of Option (2019 prices, 2020 present value)			
Total Net Present Social Value	Business Net Present Value	Net direct cost to business per year	BIT Score
-85.5	-85.5	4.0	20.0
Appraisal Period (Years)		10	

Net Benefit (Present Value (PV)) (£m)			
Low:	0.0	High:	0.0
Best Estimate			-85.5

Costs	Total Transition (constant price)	years	Average Annual (excl. Transition, constant price)	Total Cost (present value)
Low	0.0		0.0	0.0
High	0.0		0.0	0.0
Best Estimate	9.3		8.8	85.5

Benefits	Total Transition (constant price)	years	Average Annual (excl. Transition, constant price)	Total Benefit (present value)
Low	0.0		0.0	0.0
High	0.0		0.0	0.0
Best Estimate	0.0		0.0	0.0

Direct impact on business (Equivalent Annual) £m:			
Costs:	4.0	Benefits:	0.0
Net:			4.0

Higher end

Cost of Option (2019 prices, 2020 present value)			
Total Net Present Social Value	Business Net Present Value	Net direct cost to business per year	BIT Score
-93.3	-93.3	4.9	24.6
Appraisal Period (Years)		10	

Net Benefit (Present Value (PV)) (£m)			
Low:	0.0	High:	0.0
		Best Estimate	-93.3

Costs	Total Transition (constant price)	years	Average Annual (excl. Transition, constant price)	Total Cost (present value)
Low	0.0		0.0	0.0
High	0.0		0.0	0.0
Best Estimate	17.2		8.8	93.3

Benefits	Total Transition (constant price)	years	Average Annual (excl. Transition, constant price)	Total Benefit (present value)
Low	0.0		0.0	0.0
High	0.0		0.0	0.0
Best Estimate	0.0		0.0	0.0

Direct impact on business (Equivalent Annual) £m:			
Costs:	4.9	Benefits:	0.0
		Net:	4.9

Risks and assumptions

Assumption	Evidence	Risk
Assumes fixed sales over the appraisal period. There is a trend of falling lottery play for 16-17 year olds, so assumption of fixed sales was proportionate given uncertainty	Real data from the operator on lottery sales sits beneath this assumption for 2019/20. Assuming any kind of trend forecast would be speculative given uncertainty and the variables with the 4th Licence.	There's the risk that sales in the future could follow a different trend, although there is no evidence to inform either way.
It is difficult to quantify gambling related harm and inherently problematic to conduct cost-benefit analysis on policies to reduce it.	The Gambling Commission estimates that 0.7% of population in the UK are problem gamblers	
Number of retail outlets selling lottery products taken from 2019 data and assumed to be fixed beyond 2021	Real data from gambling commission and operator	Number of outlets may vary in future, although there is no evidence to support any trends

Caveat

We obtained an aggregated sales figure for draw-based games for 16-17 year olds but were unable to obtain a breakdown between online and retail sales. Therefore, in our calculations, we have assumed that all draw-based game sales for 16 and 17 year olds were from retailers, and used the equivalent proportions to estimate the cost to business. This will create a further overestimate of the cost to the retailer from the impact of this policy because there is no retailer commission associated with online sales, which will have likely been part of the proportion of the overall draw-based sales to 16 and 17 year olds.

Call-in check list explanations

Distributional Impacts

In the 2019/20 financial year 16 and 17 year olds made up 0.4% of draw-based game 'regular players' and 1.1% of scratchcard 'regular players' (16-17 year olds made up c. 2.6% of people aged 16 or over in mid-2019). Under 500 16-17 year olds played interactive instant win games in the final quarter of the 2019/20 financial year.

Conclusion: There are not significant distributional impacts

Small and Micro Business Assessment (SaMBA)

Figure 17. Annual Cost to retailers option 3.

	Option 3
Annual Cost to retailers	£2.1m

Figures rounded to the nearest £0.1m

Total number of retailers	45,263
Total number of independent retailers (Micro)	24,696 (54.6%)
Total number of non-independent retailers	20,567 (45.4%)

Caveat: without having the data necessary to forecast how many retailers will sell National Lottery products in 2021, we assume the figures from 2019 are fixed for 2021 and thereafter.

Without being able to obtain sales data by retailer type, we assume the annual cost to retailers is evenly distributed. This gives the average annual cost to independent retailers (assumed to be small and micro businesses) of £1.2m (rounded to the nearest £100,000), which represents a cost of £48 per independent retailer per year.

While there are more independent (small / micro) retailers who sell National Lottery products, there is not a significantly disproportionate impact on them and the cost per retailer is relatively small. We are clear that the policy objectives outlined above justify the cost per small/micro retailer.

Figure 19. Cost to small/micro businesses (Independent retailers)

	Final Proposal
Annual Cost to independent retailers	£1.2m
Cost per retailer	£48

Rounded to the nearest £0.1m, cost per retailer rounded to the nearest £1

The cost to independent retailers is small, and the same as non-independent retailers.

Conclusion: There are not disproportionate effects on small businesses. No exemption can feasibly be applied to small and micro businesses.

Gross Effects

Conclusion: Not applicable to such an extent that there will be a difference between the gross and net effects

Wider Impacts

The wider effects of this measure are minimal. It may change perceptions on the risk of harm from National Lottery games, and mean that 16-17 year olds who otherwise would have begun gambling at that age do not do so.

Conclusion: There are not significant wider effects

Significant, Novel, or Contentious The minimum age to play most gambling products is 18, and public/parliamentary opinion is clear that the National Lottery should have a minimum age of 18.

Conclusion: This measure is not significant, novel or contentious