



Department
for Culture
Media & Sport

Consultation on updates to Schedule 6 of the Gambling Act 2005

9 November 2016

Exchange of Information: Persons and Bodies

1. This consultation proposes updates to Schedule 6 of the Gambling Act 2005 (the 2005 Act) to better reflect the bodies that the Gambling Commission (Commission) shares information with on a regular basis. The schedule was last updated in 2012.
2. The Gambling Commission regulates gambling in Great Britain (apart from spread betting). It does so in the public interest and through its statutory licensing objectives to:
 - Prevent gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.
 - Ensure that gambling is conducted in a fair and open way
 - Protect children and other vulnerable persons from being harmed or exploited by gambling.
3. The Gambling Commission's Sports Betting Intelligence Unit (SBIU) receives information and intelligence relating to potentially criminal breaches of sports betting integrity, or breaches of sports betting rules or codes of conduct. These may relate to a sporting event that occurred in GB, individuals present in GB or an operator licensed by the Commission.
4. The SBIU is at the hub of the UK's national strategy to protect betting integrity and deter betting-related corruption. It collaborates with sports governing bodies, betting operators and law enforcement.

Schedule 6

5. Schedule 6 of the 2005 Act lists bodies which are able to exchange information with the Gambling Commission under powers conferred by section 30 of the 2005 Act. License conditions also require licensees who suspect betting irregularities to share information with sports governing bodies included in the schedule. These are essential parts of improving sports betting integrity, as they allow information about suspicious betting patterns to be identified and dealt with to avoid or to prevent match-fixing.
6. The schedule consists of three parts:
 - Part 1 lists the names of 'persons & bodies with functions under this Act'. Under s.350 of the Act information can be exchanged between any person or body listed on Part 1
 - Part 2 lists the names of 'enforcement and regulatory bodies in the UK' and
 - Part 3 lists the names of 'sports governing bodies' (SGBs).
7. The Commission is also able to provide information to SGBs that do not appear on the Schedule. However, this can only be following detailed consideration of the extent to which doing so would further the licensing objectives and would not breach existing statutory or legal constraints, including data protection.

8. The Gambling (Licensing and Advertising) Act came into force in 2014, requiring all betting operators offering services in Great Britain to be licensed by the Gambling Commission. The first twelve months since the implementation of the new legislation led to an 86% increase in reports from operators to SBIU. This has included reports across a wide range of sports, many of which are not currently included in the Schedule. The SBIU has faced and continues to face a number of challenges when attempting to share information with these bodies.
9. The Secretary of State has the power under section 351 of the 2005 Act to update Schedule 6. This is necessary to ensure that the bodies listed are up-to-date and accurately reflect the organisations that the Commission may need to share information with as part of its statutory duty to ensure that gambling remains crime free.

Need for amendments to Schedule 6

10. By providing information obtained under the Commission's 2005 Act powers, the SBIU has been able to assist listed SGBs with their investigations into sports betting integrity issues since its formation in 2010. This assistance has resulted in disciplinary action consisting of fines and suspensions, as well as raising awareness in the respective sports of the need to monitor suspicious betting activity.
11. In contrast, trying to share information with a body not in Schedule 6, even one with appropriate security and systems, can be time consuming. Section 30 (4) of the Act states:

The Commission may provide information received by it in the exercise of its functions to a person if the provision is for the purpose of—

- (a) a criminal investigation (whether in the United Kingdom or elsewhere), or*
- (b) criminal proceedings (whether in the United Kingdom or elsewhere).*

12. When this information does not relate to a criminal investigation or criminal proceedings, and if the body is not listed on Parts 1 to 3 of the Schedule, the Commission has had to make a decision on a case by case basis as to whether it is appropriate to share the information.
13. This is resource intensive for both SGBs and the SBIU and can cause significant delays which can hinder the investigative process. SBIU is required to contact the relevant SGB to ask them to provide assurance that their terms and conditions (of the governing body or the relevant tournament) include a clause that states that participants agree that information about them will be shared during the course of an investigation.
14. If such a clause is not covered in any relevant terms and conditions, written consent would need to be requested from the individual(s) concerned to the information being shared and advising who it is being shared with. A response period of one month is

required under data protection legislation, potentially further delaying the undertaking of any appropriate investigative action.

Proposed changes to Schedule 6

15. It is therefore proposed that a number of new bodies be added to Schedule 6 so that sports betting matters relating to those sports can be actively addressed by the Commission and the relevant Sports Governing Body (SGB). This will support future effective working practices, reduce the burden on SGBs and the SBIU and help protect UK sports and betting from the impacts of integrity issues.
16. The main criteria used to identify the SGBs proposed to be added to Schedule 6, Part 3 are:
- That each new SGB must have developed and effective information management governance in place (i.e. a point of contact re Betting Integrity issues and appropriate infrastructure to receive and store sensitive information).
 - That each new SGB must have established betting rules for participants and codes that address all issues across the match-fixing spectrum.
17. Further amendments are proposed to Parts 2 and 3 of Schedule 6 to reflect changes to the names of some of the bodies listed. The proposed amendments to the Schedule are listed below.

– Amendments/Additions (**Bodies in bold – updates or new additions**)

PART 1 - PERSONS AND BODIES WITH FUNCTIONS UNDER THIS ACT

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Commissioners of Customs and Excise
- The First-tier Tribunal
- The Secretary of State
- The Scottish Ministers

PART 2 - ENFORCEMENT AND REGULATORY BODIES

- The Charity Commission
- The Financial Conduct Authority
- The Horserace Betting Levy Board
- The National Crime Agency
- The Competitions and Markets Authority

- The Pensions Regulator
- The Prudential Regulation Authority
- The Serious Fraud Office
- **UK Anti-Doping (ADDITION)**

PART 3 - SPORT GOVERNING BODIES -

- The Association of European Professional Football Leagues (established in Switzerland)
- Bowls England
- British Boxing Board of Control Limited
- The British Darts Organisation Limited
- The British Horseracing Authority Limited
- British Lions Limited (incorporated in Ireland)
- Celtic Rugby Limited (incorporated in Ireland)
- The Commonwealth Games Federation
- England Hockey
- England Squash and Racketball Limited
- The England and Wales Cricket Board Limited
- ~~The European Rugby Cup Limited (incorporated in Ireland)~~
- Fédération Internationale de Football Association
- The Football Association Limited
- The Football Association of Wales Limited
- The Greyhound Board of Great Britain Limited
- The International Association of Athletics Federations
- The International Cricket Council
- The International Hockey Federation
- The International Olympic Committee
- ~~The International Rugby Board~~
- The International Tennis Federation (incorporated in the Bahamas as ITF Limited)
- The Lawn Tennis Association
- The Irish Football Association Limited
- The Jockey Club
- ~~The London Marathon Limited~~
- The Motor Sports Association Limited
- The Professional Golfers' Association Limited
- The Rugby Football League Limited
- The Rugby Football Union

- The Rugby League International Federation
- The Scottish Football Association Limited
- The Scottish Rugby Union PLC
- Six Nations Rugby Limited
- UK Athletics Limited
- The Union of European Football Associations
- The Welsh Rugby Union Limited
- The World Darts Federation
- The World Professional Billiards and Snooker Association Limited
- **World Rugby (UPDATE)**
- **The London Marathon Charitable Trust (UPDATE)**
- **European Professional Club Rugby (EPCR) (UPDATE)**
- **The Tennis Integrity Unit (ADDITION)**
- **Darts Regulation Authority (ADDITION)**
- **Rugby League European Federation (ADDITION)**
- **Irish Rugby Football Union (ADDITION)**

Question 1: Do you agree with the proposed additions to Schedule 6?

Question 2: Are there other bodies which should be included?

Legislative Framework

18. Regulations under section 351 of the Act give the Secretary of State the power to change Schedule 6 so that bodies can be added, removed or moved from one list to another and to add, remove or vary a Notice. Statutory instrument SI 2007/2101, dated 20 July 2007 and Statutory instrument SI 2012/1633 dated 21 June 2012 both updated Schedule 6. These statutory instruments are available on www.gov.uk.

19. The measure will be deregulatory and therefore qualifies for fast track. An impact assessment is not required at consultation stage and will be produced at a later stage.

Consultation

20. This is a public consultation. We are particularly interested in seeking the views of SGBs. We would also welcome views from other interested parties and all responses will be considered.

21. This consultation document is available at the Department for Culture, Media and Sport section of the gov.uk website (www.gov.uk/government/organisations/department-for-culture-media-sport). The closing date for responses is **8 December 2016**. Please send your comments by e-mail to:

schedule6.amendments@culture.gov.uk or to:-

Schedule 6 Consultation (Gambling Commission)
Department for Culture, Media and Sport
4th Floor, 100 Parliament Street
London SW1A 2BQ

22. When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. We will acknowledge your response.
23. All information in responses, including personal information, may be subject to publication or disclosure under Freedom of Information legislation. Although we will endeavour to respect any request made by a respondent which is said to be made in confidence, this may not always be possible. Any such request should explain why confidentiality is necessary. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.