



Department for
Digital, Culture
Media & Sport

Updates to Schedule 6 of the
Gambling Act 2005:
Government response to
consultation

25 August 2017

Introduction

The Department for Digital, Culture, Media and Sport (DCMS) held a consultation between 9 November 2016 and 8 December 2016 on proposed amendments to Schedule 6 of the Gambling Act 2005 (the 2005 Act).

The Gambling Commission regulates gambling in Great Britain (apart from spread betting). Its 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 and shares it with those involved in tackling such issues, including sports governing bodies (SGBs).

Schedule 6 lists bodies with whom the Commission can share information and who can share information with the Commission under section 30 of the 2005 Act. These include SGBs. We intend to update this list to include further bodies which meet the criteria for inclusion and reflect where bodies have changed their names in recent years.

The purpose of the update is to better reflect the bodies that the Commission shares information with on a regular basis and to improve the flow of information sharing by and with the Commission. The update will reduce the burden on SGBs and the SBIU and help protect UK sports and betting from the impacts of integrity issues.

The Commission may provide information to SGBs that do not appear on Schedule 6, but only 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. This places a burden both on the Commission and on the bodies with which it is required to share, in terms of time and resource.

Consultation

As the consultation explained, to be added to Part 3 of Schedule 6, SGBs must meet the following criteria:

- Each new Sports Governing Body (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).
- Each new SGB must have established betting rules for participants and codes that address all issues across the match-fixing spectrum.

Bodies being added to Part 2 of the Schedule (ie bodies with functions under the 2005 Act or enforcement and regulatory bodies) must also meet the information management governance criterion.

The consultation also proposed a number of updates in Part 3 to reflect where bodies have changed their names in recent years

A total of 20 consultation responses were received from player associations, licensed gambling operators, sports governing bodies (SGBs) and from members of the public.

Changes to Schedule 6

Chapter 1: Summary of responses to consultation questions:

Question 1. Do you agree with the proposed additions to Schedule 6?
Question 2. Are there other bodies which should be included?

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

The fourteen respondents who answered question 1 broadly agreed with the proposed additions to schedule 6. One respondent supported the inclusion of all other additions, but opposed the inclusion of UK Anti Doping (UKAD) because it said there was no hard evidence of a link between match fixing and doping and that any anti-doping regime must be proportionate.

The decision has been taken to include UKAD in Schedule 6 as we believe this is proportionate. Since the last update, the Commission has engaged with UKAD to identify any trends and crossovers between the two organisations' intelligence; all disclosures of personal data are subject to the requirements of the Human Rights Act 1998 and the Data Protection Act 1998. The organisation meets the criteria for inclusion as outlined in the consultation, including having in place the required information management governance.

The Tennis Integrity Unit, Darts Regulation Authority, Rugby League European Federation and Irish Rugby Football Union will also be added to the schedule as proposed in the consultation. The names of several other bodies already on the schedule will be updated to reflect changes of name in the period since the last update.

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

Of those who agreed that other bodies should be included, nine respondents proposed themselves for inclusion, with six recommending the inclusion of other bodies. The evidence provided by respondents was evaluated and the Gambling Commission engaged with all bodies requesting inclusion.

The International Paralympic Committee (IPC), Table Tennis England (TTE) and the Ladies European Tour (LET) [golf] met the criteria and have been added to the proposed update.

Other bodies requesting inclusion were found not to be suitable at this stage. The sports bodies which did not meet the criteria at the time of consultation have been informed of the decision and the Gambling Commission will continue to work with them for possible inclusion at a later date.

The Esports Integrity Coalition (ESIC) met the criteria for inclusion in other respects, but could not be included as it is neither a sports governing body, a body created by SGBs, like the Tennis Integrity Unit, nor a competition organiser. However, the Commission appreciates the value ESIC can add to the integrity of eSports and has established a Memorandum of Understanding (MOU). Esports have continued to grow in popularity and it would encourage the establishment of an overarching eSports SGB.

Other responses

One respondent recommended the inclusion of individual academic researchers or a working group consortium within the schedule. However, there is no legal basis in the 2005 Act for the inclusion of researchers in Schedule 6, and it is also not the purpose of the Schedule, which relates to information-sharing under section 30 of the Act. The Commission already has strong working relationships with academics and welcomes further collaboration in its efforts to improve sports betting integrity.

Another respondent said that requiring organisations to have developed information management governance in place was unnecessarily restrictive and that all governing bodies recognised by the Home Sports Councils should be included in Part 3. We do not consider this to be a viable option, as it would unlawfully subdelegate the Secretary of State's power in section 351 of the 2005 Act. The intention of the legislation is that it is for the Secretary of State with Parliamentary oversight to determine the bodies suitable for inclusion.

Furthermore, the Commission has advised that not all SGBs recognised by Home Sports Councils have the standard of information management which would allow it to share information routinely. The Commission will continue to work with the Home Sports Councils to further engage those organisations about betting integrity considerations and to promote best practice.

The proposals for updating the schedule will have no impact on betting operator licence fees.

Annex A – summary of amendments and additions to Schedule 6

The Government intends to amend Schedule 6 as follows:

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)
European Professional Club Rugby (EPCR) (Update)
London Marathon Events Limited (Update)
The Tennis Integrity Unit (Addition)
Darts Regulation Authority (Addition)
Rugby League European Federation (Addition)
Irish Rugby Football Union (Addition)
Table Tennis England (Addition - added following consultation)
Ladies European Tour (Addition - added following consultation)
International Paralympic Committee (Addition - added following consultation)

Annex B - List of consultation respondents

1. Ice Hockey UK
2. Table Tennis England
3. The London Marathon Charitable Trust/London Marathon Events Limited
4. England Hockey
5. Her Majesty's Commissioners of Revenue & Customs
6. Ladies European Tour
7. Euroleague Basketball
8. Ryan Rodenberg, JD/PhD
9. Esports Integrity Coalition
10. UK Sport
11. Badminton England
12. British Horseracing Authority
13. Rugby Football League
14. Remote Gambling Association
15. Professional Players Federation
16. Ladbrokes Coral
17. The Premier League
18. European Sports Security Association (ESSA)
19. Betway Limited
20. Sports Betting Group

