An Bille um Rialáil Cearrbhachais, 2022

Gambling Regulation Bill 2022

ADMINISTRATIVE REPRINT

Bille Dála arna leasú i gCoiste ag Seanad Éireann

Dáil Bill as amended in Committee by Seanad Éireann

This administrative reprint incorporates amendments made at Committee Stage by Seanad Éireann. It has been produced for ease of reference only, given that amendments made by Seanad Éireann to a Bill initiated in Dáil Éireann cannot have legislative effect unless agreed to by Dáil Éireann.

[No. 114bx of 2022]

AN BILLE UM RIALÁIL CEARRBHACHAIS, 2022
GAMBLING REGULATION BILL 2022

Mar a leasaíodh i gCoiste

As amended in Committee

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement
2. Interpretation
3. Reference to providing betting activity
4. Reference to providing game
5. Reference to providing lottery
6. Unenforceability of contracts: bookmakers
7. Expenses
8. Service of documents
9. Regulations
10. Repeals and revocations

PART 2

GAMBLING REGULATORY AUTHORITY OF IRELAND

CHAPTER 1

Establishment, functions and governance of Authority

11. Definition (Chapter 1)
12. Establishment day
13. Establishment of Gambling Regulatory Authority of Ireland
14. Membership of Authority
15. Functions of Authority
16. Recommendation for appointment of members of Authority
17. Terms and conditions of membership of Authority
18. Power to appoint consultants and advisers and enter into contracts
19. Procedures of Authority
20. Committees of Authority
21. Chief executive

[No. 114bx of 2022]

22. Functions of chief executive
23. Delegation of functions of chief executive
24. Accountability of chief executive to Public Accounts Committee
25. Accountability of chief executive to other Oireachtas Committees
26. Staff of Authority
27. Superannuation
28. Annual accounts
29. Annual report
30. Strategy statement
31. Codes of practice
32. Conduct of research
33. Review of operation of Act and consideration of issues of concern
34. Request from Minister to Authority for report
35. Information sharing agreements with persons in State
36. Amendment of National Archives Act 1986

CHAPTER 2

Funding of Authority and fees

37. Definitions (Chapter 2)
38. Power to charge fees
39. Advances by Minister to Authority
40. Funding of Authority
41. Power to impose charge to fund Authority
42. Power to recover fees and charges
43. Obligation to provide information to Minister and Minister for Public Expenditure, National Development Plan Delivery and Reform

CHAPTER 3

National Gambling Exclusion Register

44. Definition (Chapter 3)
45. National Gambling Exclusion Register
46. Obligations of licensee to person whose name is entered on National Gambling Exclusion Register
47. Removal of entry on National Gambling Exclusion Register
48. Right of self-exclusion by person directly with licensee not affected
49. Review of operation of National Gambling Exclusion Register

CHAPTER 4

Social Impact Fund

50. Establishment of Social Impact Fund
51. Payments out of Social Impact Fund

52. Payment of expenses of Authority from Social Impact Fund
53. Money transferred to Social Impact Fund following closure of gambling account
54. Funding of Social Impact Fund
55. Obligation to keep account of expenditure of money received from Social Impact Fund
56. Direction of Minister
57. Accounts: Social Impact Fund

PART 3

PROVISIONS APPLICABLE TO AUTHORITY, APPEALS PANEL AND ADJUDICATION OFFICERS

58. Definition (Part 3)
59. Ineligibility to become and disqualification to act as member of relevant office or as adjudication officer
60. Membership of either House of Oireachtas, European Parliament or local authority
61. Removal of member of relevant office
62. Non-disclosure of confidential information
63. False or misleading information, documentation or evidence
64. Restriction of rights and obligations under Data Protection Regulation
65. Regulations for purposes of data protection
66. Amendment of Freedom of Information Act 2014

PART 4

PROHIBITIONS AND OFFENCES (GENERAL)

CHAPTER 1

Prohibitions: gambling activities and offence of cheating

67. Prohibition on providing betting activity, game or lottery
68. Employees, servants or agents of licensee providing relevant gambling activity
69. Prohibition on betting intermediaries acting other than by remote means
70. Prohibition on sale or supply of gambling product or gambling related service
71. Prohibition on purchase of gambling product or gambling related service
72. Gambling licensees and software for use in gambling
73. Prohibition on transfer, assignment or encumbrance of gambling licence
74. Cheating at relevant gambling activity

CHAPTER 2

Applications to Court in respect of persons providing gambling activity in contravention of Chapter 1

75. Application to Court to direct relevant person to cease prohibited gambling activity and related matters

CHAPTER 3

Provisions related to offences: general

76. Liability of relevant officers and beneficial owners
77. Summary proceedings
78. Time limit for offences: summary proceedings
79. Jurisdiction
80. Costs of prosecution
81. Suspension or revocation of gambling licence on conviction for offence

PART 5

LICENSING OF GAMBLING ACTIVITIES

CHAPTER 1

Preliminary and General

82. Definitions (Part 5)
83. Regulations (Part 5)

CHAPTER 2

Gambling licences and register of gambling licensees

84. Gambling licences
85. Betting licences
86. Gaming licences
87. Lottery licences
88. Gambling licence for charitable or philanthropic purpose
89. Business to Business gambling licences
90. Register of gambling licensees

CHAPTER 3

Gambling activities exempt from requirement to hold gambling licence

91. Application (Chapter 3)
92. Certain lotteries held for charitable or philanthropic purpose not requiring gambling licence
93. Certain lotteries held in conjunction with selling or marketing of products not requiring gambling licence

CHAPTER 4

Applications for gambling licences: general

94. Definitions (Chapter 4)
95. Public notice of intention to apply for gambling licence
96. Information and documentation to accompany application for gambling licence: general
97. Information and documentation to accompany application: applications, licences, permits or certificates under relevant Acts
98. Information and documentation to accompany application where gambling activity to

be provided in-person

99. Assessment of suitability of premises

100. Assessment of suitability of premises for children

101. Assessment of suitability of premises for automated teller machine

102. Information and documentation to accompany application where gambling activity to be provided by remote means

103. Assessment of information and documentation provided under section 102(1)(b) and (c)

104. Information and documentation to accompany application for renewal of gambling licence

105. Further information sought by Authority following receipt of application for gambling licence

106. Arrangement with person outside State performing similar functions to Authority

CHAPTER 5

Gambling licences issued under this Part

107. Issue of gambling licence following decision to grant gambling licence

108. Duration gambling licence remains in force

109. Transfer of gambling licence in certain circumstances

110. Display and production of gambling licence

111. Offence: falsely representing licence, registration number, as licensee or authorised officer

CHAPTER 6

Applications for Business to Consumer licences: betting, gaming and lottery licences

112. Application for Business to Consumer gambling licence

113. Application for lottery licence: once-off lottery

114. Determination by Authority of application for Business to Consumer gambling licence

115. Renewal of Business to Consumer gambling licence

116. Application by licensee of in-person gambling licence to add premises to licence

117. Application to vary certain relevant gambling activities provided pursuant to certain Business to Consumer gambling licences

CHAPTER 7

Applications for grant and renewal of gambling licences for charitable or philanthropic purpose

118. Application for gambling licence for charitable or philanthropic purpose

119. Application for gambling licence for charitable or philanthropic purpose: once-off activity

120. Determination by Authority of application for gambling licence for charitable or philanthropic purpose

121. Renewal of gambling licence for charitable or philanthropic purpose

122. Application to vary relevant gambling activity for a charitable or philanthropic purpose

CHAPTER 8

Standards and certification of certain gambling products and gambling related services and applications for grant and renewal of Business to Business gambling licences

123. Power to set standards for certain gambling products and gambling related services

124. Application for certification of gambling product or gambling related service where standards in effect in accordance with section 123

125. Application for Business to Business gambling licence

126. Determination by Authority of application for Business to Business gambling licence

127. Renewal of Business to Business gambling licence

128. Application to vary relevant gambling product or relevant gambling related service

CHAPTER 9

Conditions attaching to gambling licences

129. Regulations (Chapter 9)

130. Conditions attaching to gambling licences: general

131. Conditions attaching to Business to Consumer gambling licences and gambling licences for charitable or philanthropic purpose

132. Notice to Authority of change of information given under section 98(1)

133. Notice to Authority of change in information given under section 102

134. Additional conditions: Business to Consumer gambling licences

135. Establishment and maintenance of Segregated Customer Account

136. Regulations: Segregated Customer Accounts

137. Additional condition: game provided under gaming licence or gambling licence for charitable or philanthropic purpose

138. Additional conditions: lottery licences

139. Additional conditions: gambling licence for charitable or philanthropic purpose

140. Conditions attaching to Business to Business gambling licence

PART 6

OBLIGATIONS ON LICENSEES AND OTHER PERSONS

CHAPTER 1

Obligations on licensees and other persons: advertising, branded clothing and engagement of children in providing relevant gambling activity

141. Interpretation (Chapter 1 – Part 6)

142. Obligation not to engage child as employee, servant or agent providing relevant gambling activity

143. Obligations on licensees in relation to advertising: general

144. Regulations regarding advertisements

145. Advertising by licensee by means of audiovisual on-demand media service or on-

demand sound service
146. Advertising on social media service and video-sharing platform service
147. Advertising by licensee by means of electronic communication
148. Prohibited material in advertisement
149. Prohibited hours for advertising on certain media
150. Application to High Court to direct cessation of advertising activity
151. Prohibition on branded clothing and merchandise

CHAPTER 2

Obligations on licensees: general

152. Obligation on licensees to maintain records and accounts
153. Obligation to notify Authority of changes

CHAPTER 3

Obligations on certain licensees: suspicious gambling patterns, inducements, participation of children and sponsorship

154. Application (Chapter 3)
155. Obligation to pay out winnings
156. Obligation to notify Authority of suspicious gambling patterns
157. Offering inducement to gamble
158. Obligation not to permit child participate in relevant gambling activity
159. Sponsorship

CHAPTER 4

Obligations on certain Business to Consumer licensees: training, provision of facility for participants to set monetary limit and forms of payment for relevant gambling activities

160. Interpretation (Chapter 4)
161. Application (Chapter 4)
162. Approved training programme
163. Obligation to ensure approved training programme completed by staff in relevant post
164. Obligation to provide facility to enable participant to set monetary limit
165. Obligation in respect of method of payment for relevant gambling activity

CHAPTER 5

Obligations on licensees of remote gambling licences

166. Definition (Chapter 5)
167. Obligations before providing relevant gambling activity by remote means
168. Obligation to establish and maintain register of account-holders
169. Application to open gambling account with licensee of remote gambling licence
170. Requirement to lodge money in gambling account
171. Obligation to close gambling account

172. Obligation to provide copy of terms and conditions of relevant gambling activity provided by remote means

173. Obligation to provide information to account-holder

174. Protection of children

175. Obligation not to provide relevant gambling activities by remote means on certain days or at certain times

CHAPTER 6

Obligations on licensees of in-person gambling licences

176. Obligations in respect of opening hours and use of premises

177. Obligation

178. Obligation in relation to withdrawal of cash on premises

PART 7

COMPLAINTS

179. Definition (Part 7)

180. Complaints about licensees

181. Regulations regarding complaints

PART 8

COMPLIANCE WITH AND ENFORCEMENT OF RELEVANT OBLIGATIONS OF LICENSEES

CHAPTER 1

Preliminary and general

182. Interpretation (Part 8)

183. Privileged legal material

CHAPTER 2

Authorised officers

184. Appointment of authorised officers

185. Powers of authorised officers

186. Search warrants

187. Data sharing: Act of 1958 and Act of 1994

CHAPTER 3

Compliance with relevant obligations: general

188. Obligation on licensees to furnish compliance report and information and documentation

189. Application to District Court to compel production of information and documentation

190. Action by Authority in relation to alleged contravention of relevant obligation

191. Power of Authority to enter agreement with a licensee in respect of alleged contravention of relevant obligation

CHAPTER 4

Notice of non-compliance

192. Notice to licensee: contravention of relevant obligation
193. Notice of non-compliance
194. Suspension or revocation of licence following notice of non-compliance

CHAPTER 5

Directed investigation

195. Power to direct investigation
196. Report of authorised officer
197. Action by Authority after consideration of investigation report

CHAPTER 6

Adjudication and decisions on adjudication

198. Definitions (Chapter 6)
199. Adjudication by adjudication officers or panel
200. Imposition of financial penalty and criminal proceedings
201. Administrative sanction: suspension or revocation of gambling licence or imposition of condition on gambling licence
202. Action by adjudication officer after assignment to conduct adjudication
203. Decision as to contravention and imposition of administrative sanction
204. Notice of administrative sanction
205. Taking effect of decision as to contravention and taking effect of administrative sanction
206. Limitations on amount of financial penalty imposed as administrative sanction
207. Appeal against decision as to contravention and imposition of administrative sanction
208. Circuit Court confirmation of decision as to contravention and administrative sanction
209. Reference on point of law to High Court
210. Power of adjudication officer to issue direction to Authority or licensee
211. Oral hearing
212. Orders for costs in proceedings before adjudication officer
213. Regulations in relation to proceedings before adjudication officer
214. Treatment of amounts paid in respect of financial penalties

CHAPTER 7

Adjudication officers

215. Nomination of adjudication officers
216. Appointment of adjudication officers

217. Independence of adjudication officer
218. Regulations (Chapter 7)
219. Assistance to adjudication officers

CHAPTER 8

Emergency orders in respect of licensees

220. Application to Court for emergency orders in respect of licensees

PART 9

APPEALS

221. Definition (Part 9)
222. Appeals to Circuit Court
223. Appeals to Appeals Panel
224. Appeals Panel
225. Application to Appeals Panel and determination of appeal by appeals officer or Appeals Board
226. Appeal procedures

PART 10

AMENDMENTS TO OTHER ACTS, TRANSITIONAL AND SAVINGS PROVISIONS AND CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

CHAPTER 1

Amendments to other Acts

227. Amendment of Act of 1931
228. Prohibition on employment of child or young person in providing relevant gambling activity
229. Amendment of Act of 2002
230. Amendment of Act of 2010

CHAPTER 2

Transitional provisions: Act of 1929 and regulations made under that Act

231. Definition
232. Totalisator licences under Act of 1929

CHAPTER 3

Transitional provisions: Act of 1931 and regulations made under that Act

233. Definition
234. Transitional provision: general
235. Transitional provisions: bookmaker's license under section 7 of Act of 1931
236. Transitional provision: certificates of personal fitness under sections 4 and 5 of Act of 1931 for bookmaker's licence

237. Transitional provision: remote bookmaker's licence under section 7B of Act of 1931

238. Transitional provision: remote betting intermediary's licence under section 7C of Act of 1931

239. Transitional provision: certificates of personal fitness under section 5A for remote bookmaker's licence or remote betting intermediary's licence

240. Transitional provision: certificates of suitability of premises under section 10 of Act of 1931

241. Transitional provision: registration under section 12 of Act of 1931 in register of bookmaking offices

242. Transitional provision: revocation of licence or registration by court under section 15 of Act of 1931

243. Transitional provision: revocation of certain licences by Minister for Justice under section 16 of Act of 1931

244. Transitional provision: registers under Act of 1931

245. Transitional provision: compliance notice under section 32B of Act of 1931

CHAPTER 4

Transitional provisions: Act of 1956 and regulations under that Act

246. Definition

247. Transitional provision: general

248. Transitional provision: contracts or debts referred to in section 36 of Act of 1956

249. Transitional provision: gaming permits under Part II of Act of 1956

250. Transitional provision: gaming licences under Part III of Act of 1956

251. Transitional provision: lottery permits under Part IV of Act of 1956

252. Transitional provision: lottery licences under Part IV of Act of 1956

253. Transitional provision: revocation of licences and permits under Part V of Act of 1956

254. Registers of gaming permits, gaming licences, lottery permits and lottery licences under Act of 1956

CHAPTER 5

Transitional provision: Act of 1975

255. Transitional provisions: section 43 of Act of 1975

CHAPTER 6

Transitional provisions: Act of 2010 and regulations made under that Act in relation to private members' clubs that engage in gambling activities

256. Definitions

257. Transitional arrangements: general

258. Transitional arrangement: maintenance of register under section 109 of Act of 2010

259. Transitional arrangement: registration on the register

260. Transitional arrangement: certificate of fitness under section 109B of Act of 2010

261. Transitional arrangement: Appeal under section 109E of Act of 2010 where application for certificate of fitness refused

Chapter 7

Consequential amendments to other enactments

262. Amendment of Act of 1958
263. Amendment of section 1 of Street and House to House Collections Act 1962
264. Amendment of section 8 of Pawnbrokers Act 1964
265. Amendments to Act of 1994
266. Amendment of Consumer Credit Act 1995
267. Amendment of Act of 2001
268. Amendment of Local Government Act 2001
269. Amendment of section 2 of Criminal Justice (Public Order) Act 2003
270. Amendment of section 93 of Charities Act 2009

SCHEDULE 1

Relevant offence

SCHEDULE 2

Maximum relevant payment and maximum winnings

Part 1

Acts Repealed

Part 2

Statutory Instruments Revoked

SCHEDULE 3

Maximum relevant payment and maximum winnings

Betting (Amendment) Act 2015 (No. 7)
Betting Act 1853 (16 & 17 Vict.,) c. 119
Betting Act 1931 (No. 27)
Betting and Loans (Infants) Act 1892 (55 & 56 Vict.) c. 4
Broadcasting Act 2009 (No. 18)
Central Bank Act 1942 (No. 22)
Central Bank Act 1989 (No. 16)
Charities Act 2009 (No. 6)
Child Trafficking and Pornography Act 1998 (No. 22)
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24)
Communications Regulation Act 2002 (No. 20)
Companies Act 2014 (No. 38)
Comptroller and Auditor General (Amendment) Act 1993 (No. 8)
Consumer Credit Act 1995 (No. 24)
Consumer Protection Act 2007 (No. 19)
Counterfeiting Act 2021 (No. 16)
Credit Union Act 1997 (No. 15)
Criminal Damage Act 1991 (No. 31)
Criminal Justice (Corruption Offences) Act 2018 (No. 9)
Criminal Justice (Female Genital Mutilation) Act 2012 (No. 11)
Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (No. 6)
Criminal Justice (Public Order) Act 2003 (No. 16)
Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)
Criminal Law (Human Trafficking) Act 2008 (No. 8)
Criminal Law (Rape) (Amendment) Act 1990 (No. 32)
Criminal Law (Sexual Offences) Act 1993 (No. 20)
Criminal Law (Sexual Offences) Act 2006 (No. 15)
Criminal Law (Sexual Offences) Act 2017 (No. 2)
Data Protection Act 2018 (No. 7)
Domestic Violence Act 2018 (No. 6)
Electoral Reform Act 2022 (No. 30)
European Parliament Elections Act 1997 (No. 2)
Finance (Miscellaneous Provisions) Act 1956 (No. 47)
Finance Act 1975 (No. 6)
Finance Act 1992 (No. 9)
Finance Act 2002 (No. 5)
Fire Services Act 1981 (No. 30)
Freedom of Information Act 2014 (No. 30)

Gaming Act 1744 (18 Geo. 2.) c. 34

Gaming and Lotteries Act 1956 (No. 2)

Gaming and Lotteries Acts 1956 to 2003

Greyhound Industry Act 1958 (No. 12)

Harassment, Harmful Communications and Related Offences Act 2020 (No. 32)

Horse and Greyhound Racing Act 2001 (No. 20)

Interpretation Act 2005 (No. 23)

Irish Horseracing Industry Act 1994 (No. 18)

Licensing Act 1872 (35 & 36 Vict., c. 94)

Local Government Act 2001 (No. 37)

Mercantile Marine Act 1955 (No. 29)

Misuse of Drugs Act 1977 (No. 12)

National Archives Act 1986 (No. 11)

National Lottery Act 1986 (No. 28)

National Lottery Act 2013 (No. 13)

National Treasury Management Agency Act 1990 (No. 18)

Netting of Financial Contracts Act 1995 (No. 25)

Non-Fatal Offences against the Person Act 1997 (No. 26)

Offences against the Person Act 1861 (24 & 25 Vict., c.100)

Pawnbrokers Act 1964 (No. 31)

Petty Sessions (Ireland) Act 1851 (14 & 15 Vict., c.93)

Protection of Young Persons (Employment) Act 1996 (No. 16)

Punishment of Incest Act 1908 (8 Edw. 7 c.45)

Street and House to House Collections Act 1962 (No. 13)

Taxes Consolidation Act 1997 (No. 39)

Totalisator Act 1929 (No. 22)

AN BILLE UM RIALÁIL CEARRBHACHAIS, 2022
GAMBLING REGULATION BILL 2022

Bill

entitled

An Act to provide for the establishment of a body to be known as *Údarás Rialála Cearrbhachais na hÉireann* or, in the English language, the Gambling Regulatory Authority of Ireland for the purposes of licensing and regulating betting, gaming, certain lotteries and the sale or supply of products or services related to gambling; to provide for the funding of that Authority by means of imposition of a charge on licensees; to provide for the establishment and maintenance of a register of persons who hold gambling licences in the State and a National Gambling Exclusion Register; to provide for the establishment of a Social Impact Fund to, among other matters, finance research into, raise awareness of, and eliminate or reduce, compulsive and excessive gambling; to provide for contributions to the Fund by certain licensees; to provide for the imposition of obligations on those licensees including obligations relating to advertising, inducements and sponsorship for the purposes of safeguarding persons participating in gambling; to provide for the prohibition of children participating in gambling or being employed in the gambling industry; to provide, for the purposes of ensuring conditions attached to gambling licences and obligations imposed on licensees are complied with, for compliance and enforcement measures; and for those and other purposes to repeal the Gaming Act 1744, the Betting Act 1853, the Totalisator Act 1929, the Betting Act 1931, the Gaming and Lotteries Act 1956 and certain provisions of certain other Acts, to revoke certain statutory instruments and to provide for the consequential amendment of certain other enactments; to provide for transitional arrangements; to amend the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 for the purpose of giving further effect to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015[1] on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

1 OJ No. L141, 5.6.2015, p. 73

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the *Gambling Regulation Act 2024*.

(2) This Act, other than *section 227*, shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, and for the repeal or revocation of different provisions of the enactments effected by *section 9*. 5

Interpretation 10

2. (1) In this Act—

"account-holder" means a person who holds a gambling account;

"Act of 1929" means the Totalisator Act 1929;

"Act of 1931" means the Betting Act 1931;

"Act of 1956" means the Gaming and Lotteries Act 1956; 15

"Act of 1958" means the Greyhound Industry Act 1958;

"Act of 1975" means the Finance Act 1975;

"Act of 1994" means the Irish Horseracing Industry Act 1994;

"Act of 1997" means the Taxes Consolidation Act 1997;

"Act of 2001" means the Horse and Greyhound Racing Act 2001; 20

"Act of 2002" means the Finance Act 2002;

"Act of 2010" means the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010;

"Act of 2013" means the National Lottery Act 2013;

"Act of 2014" means the Companies Act 2014; 25

"Act of 2018" means the Data Protection Act 2018;

"adjudication officer" has, subject to *section 199(2)*, the meaning assigned to it by *section 216(1)* and a reference to an adjudication officer, other than in *section 62(3)*, includes a reference to the chief adjudication officer;

"advertise" includes advertise by means of an image, sound or text; 30

"Appeals Board" means a Board appointed under *section 225(4)(b)* to hear an appeal;

"appeals officer" means a member of the Appeals Panel appointed under *section 225(4)(a)* to determine an appeal under *Part 9*;

"Appeals Panel" shall be construed in accordance with *section 224*;

"authorised officer" means an authorised officer appointed under *section 184*;

"Authority" has the meaning assigned to it by *section 13(1)*;

"beneficial owner" has the meaning given to it by Article 3 of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015[2] on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No. 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC;

"bet" means a payment made to participate in betting;

"betting" includes pool betting;

"betting licence" means—

(a) an in-person betting licence,

(b) a remote betting licence,

(c) an in-person and remote betting licence, or

(d) a remote betting intermediary licence;

"Business to Business gambling licence" has the meaning assigned to it by *section 89*;

"Business to Consumer gambling licence" means a betting licence, a gaming licence or a lottery licence;

"charitable or philanthropic purpose" shall be construed in accordance with *section 88(4)*;

"chief adjudication officer" means the adjudication officer appointed by the Minister under *section 216(3)* to be the chief adjudication officer;

"chief executive" has the meaning assigned to it by *section 21(1)*;

"child" means a person under the age of 18 years;

"committee" means a committee of the Authority established under *section 20*;

"Data Protection Regulation" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"directed investigation" has the meaning assigned to it by *section 195(1)*;

"director", in relation to a body corporate, includes—

(a) a person occupying the position of director, by whatever name called,

(b) a person who effectively directs or has a material influence over the business of the body corporate,

(c) a person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act, unless the directors are accustomed so to

2 OJ No. L141, 5.6.2015, p. 73

act by reason only that they do so on advice given by the person in a professional capacity, and

(d) where the affairs of the body corporate are managed by its members, any of the members who perform or exercise the functions of such management;

"enactment" has the same meaning as it has in the Interpretation Act 2005;

"gambling" means, whether in-person or by remote means, betting, gaming or participating in a lottery;

"gambling account" means an account held by a person with a licensee of a remote gambling licence—

(a) where money is lodged with that licensee for the purposes of making a relevant payment to the licensee in respect of relevant gambling activities by remote means,

(b) to enable the person to make relevant payments to the licensee,

(c) to hold winnings (if any), and

(d) that enables the person to view the balance, relevant payments made and winnings received;

"gambling activity" means—

(a) providing a betting activity, a game or a lottery, or

(b) selling or supplying, or offering to sell or supply, a gambling product or a gambling related service;

"gambling licence" means—

(a) a Business to Consumer gambling licence,

(b) a gambling licence for a charitable or philanthropic purpose, or

(c) a Business to Business gambling licence;

"gambling licence for a charitable or philanthropic purpose" has the meaning assigned to it by *section 88(1)*;

"gambling product" means any machine (including a gaming machine), equipment or software used, constructed or adapted for or in connection with gambling;

"gambling related service" means any service provided, directly or indirectly, in the course of business which relates to a gambling activity or a gambling product, or is ancillary to a gambling activity or a gambling product and includes providing, for the operation of a gambling activity—

(a) odds to licensees,

(b) online hosting services,

(c) support and maintenance which is indispensable to its operation,

(d) risk management services,

(e) fraud management services,

(f) services to implement measures to protect and safeguard participants,

(g) the installation, maintenance or upgrading of software, and

(h) any other service the Authority prescribes;

"game" means a game—

(a) of skill or chance, or partly of skill and partly of chance, and

(b) where a participant in the game may, having made a payment, win a prize of money or money's worth;

"gaming" means providing a game or participating in a game;

"gaming licence" means—

(a) an in-person gaming licence,

(b) a remote gaming licence, or

(c) an in-person and remote gaming licence;

"gaming machine" means—

(a) a machine manufactured or adapted for the purpose of allowing a person to participate, upon the making of a payment, in a gambling activity, and

(b) where the outcome of that gambling activity is determined either by the action of the machine or by manipulation of the machine by the person, or both,

but does not include a machine that is an amusement machine within the meaning of section 120(2) of the Finance Act 1992;

"in-person betting licence" has the meaning assigned to it by *section 85(1)(a)*;

"in-person gambling licence" means a Business to Consumer gambling licence which authorises a licensee to provide a relevant gambling activity from one or more premises in the State whether or not the licence concerned also authorises the licensee to provide the activity by remote means;

"in-person gaming licence" has the meaning assigned to it by *section 86(3)(a)*;

"in-person lottery licence" has the meaning assigned to it by *section 87(3)(a)*;

"in-person and remote betting licence" has the meaning assigned to it by *section 85(1)(c)*;

"in-person and remote gaming licence" has the meaning assigned to it by *section 86(3)(c)*;

"in-person and remote lottery licence" has the meaning assigned to it by *section 87(3)(c)*;

"internet service provider" means a person who provides an internet access service to subscribers to the service;

"licensee" means, subject to *subsection (6)*, a person who is the holder of a gambling licence which is, for the time being, in force;

"local authority" has the same meaning as it has in the Local Government Act 2001;

"lottery" means—

(a) a product purchased or an activity engaged in by a person on the payment of money by the person, and

(b) in return for which payment he or she obtains an opportunity to win a prize of money or money's worth,

and includes bingo, a raffle and an activity involving a guess or estimate of future events the results of which are not yet ascertained or of past events the results of which are not generally known but does not include—

(i) an additional service that may be provided by a credit union in accordance with section 48 of the Credit Union Act 1997,

(ii) non-interest-bearing securities (known as prize bonds) created and issued by the Minister for Finance under section 22 of the Finance (Miscellaneous Provisions) Act 1956 or by the National Treasury Management Agency while the functions of that Minister under that section stand delegated to that Agency under section 5 of the National Treasury Management Agency Act 1990,

(iii) a financial instrument that is analogous to non-interest bearing securities referred to in *paragraph (ii)* created and issued by a Member State other than the State, a regional authority in that other Member State or local authority of that other Member State in relation to which chance may be used to select particular securities for prizes,

(iv) a lottery operated by an operator of the National Lottery, or

(v) a lottery operated by a political party under Part 9 of the Electoral Reform Act 2022;

"lottery licence" means—

(a) an in-person lottery licence,

(b) a remote lottery licence, or

(c) an in-person and remote lottery licence;

"marketing" means, in relation to a product, a service or a gambling activity, any form of commercial communication that is intended to increase or has the effect of increasing, the recognition, appeal or consumption of the product, service or gambling activity;

"Minister" means the Minister for Justice;

"National Gambling Exclusion Register" shall be construed in accordance with *section 45(1)*;

"notice of non-compliance" has the meaning assigned to it by *section 193(1)*;

"occupier" means, in relation to premises, a person, other than the owner, who is in or is entitled to be in lawful possession of the premises;

"operator of the National Lottery" means—

(a) the person operating the National Lottery (within the meaning of the Act of 2013)—

(i) under a licence granted under section 26 of the Act of 2013, or

(ii) where no such licence is in force, under section 10 of that Act,

and

(b) a person that is the holder of an authorisation under section 42 of the Act of 2013;

"owner" means, in relation to premises, a person who holds the highest freehold or leasehold estate or interest in the premises;

"participant" means, other than in *sections 19(2)* and *211(14)* and subject to *subsection (3)*, a person participating in a relevant gambling activity on a premises in the State or by remote means;

"personal data" has the same meaning as it has in the Data Protection Regulation;

"pool betting" shall be construed in accordance with *subsection (2)*;

"prescribe" means prescribe by regulations;

"provider of an online application store service" means a person who provides a service the main purpose of which is to facilitate the download of, or access to, application software at endpoints of the internet;

"providing a betting activity" shall be construed in accordance with *section 3*;

"providing a game" shall be construed in accordance with *section 4*;

"providing a lottery" shall be construed in accordance with *section 5*;

"record" includes any memorandum, book, report, statement, register, plan, chart, map, drawing, specification, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data are held, any form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or copy, in any form, of any of, or any combination of, the foregoing;

"register of gambling licensees" shall be construed in accordance with *section 90*;

"registration number" has the meaning assigned to it by *section 107(1)(b)*;

"regulated financial service provider" means an undertaking that is permitted to conduct activities as a regulated financial service provider within the meaning of section 2 of the Central Bank Act 1942;

"relevant betting activity" means, subject to *subsection (5)*, a betting activity which a licensee is authorised, in accordance with *section 85*, to provide under a betting licence;

"relevant funds" has the meaning assigned to it in *section 135(2)*;

"relevant gambling activity for a charitable or philanthropic purpose" has, subject to *subsection (5)*, the meaning assigned to it by *section 88(1)*;

"relevant gambling product or relevant gambling related service" has, subject to *subsection (5)*, the meaning assigned to it by *section 89(1)(a)*;

"relevant gambling activity" means—

(a) a relevant betting activity,

(b) a relevant game,

(c) a relevant lottery, or

(d) a relevant gambling activity for a charitable or philanthropic purpose;

"relevant game" has, subject to *subsection (5)*, the meaning assigned to it by *section 86(2)*;

"relevant lottery" has the meaning assigned to it by *section 87(2)*;

"relevant obligation" means—

(a) a condition attaching to a gambling licence under *Chapter 9* of *Part 5* or imposed on a gambling licence under *Part 8*, or

(b) an obligation (however described) imposed on a licensee under this Act or any regulations made under this Act;

"relevant offence" means an offence set out in *Schedule 1*;

"relevant officer" means—

(a) in relation to a body corporate—

(i) a person who exercises control (within the meaning of section 11 or 432 of the Act of 1997) in relation to the body,

(ii) a director, manager, secretary or other officer of the body,

(iii) a member of the board (including the chairperson) of the body,

(iv) the chief executive officer, managing director or any other person acting in such capacity (by whatever named called) of the body,

(v) a person who purports to act in a capacity referred to in any of *subparagraphs (ii)* to *(iv)*,

and

(b) in relation to a body corporate not established in the State, a person who—

(i) holds an office or position equivalent to any office or position referred to in *subparagraphs (i)* to *(iv)* of *paragraph (a)*, or

(ii) purports to act in a capacity of a person who holds such an office or position;

"relevant payment" means—

(a) a bet,

(b) a payment made to participate in a game, or

(c) subject to *subsection (4)*, a payment made to participate in a lottery;

"relevant premises" means—

(a) a greyhound race track operated under a greyhound race track licence under the Act of 1958,

(b) an authorised coursing ground and the precincts thereof at which authorised coursing meetings are held (each within the meaning of the Act of 1958),

(c) an authorised racecourse (within the meaning of the Act of 1994), and

(d) a place at which, in accordance with the Rules of Racing (within the meaning of the Act of 1994), a point-to-point steeplechase meeting is being held;

"remote betting intermediary" means a person (in this definition referred to as an "intermediary") who, in the course of business, provides a facility that enables another person to engage in betting with a person, other than the intermediary, by remote means;

"remote betting intermediary licence" has the meaning assigned to it by *section 85(1)(d)*;

"remote betting licence" has the meaning assigned to it by *section 85(1)(b)*;

"remote gambling licence" means a Business to Consumer gambling licence that authorises the licensee to provide a relevant gambling activity by remote means;

"remote gaming licence" has the meaning assigned to it by *section 86(3)(b)*;

"remote lottery licence" has the meaning assigned to it by *section 87(3)(b)*;

"remote means" means any means by which a person can participate in gambling otherwise than in-person including by using—

(a) the internet,

(b) a telephone, or

(c) a television;

"Segregated Customer Account" has the meaning assigned to it by *section 135(1)*;

"special categories of personal data" has the same meaning as it has in the Act of 2018;

"Social Impact Fund" shall be construed in accordance with *section 50*;

"turnover" means—

(a) in the case of a licensee of a Business to Business gambling licence, the gross profit on the sale or supply of relevant gambling products or relevant gambling related services,

(b) in the case of a licensee of a remote betting intermediary licence, the total amount paid in charges to the licensee for providing the facility that enables a person to engage in betting, and

(c) in the case of any other licensee, the licensee's total income from relevant gambling activities less the total amount paid out in winnings for those activities;

"winnings" means the money or money's worth paid out to a person who wins at betting, wins a game or wins in a lottery, as the case may be.

(2) For the purposes of this Act, betting is pool betting if made on terms that all or part of the winnings are—

(a) determined by reference to the aggregate of bets made in respect of an event, and

(b) divided—

(i) among the persons who make a bet and select the correct outcome in respect of an event, and

(ii) in proportion to the amount of that bet.

(3) A reference in the definition of "participant" to a person participating in a relevant gambling activity on a premises in the State includes, in the case of a relevant gambling activity for a charitable or philanthropic purpose, a reference to a person participating in that activity off a premises.

(4) A reference to a payment made to participate in a lottery in *paragraph (c)* of the definition of "relevant payment" includes, in the case of bingo, a reference to a payment made to purchase a ticket, or a book of tickets where the tickets in the book cannot be sold separately, to participate in bingo.

(5) A reference in this Act to a relevant betting activity, a relevant game, a relevant lottery, a relevant gambling activity for a charitable or philanthropic purpose or a relevant gambling product or a relevant gambling related service is a reference to such activity, game, lottery, product or service as varied under *section 117*, *122* or *128*, or on appeal under *section 225(12)*, as the case may be.

(6) Subject to *subsection (7)*, a reference in the definition of "licensee" to a gambling licence which is, for the time being, in force includes a reference to a licensee of a gambling licence which would, but for a period of suspension imposed under *section 81* or *Part 8* in respect of the gambling licence concerned, be in force.

(7) A licensee whose gambling licence is, by virtue of the application of *subsection (6)*, in force (notwithstanding that the licence stands suspended) shall not be a licensee for the purposes of providing a relevant gambling activity during the period of any such suspension.

Reference to providing betting activity

3. (1) A reference in this Act to a person providing a betting activity shall be taken to be a reference to the person—

(a) acting, or offering to act, as a bookmaker,

(b) acting, or offering to act, as a remote betting intermediary,

(c) offering to take a bet, or

(d) causing another person to do any of the activities referred to in *paragraph (a)*, *(b)* or *(c)*.

(2) In this section, "bookmaker" means a person who, in relation to betting, in the course of business—

(a) sets odds,

(b) accepts bets, and

(c) undertakes to pay out winnings.

Reference to providing game

4. A reference in this Act to a person providing a game shall be taken to be a reference to the person— 5

(a) selling or offering to sell a game, or

(b) causing another person to sell or offer to sell a game.

Reference to providing lottery

5. A reference in this Act to a person providing a lottery shall be taken to be a reference to the person— 10

(a) selling or offering to sell a product or activity referred to in the definition, in *section 2(1)*, of "lottery", or

(b) causing another person to do any of the activities referred to in *paragraph (a)*.

Unenforceability of contracts: bookmakers 15

6. No action shall lie in contract in relation to a relevant betting activity with a licensee that provides the activity concerned as a bookmaker (within the meaning of *section 3(2)*).

Expenses

7. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas. 20

Service of documents

8. (1) A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name and may be so served on or given to the person in one of the following ways: 25

(a) by electronic means;

(b) by delivering it in person;

(c) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; 30

(d) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.

(2) For the purposes of this section, a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business. 5

Regulations

9. (1) A regulation made under this Act may contain such incidental, supplementary and consequential provisions as the Minister or the Authority, as the case may be, considers necessary or expedient.

(2) The Authority shall furnish a copy of regulations made by it under this Act to the Minister as soon as practicable after the regulations are made. 10

(3) The Minister shall cause every regulation made under this Act to be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 15

Repeals and revocations

10. (1) Subject to *Part 10*, the enactments specified in *Part 1* of *Schedule 2* are repealed.

(2) Subject to *Part 10*, the enactments specified in *Part 2* of *Schedule 2* are revoked. 20

PART 2

GAMBLING REGULATORY AUTHORITY OF IRELAND

CHAPTER 1

Establishment, functions and governance of Authority

Definition (*Chapter 1*) 25

11. In this Chapter, other than in *sections 20(4)* and *25(4)*, "chairperson" means the chairperson of the Authority.

Establishment day

12. The Minister shall by order appoint a day to be the establishment day for the purposes of this Act. 30

Establishment of Gambling Regulatory Authority of Ireland

13. (1) On the establishment day there shall stand established a body, to be known as *Údarás Rialála Cearrbhachais na hÉireann* or, in the English language, the Gambling

Regulatory Authority of Ireland (in this Act referred to as the "Authority"), to perform the functions conferred on it by this Act.

(2) The Authority shall be a body corporate with perpetual succession and an official seal and shall have the power to sue, and may be sued, in its corporate name and shall, with the consent of the Minister and the Minister for Public Expenditure, National Development Plan Delivery and Reform, have the power to acquire, hold and dispose of land or an interest in land, and shall have the power to acquire, hold and dispose of any other property.

(3) The seal of the Authority shall be authenticated by the signatures of—

(a) the chairperson or another member of the Authority authorised by it to act in that behalf, or

(b) the chief executive or a member of staff of the Authority authorised by the Authority.

(4) Judicial notice shall be taken of the seal of the Authority and any document purporting to be an instrument made by, and to be sealed with the seal of, the Authority shall, unless the contrary is proved, be received in evidence and be deemed to be such instrument without further proof.

(5) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal, may be entered or executed on behalf of the Authority by any person generally or specially authorised by the Authority in that behalf.

Membership of Authority

14. (1) The Authority shall comprise 7 members appointed by the Minister from among such persons as are recommended to him or her by the Public Appointments Service in accordance with *section 16* for appointment.

(2) The Minister shall appoint one of the members referred to in *subsection (1)* to be the chairperson.

(3) In appointing the members of the Authority, the Minister shall have regard to the objective of there being no fewer than 3 members who are women and no fewer than 3 members who are men.

Functions of Authority

15. (1) The general functions of the Authority shall be—

(a) to license, supervise and control gambling activities in the State,

(b) to establish and maintain—

(i) a register of gambling licensees, and

(ii) a National Gambling Exclusion Register,

(c) to establish, maintain and administer the Social Impact Fund in accordance with *Chapter 4* of *Part 2*,

(d) to establish, or cause to be established, standards for certain gambling products or gambling related services, or both, and to certify those products or services for sale or supply by a licensee of a Business to Business gambling licence in accordance with *Chapter 8* of *Part 5*,

(e) to impose obligations on licensees and other persons in relation to advertising and branded clothing and merchandise,

(f) to impose obligations on licensees including, in accordance with *Part 6*, in relation to the protection of children, inducements to gamble, the sponsorship of relevant gambling activities, the training of staff, the notification of suspicious gambling patterns (within the meaning of *section 156(1)*) and the maintenance of accounts and records,

(g) to monitor and enforce compliance by licensees with this Act,

(h) to take such enforcement measures, in accordance with *Part 8*, as are necessary to enforce relevant obligations,

(i) to deal with complaints made to the Authority in accordance with *Part 7*,

(j) to take measures to stop prohibited gambling activities in accordance with *Part 4*,

(k) to enhance public awareness and disseminate information to the public in respect of the licensing and regulation of gambling activities,

(l) to be a competent authority for the purposes of the Act of 2010,

(m) to enter into information sharing arrangements with persons outside the State performing similar functions to the Authority and to enter into information sharing agreements with persons in the State,

(n) to engage in research activities in relation to gambling activities,

(o) to conduct a review of the operation of this Act from time to time and to report to the Minister on the outcome of the review and, if appropriate, to make recommendations to the Minister following that review,

(p) to report to the Minister on the performance of its functions when requested to do so by the Minister, and

(q) to cooperate, in relation to the regulation of gambling activities, with the Charities Regulatory Authority, the Competition and Consumer Protection Commission, Coimisiún na Meán and the Revenue Commissioners.

(2) The Authority shall have all such powers as are necessary or expedient for the performance of its functions.

(3) Subject to this Act, the Authority shall be independent in the performance of its functions.

(4) The Authority may require the chief executive to perform functions of the Authority other than functions of the Authority under *Chapter 2* of *Part 4* or *Chapter 8* of *Part 8*.

Recommendation for appointment of members of Authority

16. (1) The Minister shall, from time to time as required, request the Public Appointments Service to undertake a selection process for the purpose of identifying and recommending to the Minister persons who are suitable for appointment under *section 14(1)* as members of the Authority.

(2) Upon receipt of a request under *subsection (1)*, the Public Appointments Service shall undertake a selection process and, subject to *subsection (3)*, recommend to the Minister, from among persons who participated in the process, those persons whom it is satisfied are suitable for appointment as members of the Authority.

(3) The Minister shall agree with the Public Appointments Service the selection criteria and procedures that are to apply to the selection process under this section having regard to—

(a) the desirability that the members of the Authority will, among them, possess knowledge of, and experience, qualifications, training or expertise in, the matters specified in *subsection (4)*,

(b) the need, in so far as possible, to achieve the objective that no fewer than 3 members of the Authority are women and no fewer than 3 members are men, and

(c) the need to ensure that a person recommended to the Minister under *subsection (2)* is a fit and proper person to be a member of the Authority.

(4) The matters referred to in *subsection (3)(a)* are matters connected with—

(a) legal or compliance functions in a regulated profession or industry,

(b) gambling activities,

(c) consumer affairs,

(d) the pathology and treatment of addiction, with particular reference to gambling addiction,

(e) information and communications technology, and

(f) financial services, including audit and forensic accounting practice.

(5) The Public Appointments Service shall provide the Minister with particulars of the relevant knowledge, experience, qualifications, training or expertise of each person whom it recommends under *subsection (2)*.

(6) The Minister may, prior to the establishment day, designate persons, the subject of a recommendation under *subsection (2)*, to be the first members of the Authority and from among those persons so designated, one of their number to be the first chairperson.

(7) If, immediately before the establishment day, a person stands designated under *subsection (6)*, the person shall, on that day, stand appointed as a member of the Authority or as both such member and the chairperson, as the case may be.

Terms and conditions of membership of Authority

17. (1) Subject to *subsections (2)* and *(3)*, a member of the Authority shall hold office, unless the member sooner dies, resigns, is removed from office or otherwise ceases to hold office in accordance with *Part 3*, for a period of 4 years from the date of his or her appointment. 5

(2) Such 3 of the first members of the Authority, other than the chairperson, as are determined by the drawing of lots shall hold office for a period of 3 years from the date of their respective appointments as members.

(3) Subject to *subsection (4)*, a member of the Authority whose term of office expires with the passage of time may be reappointed under *section 14(1)* as a member of the Authority without the need for a further recommendation under *section 16*. 10

(4) A person who is reappointed as a member of the Authority under *subsection (3)* shall—

(a) where he or she is one of the 3 first members referred to in *subsection (2),* not hold office for periods the aggregate of which exceeds 7 years, and 15

(b) in the case of any other member of the Authority, not hold office for periods the aggregate of which exceeds 8 years.

(5) A member of the Authority may resign from office by notice in writing addressed to the Minister and the resignation takes effect on the date the Minister receives the notice or, if a date is specified in the notice and the Minister agrees to the date, on that date. 20

(6) Each member of the Authority—

(a) shall hold office on a part-time basis and on such other terms (other than the payment of remuneration and allowances for expenses) as the Minister may determine, and 25

(b) shall be paid by the Authority, out of the resources at its disposal, such remuneration and allowances for expenses (if any) as the Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine.

(7) Where a member of the Authority dies, resigns, is removed from office or otherwise ceases to hold office in accordance with *Part 3*, the casual vacancy shall be filled in accordance with *section 14(1)* and the person appointed to fill the casual vacancy— 30

(a) shall hold office for that period of the term of office of the member who occasioned that vacancy that remains unexpired at the date of that person's appointment, and 35

(b) may be re-appointed under *subsection (3)* and the period for which he or she held office under *paragraph (a)* shall be taken into account for the purposes of *subsection (4)*.

Power to appoint consultants and advisers and enter into contracts

18. (1) The Authority may, as it considers necessary to assist it in the performance of its functions— 40

(a) enter into contracts or arrangements with any person, and

(b) appoint consultants or advisers.

(2) The Authority may, out of the resources at its disposal, pay to a person, consultant or adviser referred to in *subsection (1)*, such fees (if any) or allowances for expenses (if any) as the Authority may determine. 5

(3) The appointment of a consultant or adviser shall be for such period and, subject to *subsection (2)*, be on such terms and conditions, as the Authority considers appropriate.

Procedures of Authority

19. (1) The Authority shall hold such and so many meetings as may be necessary for the due performance of its functions, but in each year shall hold not less than one meeting in each period of 3 months. 10

(2) The Authority may hold or continue a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time.

(3) The chairperson shall— 15

(a) fix the date, time and place of the first meeting of the Authority, and

(b) at that first meeting, draw lots for the purposes of *section 17(2)*.

(4) The quorum for a meeting of the Authority shall be 4.

(5) At a meeting of the Authority—

(a) the chairperson shall, if present, be the chairperson of the meeting, and 20

(b) if and so long as the chairperson is not present or if the office of chairperson is vacant, the members of the Authority who are present shall choose one of their number to act as the chairperson of the meeting.

(6) Each member of the Authority present at a meeting of the Authority shall have a vote.

(7) At a meeting of the Authority, a question on which a vote is required shall be determined by a majority of the votes of the members of the Authority present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote. 25

(8) Subject to this Act, the Authority may determine its own procedures.

(9) The Authority may act notwithstanding one or more vacancies in its membership. 30

Committees of Authority

20. (1) The Authority may establish one or more committees of the Authority—

(a) to assist it in the performance of its functions, or

(b) to advise it on matters relating to its functions.

(2) Subject to *subsection (3)*, a committee may consist of such number of members as the Authority considers appropriate and the membership of a committee may be comprised of members of the Authority or members of staff of the Authority, or both.

(3) Where a committee is established to advise the Authority on matters relating to its functions, membership of the committee may include persons who— 5

(a) are not members of, or members of the staff of, the Authority, and

(b) have relevant expertise or experience in those matters.

(4) The chairperson of a committee shall be appointed by the Authority.

(5) A committee shall, subject to the approval of the Authority, determine its own procedures. 10

(6) There may be paid by the Authority, out of the resources at its disposal, such allowances for expenses (if any) incurred by the members of a committee, as the Minister may, with the consent of the Minister and the Minister for Public Expenditure, National Development Plan Delivery and Reform determine.

Chief executive 15

21. (1) There shall be a chief executive officer of the Authority (in this Act referred to as the "chief executive").

(2) The Authority shall request the Public Appointments Service to hold a selection process for the purpose of identifying and recommending a person who it is satisfied is suitable for appointment as chief executive from time to time when the position of 20 chief executive becomes vacant or the Authority anticipates it is to become vacant.

(3) The Public Appointments Service shall, when requested to do so under *subsection (2)*, hold a selection process and recommend to the Authority such person or persons whom it is satisfied is or are suitable for appointment as chief executive.

(4) Subject to *subsections (6)* and *(7)*, the Authority shall, with the consent of the 25 Minister, from among the persons recommended under *subsection (3)*, appoint a person to be the chief executive.

(5) Subject to *subsection (7)*, the chief executive shall hold office for such period, not exceeding 5 years from the date of his or her appointment, as the Authority shall determine. 30

(6) The Minister may, before the establishment day, designate a person to be appointed the first chief executive of the Authority.

(7) Where, immediately before the establishment day, a person stands designated by the Minister under *subsection (6)*, the Authority shall appoint that person to be the first chief executive for such period, not exceeding 5 years from the date of his or her 35 appointment, as the Minister shall determine.

(8) Subject to *subsection (9)*, a chief executive whose term of office expires with the passage of time shall be eligible for reappointment by the Authority.

(9) A person who is reappointed by the Authority in accordance with *subsection (8)* shall not hold office for periods the aggregate of which exceeds 10 years. 40

(10) The chief executive shall hold office under contract in writing upon and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances for expenses and superannuation) as may be determined, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, by— 5

(a) in the case of the first chief executive, the Minister, and

(b) in all other cases, the Authority.

(11) The chief executive shall not hold any other office or employment or carry on any business without the consent of the Authority.

(12) The chief executive may be removed from office by the Authority, with the consent of the Minister, for stated reasons. 10

Functions of chief executive

22. (1) The chief executive shall—

(a) carry on, manage and control generally, the administration of the Authority, and

(b) perform such other functions (if any) as may, subject to *section 15(4)*, be determined by the Authority. 15

(2) The chief executive shall perform his or her functions subject to such policies as may be determined from time to time by the Authority and shall be responsible to the Authority for the efficient and effective management of the Authority and for the due performance of his or her functions. 20

(3) The chief executive may make proposals to the Authority on any matter relating to its functions.

(4) The chief executive shall provide the Authority with such information in respect of the performance of his or her functions as the Authority may require.

(5) The Authority may designate a member of staff of the Authority to perform the functions of the chief executive in the absence of the chief executive or when the position of chief executive is vacant and the member of staff so designated shall, in such absence or upon such position being vacant, perform those functions. 25

Delegation of functions of chief executive

23. (1) The chief executive may, with the consent of the Authority in writing, delegate any of his or her functions to a member of staff of the Authority and the member of staff shall be accountable to the chief executive for the performance of the functions so delegated. 30

(2) The chief executive shall be accountable to the Authority for the performance of functions delegated by him or her under *subsection (1)*. 35

(3) The chief executive may, with the consent of the Authority in writing, revoke a delegation made by him or her under *subsection (1)*.

(4) In this section, "functions" does not include a function delegated by the Authority to the chief executive subject to a condition that the function shall not be delegated by the chief executive to another person.

Accountability of chief executive to Public Accounts Committee

24. (1) The chief executive shall, whenever required in writing to do so by the Public Accounts Committee, give evidence to that Committee in relation to—

(a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account that the Authority is required by this Act to prepare (being a book or record of account that is subject to audit by the Comptroller and Auditor General),

(b) the economy and efficiency of the Authority in the use of its resources,

(c) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and

(d) any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as that other report relates to a matter specified in *paragraph (a)*, *(b)* or *(c)*) that is laid before Dáil Éireann.

(2) In giving evidence under this section, the chief executive shall not question or express an opinion on the merits of—

(a) any policy of the Government or a Minister of the Government, or

(b) the objectives of such a policy.

(3) In this section, "Public Accounts Committee" means the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General.

Accountability of chief executive to other Oireachtas Committees

25. (1) Subject to *subsection (2)*, the chief executive shall, whenever required in writing to do so by a Committee, attend before it to give account for the general administration of the Authority.

(2) The chief executive shall not be required to give account before a Committee for any matter which is, has been, or may at a future time be, the subject of proceedings before a court or tribunal in the State.

(3) Where the chief executive is of the opinion that a matter in respect of which he or she is required to give an account before a Committee is a matter to which *subsection (2)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing.

(4) Where the chief executive has informed a Committee of his or her opinion in accordance with *subsection (3)* and the Committee does not withdraw the requirement in writing referred to in *subsection (1)*—

(a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to withdraw the requirement, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, or

(b) the chairperson of the Committee may, on behalf of the Committee, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies,

and the High Court shall determine the matter.

(5) Pending the determination of an application under *subsection (4)*, the chief executive shall not attend before the Committee to give account for the matter the subject of the application.

(6) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Committee shall withdraw the requirement in writing, but if the High Court determines that *subsection (2)* does not apply, the chief executive shall attend before the Committee and give account for the matter.

(7) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of—

(a) any policy of the Government or a Minister of the Government, or

(b) the objectives of such a policy.

(8) In this section, "Committee" means a Committee (other than the Public Accounts Committee referred to in *section 24*, the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann) appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas or a subcommittee of such a Committee.

Staff of Authority

26. (1) The Authority may, with the consent of the Minister given with the approval of the Minister for Public Expenditure, National Development Plan Delivery and Reform—

(a) appoint persons to be members of the staff of the Authority, and

(b) determine the terms and conditions of employment (including terms and conditions relating to remuneration, superannuation and allowances for expenses (if any)) of the persons so appointed.

(2) Subject to *subsection (3)*, the Authority may enter into an arrangement with the employer of a public sector employee for the secondment of the employee to be a member of staff of the Authority for the duration of the secondment.

(3) A secondment under *subsection (2)* may only be made with the consent of the public sector employee concerned and the Minister.

(4) The Authority may, from time to time, for the purposes of appointing persons to be members of staff of the Authority under *subsection (1)(a)*, request the Public Appointments Service to undertake a competition for the purpose of identifying persons who are suitable for appointment.

(5) The Public Appointments Service shall undertake a competition when requested to do so by the Authority under *subsection (4)*. 5

(6) The remuneration, superannuation (where appropriate) and allowances (if any) of the staff of the Authority are payable by the Authority out of funds at the Authority's disposal.

(7) In this section, "public sector employee" means a person whose emolument is paid, funded or partly funded directly or indirectly by the State. 10

Superannuation

27. (1) The Authority shall, with the approval of the Minister given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, make a scheme or schemes for the granting of superannuation benefits to, or in respect of, a person— 15

(a) appointed chief executive who on such appointment is not, or does not become, a member of the Single Public Service Pension Scheme, or

(b) who, on becoming a member of staff of the Authority, is not, or does not become, a member of that Scheme. 20

(2) A scheme under this section shall fix the time and conditions of retirement of all persons to, or in respect of whom, superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of persons.

(3) The Authority may, with the approval of the Minister given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, make a scheme amending a scheme under this section including a scheme under this subsection. 25

(4) A scheme under this section shall, if approved by the Minister, be carried out by the Authority in accordance with its terms. 30

(5) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable pursuant to a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Public Expenditure, National Development Plan Delivery and Reform and that Minister's decision shall be final. 35

(6) No superannuation benefits shall be granted by the Authority to, or in respect of, a person on ceasing to be the chief executive or a member of the staff of the Authority otherwise than—

(a) in accordance with a scheme or schemes under this section, or

(b) with the approval of the Minister for Public Expenditure, National Development Plan Delivery and Reform. 40

(7) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 5

(8) *Subsection (7)* shall, with all necessary modifications, apply to an amendment to a scheme under this section as it applies to a scheme under this section.

(9) In this section—

"amending", in relation to a scheme under this section, includes revoking the scheme;

"superannuation benefit" means any pension, gratuity or other allowance payable to, or in respect of, a person ceasing to be the chief executive or a member of the staff of the Authority. 10

Annual accounts

28. (1) The Authority shall keep, in such form as may be approved by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, all proper and usual accounts (in this section referred to as "annual accounts") of all money received or expended by it. 15

(2) Annual accounts shall be submitted by the Authority to the Comptroller and Auditor General for audit not later than 1 April in the year immediately following the financial year to which they relate or on such earlier date as the Minister may specify. 20

(3) The Authority shall, immediately after the audit referred to in *subsection (2)*, present to the Minister a copy of—

(a) the annual accounts, and

(b) the report of the Comptroller and Auditor General on those accounts.

(4) The Minister shall cause a copy of the annual accounts and report presented to him or her under *subsection (3)* to be laid before each House of the Oireachtas as soon as practicable after such presentation. 25

Annual report

29. (1) The Authority shall, not later than 6 months after the end of each year, make a report (in this section referred to as the "annual report") to the Minister on the performance of its functions during the preceding year. 30

(2) Notwithstanding *subsection (1)*, if, but for this subsection, the first annual report under this section would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months after the end of that year. 35

(3) An annual report shall be in such form, and include such information in respect of the performance by the Authority of its functions, as the Authority considers appropriate or as the Minister may direct.

(4) The Minister shall, as soon as is practicable after receipt of an annual report, cause a copy of the annual report to be laid before each House of the Oireachtas.

Strategy statement

30. (1) The Authority shall, as soon as practicable after the establishment day and thereafter within the period of 6 months before each third anniversary of the establishment day, prepare and submit to the Minister, a strategy statement for the 3 year period immediately following the year in which the statement is submitted.

(2) The Minister may issue a direction in writing to the Authority in relation to the form and manner in which a strategy statement shall be prepared under *subsection (1)* and the Authority shall comply with the direction.

(3) The Minister shall, as soon as is practicable after a strategy statement has been submitted to him or her under *subsection (1)*, cause a copy of the statement to be laid before each House of the Oireachtas.

(4) In this section, "strategy statement" means a statement of the key objectives, outputs and related strategies, including the use of its resources, of the Authority.

Codes of practice

31. (1) Subject to *subsection (2)*, the Authority may, and at the request of the Minister shall, prepare and adopt a code of practice for any of the purposes specified in *subsection (3)*.

(2) The Authority shall consult with the Minister before adopting a code of practice under *subsection (1)*.

(3) The purposes referred to in *subsection (1)* are—

(a) setting standards for the provision of relevant gambling activities, and

(b) providing practical guidance to licensees in relation to the application and operation of this Act or any regulations made under it.

(4) The Authority may publish, in such manner as it considers appropriate, a draft code prepared by it and, where it publishes a draft, shall invite persons to make representations in writing to it in relation to the draft within such period as it specifies in the invitation.

(5) Where the Authority adopts a code of practice under *subsection (1)*, the Authority shall publish the code on its website and specify the date from which the code shall have effect which shall be a date not earlier than 7 days from such publication.

(6) The Authority may, having consulted with the Minister, amend or revoke a code of practice adopted by it under *subsection (1)* and—

(a) where it amends a code, shall publish the code as amended on its website and specify the date from which the code as amended shall have effect which shall be a date not earlier than 7 days from such publication, and

(b) where it revokes a code, shall publish a notice on its website of the fact of such revocation and specify the date from which the code is revoked.

(7) For the purposes of *subsection (8)*, a code of practice shall be admissible in evidence in proceedings under this Act in respect of an alleged contravention by a licensee of a relevant obligation where at the time the alleged contravention was committed the code—

(a) was in effect, and

(b) provided practical guidance to licensees in relation to the matter which is the subject of that alleged contravention.

(8) Where it is proved in any proceedings referred to in *subsection (7)* that any act or omission of the licensee alleged to constitute the contravention—

(a) was a failure to observe a code of practice referred to in that subsection, or

(b) was in compliance with that code of practice,

that failure or compliance, as the case may be, is admissible in evidence.

(9) A document purporting to be a copy, and to be certified by an employee of the Authority to be a true copy, of a code of practice or an extract of a code of practice, shall, unless the contrary is proved, be admitted in evidence in any proceedings and be evidence of the matters specified therein without further proof.

Conduct of research

32. The Authority may undertake, commission or collaborate with research projects in relation to gambling or gambling activities, or both, including:

(a) gambling addiction;

(b) turnover generated through such activities;

(c) developments in information technology in the provision of such activities;

(d) policy approaches to the regulation of gambling and gambling activities in jurisdictions outside the State; or

(e) developments in forensic accounting practice.

Review of operation of Act and consideration of issues of concern

33. (1) The Authority—

(a) shall monitor and review—

(i) the implementation of this Act including the adequacy of the functions assigned to the Authority, and

(ii) national and international developments in relation to gambling and gambling activities and international developments in the regulation of gambling and gambling activities,

and

(b) may consider existing and emerging practices in gambling and gambling activities, whether in relation to gambling or gambling activities generally or a

particular type of gambling or gambling activity, for the purposes of identifying issues of concern arising from such practices.

(2) Without prejudice to the generality of *subsection (1)(b),* for the purposes of that provision, issues of concern may arise in relation to practices, which although in accordance with the law or a code of practice applicable to such practices, the law or code of practice as applied— 5

(a) is giving rise, or may give rise, to an increase in compulsive or excessive gambling, or

(b) is detrimental to the public interest.

(3) The Authority shall, in performing its functions under *subsection (1)*, have regard to research referred to in *section 32* which is relevant to the function concerned. 10

(4) A review under *subsection (1)(a)* shall be conducted not later than 5 years after the coming into operation of this section and, thereafter, from time to time as the Authority may determine.

(5) The Authority shall, following a review under *subsection (1)(a)*, prepare a report of the findings of the review and set out such recommendations (if any) relating to the matters set out in that provision as it considers appropriate. 15

(6) The Authority shall, where it identifies issues of concern following its consideration of practices under *subsection (1)(b)*, prepare a report in relation to those issues and set out such recommendations (if any) to address those issues as it considers appropriate. 20

(7) The Authority shall submit a report and recommendations (if any) prepared under *subsection (5)* or *(6)*, as the case may be, to the Minister for his or her consideration.

(8) The Minister may, having considered a report and any recommendations submitted to him or her under *subsection (7)*, provide his or her views to the Authority on the implementation of any of those recommendations and may identify other actions, arising from his or her consideration of the report and recommendations concerned, for consideration by the Authority. 25

(9) The Authority shall, within such time as is specified by the Minister, report to the Minister on any implementation measures it takes in respect of recommendations made by it or in respect of actions identified by the Minister for consideration by the Authority under this section. 30

Request from Minister to Authority for report

34. The Minister may, from time to time as he or she considers appropriate, request the Authority to make a report to him or her on any matter relating to the functions of the Authority, and the Authority shall comply with the request within the period specified in the request or within such other period as may be agreed by the Minister and the Authority. 35

Information sharing agreements with persons in State

35. (1) Subject to compliance with the Data Protection Regulation and the Act of 2018, the Authority may enter into an information sharing agreement with a person in the State 40

specified in *subsection (2)* for the purposes of the performance of the functions of the Authority or the person concerned, or both.

(2) A person referred to in *subsection (1)* means—

(a) the Garda Síochána,

(b) Coimisiún na Meán, 5

(c) the Charities Regulatory Authority,

(d) the Companies Registration Office,

(e) the Competition and Consumer Protection Commission,

(f) the Corporate Enforcement Authority,

(g) the Criminal Assets Bureau, or 10

(h) the Revenue Commissioners.

Amendment of National Archives Act 1986

36. The Schedule to the National Archives Act 1986 is amended by the addition of "Gambling Regulatory Authority of Ireland, the Appeals Panel, an appeals officer or an adjudication officer (each within the meaning of the *Gambling Regulation Act 2024*)". 15

CHAPTER 2

Funding of Authority and fees

Definitions (*Chapter 2*)

37. In this Chapter—

"operational costs" means the costs and expenses (other than the costs covered by fees 20 payable in accordance with *section 38*, the remuneration referred to in *section 216(4)(b)* and the expenses of a witness referred to in *section 211(9)*) incurred by the Authority, a committee of the Authority, the Appeals Panel, an appeals officer, an Appeals Board and an adjudication officer in the administration of this Act and in the performance of their respective functions under this Act and without prejudice to the generality of the 25 foregoing includes—

(a) any obligations arising in respect of remuneration, superannuation and allowances for expenses in relation to—

(i) members of the Authority, a committee of the Authority, the Appeals Panel or an Appeals Board, 30

(ii) members of staff of the Authority,

(iii) appeals officers,

(b) the fees and allowances for expenses payable to a person, consultant or adviser referred to in *section 18(1)*,

(c) the cost of premises and equipment, and 35

(d) fees and costs payable in respect of legal advice, legal representation and litigation;

"relevant financial period" has the meaning assigned to it by *section 41(1)*.

Power to charge fees

38. (1) The Authority shall, with the consent of the Minister, prescribe the fees payable— 5

(a) on making an application for a gambling licence or for renewal of a gambling licence under *Part 5*,

(b) on making an application under *section 116*, *117*, *122* or *128*,

(c) on making an application for certification under *section 124* of a gambling product or a gambling related service, and 10

(d) on the bringing of an appeal to the Appeals Panel under *Part 9.*

(2) Regulations under *subsection (1)* may provide, in respect of the fees referred to in *paragraph (a)* of that subsection, for exemptions from the payment of fees or for the waiver of fees (in whole or in part) by reference to—

(a) different gambling licences, or 15

(b) the different relevant gambling activity or the different relevant gambling product or relevant gambling related service licensed by the gambling licences concerned.

Advances by Minister to Authority

39. (1) Subject to *subsection (4)*, the Minister shall advance to the Authority, out of moneys provided by the Oireachtas, such amount as the Minister, with the consent of the 20 Minister for Public Expenditure, National Development Plan Delivery and Reform, determines is necessary to fund the future operational costs of the Authority in accordance with *section 40(1)*.

(2) Subject to *subsections (3)* and *(4)*, the Minister may, on the receipt of a request from the Authority under *section 40(3)*, advance to the Authority, out of moneys provided 25 by the Oireachtas, such amount as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, considers appropriate in the circumstances to fund, either in whole or in part, a deficit referred to in that provision.

(3) The Minister shall, in considering whether it is appropriate to fund a deficit, in whole 30 or in part, in accordance with *subsection (2)*, have regard to the ability of the Authority to draw on any reserve it may have in place to meet the deficit.

(4) An advance to the Authority under *subsection (1)* or *(2)* may be made subject to such conditions (if any) as the Minister, in consultation with the Minister for Public Expenditure, National Development Plan Delivery and Reform, considers appropriate. 35

Funding of Authority

40. (1) The Authority shall, from the advances made to it by the Minister under *section 39(1)*, fund the operational costs of the Authority for a period of 3 years from the establishment day.

(2) Subject to *subsection (3)*, the Authority shall, after the 3 years referred to in *subsection (1)*, fund the operational costs for a relevant financial period from the total amount of the charges imposed in accordance with *section 41* for the period concerned.

(3) Where the Authority is unable to meet the operational costs incurred for a relevant financial period from the monies received from charges imposed for that period, the Authority may, for the purposes of meeting any deficit—

(a) request an advance from the Minister under *section 38(2)*, or

(b) draw on any reserve it may have in place under *subsection (4)*.

(4) Any money received through the imposition of charges in accordance with *section 41* for a relevant financial period which is not required to cover the operational costs incurred by the Authority for that period may be retained by the Authority for any or all of the following purposes:

(a) to create a reserve to pay future operational costs;

(b) to offset future charges payable by licensees under that section;

(c) to create a fund for the purpose of providing refunds in accordance with *subsection (5)*.

(5) Subject to *subsection (6)*, where a licensee ceases, otherwise than by reason of suspension or revocation of the gambling licence of the licensee or pursuant to a court order under *section 220*, to provide a relevant gambling activity or a relevant gambling product or relevant gambling related service pursuant to the licence during a relevant financial period, he or she may apply to the Authority for a refund, calculated on a *pro rata* basis, of part of the charge paid by the licensee in respect of that licence for the relevant financial period.

(6) A minimum of half of the charge paid by a licensee in respect of the relevant financial period referred to in *subsection (5)* shall be non-refundable.

Power to impose charge to fund Authority

41. (1) The Authority shall, from time to time, with the consent of the Minister, prescribe a financial period (in this Chapter referred to as the "relevant financial period") by reference to which future operational costs incurred during that period shall be estimated.

(2) The Authority shall, for the purposes of funding the operational costs for a relevant financial period, on each occasion when it prescribes a relevant financial period under *subsection (1)*, with the consent of the Minister, determine, having regard to the matters referred to in *subsection (3)*, the charge payable by different licensees in respect of different gambling licences for the relevant financial period concerned.

(3) The matters referred to in *subsection (2)* to which the Authority is to have regard are:

(a) in relation to each gambling licence held by a licensee, the number and type of relevant gambling activities or relevant gambling products or relevant gambling related services authorised by the licence;

(b) the duration that a gambling licence remains in force in accordance with *section 108*;

(c) where a licensee is already providing relevant gambling activities or relevant gambling products or relevant gambling related services, the turnover from the provision of such activities, products or services, as the case may be;

(d) where a licensee held a licence or permit under the Act of 1929, the Act of 1931 or the Act of 1956, the turnover from activities conducted pursuant to the licence or permit;

(e) where a licensee directs or directed, or is or was the beneficial owner of, a private members' club at which gambling activities are or were carried on under the Act of 2010, the turnover from the gambling activities concerned;

(f) where a licensee has not previously held a gambling licence, the estimated turnover from the provision of relevant gambling activities or relevant gambling products or relevant gambling related services, as the case may be;

(g) the administrative costs, actual or estimated, incurred by a licensee in providing relevant gambling activities or relevant gambling products or relevant gambling related services, as the case may be.

(4) The Authority may, from time to time, following consultation with the Minister, by regulations provide for exemptions (whether in whole or in part) from the payment of charges by licensees of gambling licences for charitable or philanthropic purposes having regard to—

(a) whether the licence is granted pursuant to an application under either *section 118* or *120* or pursuant to an application under *section 119* for a once-off activity, or

(b) the turnover of those licensees.

(5) The Authority shall issue a notice in writing to each licensee by whom a charge is payable in accordance with *subsection (2)* setting out—

(a) the charge payable and the basis for the calculation of that charge,

(b) that the charge is payable by the licensee concerned within the period of 30 days of the date of the notice,

(c) the form and manner in which payment is to be made,

(d) the rate of interest payable on such part of the charge that remains unpaid at the expiration of the 30 days referred to in *paragraph (b)*, and

(e) the right of the person to bring an appeal in accordance with *Part 9* against the amount of the charge referred to in *paragraph (a)* and the period within which the appeal may be brought in accordance with that Part.

Power to recover fees and charges

42. The Authority may recover as a simple contract debt in any court of competent jurisdiction, from a person by whom fees or a charge is payable under this Chapter, any amount due and owing to the Authority in respect of fees or a charge imposed in accordance with this Chapter. 5

Obligation to provide information to Minister and Minister for Public Expenditure, National Development Plan Delivery and Reform

43. The Authority shall, on being requested in writing to do so by the Minister or the Minister for Public Expenditure, National Development Plan Delivery and Reform, provide information in writing relating to the funding of the Authority provided for in 10 this Chapter and the information shall be provided in such form and manner, and within such period, as is specified in the request or within such other period as may be agreed between the Authority and the Minister who makes the request.

CHAPTER 3

National Gambling Exclusion Register 15

Definition (*Chapter 3*)

44. In this Chapter, "relevant date" has the meaning assigned to it by *section 45(5)(b)*.

National Gambling Exclusion Register

45. (1) The Authority shall, as soon as is practicable after the coming into operation of this section, cause to be established and maintained, in such form as it considers 20 appropriate, a Register to be known as the National Gambling Exclusion Register.

(2) The National Gambling Exclusion Register shall—

(a) contain information on persons who have excluded themselves from participating in relevant gambling activities by remote means with licensees of Business to Consumer gambling licences, 25

(b) be established and maintained in such a way as to enable the licensees referred to in *paragraph (a)* to view, in real time, the information contained in the Register, and

(c) be established and maintained in such a way as to enable a person, referred to in *paragraph (a),* to view the information contained in the Register which relates to 30 himself or herself.

(3) The Authority may require Business to Consumer licensees who provide a relevant gambling activity by remote means to take such action as it may specify for the purposes of promoting the National Gambling Exclusion Register.

(4) A person may make an application to the Authority, in such form as may be specified by it, to be entered in the National Gambling Exclusion Register requesting that he or she be excluded from participating in relevant gambling activities by remote means—

(a) subject to *section 47*, for an indefinite period of time, and

(b) with all licensees of a Business to Consumer gambling licence who provide relevant gambling activities by remote means.

(5) The following information shall be entered on the National Gambling Exclusion Register in respect of a person who makes an application under *subsection (4)*:

(a) his or her name and address;

(b) the date (in this Chapter referred to as the "relevant date") from which he or she is excluded from participation, being a date not earlier than one day after the information is entered in the Register;

(c) where the person is an account-holder with one or more than one licensee of a Business to Consumer gambling licence, details of each account held with each such licensee;

(d) such other information as the Authority considers appropriate.

(6) The Authority shall, as soon as practicable after information is entered in the National Gambling Exclusion Register in respect of a person, notify the licensee or licensees referred to in *subsection (5)(c)* in writing of that fact and, subject to *subsection 8* and section 17 of the Act of 2010, each licensee so notified shall, where the person concerned is an account-holder with the licensee, refund any money in that person's gambling account with the licensee to that person within 7 days from the date specified in the notice.

(7) Where regulations have been made under *section 167(3)* and the person concerned has more than one gambling account with a licensee of a Business to Consumer gambling licence, the obligation in *subsection (6)* to refund money shall apply in respect of each gambling account the person has with the licensee.

(8) A licensee of a Business to Consumer gambling licence who fails, on being notified under *subsection (6)*, to refund money in accordance with that subsection is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(9) The Authority shall ensure the National Gambling Exclusion Register is kept up to date and is accurate and, for that purpose, the Authority shall make such alterations to the entries in the Register as it considers necessary.

(10) The Authority shall, as soon as practicable after making an alteration to an entry in the National Gambling Exclusion Register under *subsection (9)*, give notice in writing of that fact to a person in respect of whom an entry has been made in the Register and to which entry the alteration relates unless the alteration was made under that subsection pursuant to a notification received under *subsection (11)*.

(11) A person shall notify the Authority in writing of an error in an entry in the National Gambling Exclusion Register relating to him or her or of a change in circumstances that is likely to have a bearing on the accuracy of an entry as soon as practicable after he or she becomes aware of the error or change in circumstances.

(12) Every document purporting to be a copy of or an extract from an entry in the National Gambling Exclusion Register and purporting to be certified, either by the chief executive or a member of staff of the Authority authorised in that behalf by the chief executive, to be a true copy of or extract from such entry shall, without proof of the signature of the chief executive or the member of staff concerned, be received in evidence in any legal proceedings and shall, unless the contrary is proved, be deemed to be a true copy of or extract from such entry and shall be evidence of the matters stated in such including in so far as the copy or extract indicates that a person—

(a) is or is not entered in the Register, or

(b) was or was not, at a specified date or during a specified period, entered in the Register.

Obligations of licensee to person whose name is entered on National Gambling Exclusion Register

46. (1) Where information in relation to a person is entered on the National Gambling Exclusion Register under *section 45*, a licensee of a Business to Consumer gambling licence who provides a relevant gambling activity by remote means shall not, on or after the relevant date and during any time there is an entry relating to that person on the Register—

(a) provide, to the person, a relevant gambling activity by remote means,

(b) accept, from that person, a relevant payment in respect of such relevant gambling activity, or

(c) communicate with that person in a manner that invites (or has the effect of inviting) him or her to participate in a relevant gambling activity.

(2) A licensee of a Business to Consumer gambling licence who is unable, other than by reason of a systems failure in the operation of the National Gambling Exclusion Register in real time by the Authority, to view, in real time, the information in the National Gambling Exclusion Register, shall not do any of the activities referred to in *paragraph (a)* to *(c)* of *subsection (1)* during the period the licensee is unable to so view the information.

(3) Subject to *subsection (4)*, a licensee of a Business to Consumer gambling licence who contravenes *subsection (1)* or *(2)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or to imprisonment for a period of 12 months, or both, or

(b) on conviction on indictment, to a fine or to imprisonment for a period of 5 years, or both.

(4) A licensee of a Business to Consumer gambling licence who is unable, by reason of a systems failure in the operation of the National Gambling Exclusion Register by the Authority, to view, in real time, the information in the National Gambling Exclusion

Register, does not commit an offence under *subsection (3)* where he or she does any of the activities referred to in *paragraph (a)* to *(c)* of *subsection (1)* during the period of the systems failure.

Removal of entry on National Gambling Exclusion Register

47. (1) A person may, after the expiration of a period of 6 months from the relevant date, notify the Authority in writing that he or she wishes the Authority to remove the entry relating to him or her from the National Gambling Exclusion Register.

(2) The Authority shall, on receipt of a notification under *subsection (1)* and having satisfied itself as to the identity of the person making the notification, remove the entry relating to that person from the National Gambling Exclusion Register and as soon as practicable after such removal give notice in writing of that fact to the person concerned.

Right of self-exclusion by person directly with licensee not affected

48. Nothing in this Chapter shall be taken to affect the right of a person to exclude himself or herself from participating in a relevant gambling activity or activities provided by a licensee by entering into an arrangement (howsoever described) provided by the licensee to enable such exclusion in accordance with the terms of the arrangement.

Review of operation of National Gambling Exclusion Register

49. The Authority shall, within a period of 3 years from the date of the establishment of the National Gambling Exclusion Register and in each 3 year period thereafter—

(a) review the operation of the Register, including the number of persons who have excluded themselves from participating in relevant gambling activities by remote means through registration on the Register,

(b) submit a report in writing to the Minister on the outcome of a review as soon as practicable after the completion of the review, and

(c) make such recommendations in the report as it thinks appropriate to improve such operation and participation.

CHAPTER 4

Social Impact Fund

Establishment of Social Impact Fund

50. The Authority shall, as soon as practicable after the coming into operation of this section, establish and maintain a fund which shall be known as the Social Impact Fund which shall be managed and controlled by the Authority.

Payments out of Social Impact Fund

51. (1) The Authority may, from time to time, make a payment or payments to a person out of the Social Impact Fund of such amount of money as the Authority considers appropriate for any or all of the following purposes:

(a) research, training, community interventions and other initiatives aimed at reducing or eliminating compulsive or excessive gambling and the social impact of compulsive or excessive gambling;

(b) public education and awareness-raising measures for the purposes of—

(i) highlighting the social impact of compulsive or excessive gambling, or

(ii) informing the public about the resources available to address compulsive or excessive gambling;

(c) the provision of services—

(i) for the treatment of participants engaged in compulsive or excessive gambling, and

(ii) to other persons affected by compulsive or excessive gambling;

(d) cooperation with persons outside the State in research and training which will benefit persons in the State by reducing or eliminating compulsive or excessive gambling and the social impact of compulsive or excessive gambling;

(e) projects, programmes or initiatives which are compatible with the purposes referred to in *paragraphs (a)* to *(d)*.

(2) Without prejudice to the generality of *subsection (1)*, the Authority may invite persons to—

(a) make proposals for the provision of services or engagement in activities referred to in any of *paragraphs (a)* to *(e)* of *subsection (1)*, and

(b) apply for a payment from the Social Impact Fund for the provision of such services or engagement in such activities.

(3) The Authority shall publish an invitation under *subsection (2)* on its website and shall set out, in the invitation concerned—

(a) the criteria the Authority will use to assess proposals, and

(b) where a proposal is accepted, the manner in which a payment of money shall be made from the Social Impact Fund.

(4) A person who receives money from the Social Impact Fund shall keep an account, as required under *section 55*, of the expenditure of that money.

(5) The Authority may attach a condition to a payment of money made to a person out of the Social Impact Fund and, where it does so, the person concerned shall comply with that condition.

(6) A person who fails to comply with *subsection (4)* or *(5)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or to imprisonment for a period of 12 months, or both, or

(b) on conviction on indictment, to a fine or to imprisonment for a period of 5 years, or both.

(7) The Authority may by notice in writing request a report in writing from a person who receives money from the Social Impact Fund and the report shall contain such information as may be specified by the Authority concerning the use of that money and relating to compliance with such conditions (if any) as are imposed under *subsection (5)*.

(8) A person shall comply with a request under *subsection (7)* within such period as is specified in the request or within such other period as may be agreed in writing by the Authority and that person.

Payment of expenses of Authority from Social Impact Fund

52. The Minister may, from time to time, authorise the payment out of the Social Impact Fund to the Authority of such money as he or she considers necessary for the purpose of defraying, in whole or in part, the expenses incurred by the Authority in connection with the administration of the Fund.

Money transferred to Social Impact Fund following closure of gambling account

53. (1) The Authority shall keep a record of all moneys transferred to it by licensees under *section 171(4)*.

(2) The Authority shall refund, to a person directed to it by a licensee in accordance with *section 171(5)*, the money specified in a notification sent to it under that provision in respect of that person, within 28 days of being requested to do so by that person.

Funding of Social Impact Fund

54. (1) A licensee, other than a licensee of a gambling licence for a charitable or philanthropic purpose, shall pay an annual contribution to the Authority in respect of the Social Impact Fund.

(2) The contribution payable by a licensee to the Social Impact Fund shall be determined by the Authority in accordance with regulations made by the Minister under *subsection (3)*.

(3) The Minister shall make regulations in relation to the contributions payable by licensees, other than licensees of a gambling licence for a charitable or philanthropic purpose, to the Social Impact Fund and, without prejudice to the generality of the foregoing, such regulations—

(a) shall provide—

(i) the percentage of licensees' turnover which shall be payable as a contribution, and

(ii) the manner in which, and the date by which, contributions shall be made,

and

(b) may provide for the payment of contributions by licensees by instalment.

(4) The Authority shall give a licensee liable to pay a contribution a notice in writing specifying—

(a) the contribution payable by the licensee to the Social Impact Fund, and

(b) the manner in which, and the date by which, the contribution is required to be paid to the Authority by the licensee.

(5) Where a contribution to the Social Impact Fund is payable by a licensee pursuant to a notice under *subsection (4)* and during the year to which the contribution concerned relates, the gambling licence of the licensee is transferred to a person under *section 109*, the person to whom the licence is transferred is liable to pay the contribution concerned for that year only to the extent that the full amount of the contribution has not been paid prior to the transfer.

(6) The Authority may recover as a simple contract debt, in any court of competent jurisdiction, from a person by whom a contribution to the Social Impact Fund is payable, any amount due and owing to the Authority in respect of contributions imposed in accordance with this section.

Obligation to keep account of expenditure of money received from Social Impact Fund

55. (1) A person in receipt of money from the Social Impact Fund under *section 51* shall keep, in such form and manner as may be approved by the Minister, with the concurrence of the Minister for Public Expenditure, National Development Plan Delivery and Reform, an account of the expenditure of that money by that person in each financial year in which that money is expended.

(2) Accounts kept pursuant to *subsection (1)* shall be submitted to the Authority not later than 1 March in the year immediately following the financial year to which they relate or on such earlier date as the Authority may specify.

Direction of Minister

56. (1) The Minister may give a direction in writing to the Authority in relation to the management and control of the Social Impact Fund by the Authority.

(2) The Authority shall comply with a direction given by the Minister under *subsection (1)*.

Accounts: Social Impact Fund

57. (1) The Authority shall keep, in such form as may be approved by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, all proper and usual accounts of all money received in respect of the Social Impact Fund or expended from the Fund.

(2) Accounts referred to in *subsection (1)* shall be submitted by the Authority for audit not later than 1 April in the year immediately following the financial year to which they relate or on such earlier date as the Minister may specify.

(3) The Authority shall, immediately after the audit referred to in *subsection (2)*, present to the Minister a copy of—

(a) the accounts, and

(b) the report of the Comptroller and Auditor General on those accounts.

(4) The Minister shall cause copies of the accounts and report presented to him or her under *subsection (3)* to be laid before each House of the Oireachtas as soon as practicable after such presentation. 5

PART 3

Provisions applicable to Authority, Appeals Panel and adjudication officers

Definition (*Part 3*) 10

58. In this Part, "relevant office" means the Authority and the Appeals Panel.

Ineligibility to become and disqualification to act as member of relevant office or as adjudication officer

59. (1) A person shall not be eligible for appointment as a member of a relevant office, as an adjudication officer or as the chief executive during any period that he or she is— 15

(a) an undischarged bankrupt, or

(b) subject to a composition or arrangement with his or her creditors.

(2) A person shall cease to hold office as a member of a relevant office, as an adjudication officer or as the chief executive upon—

(a) being adjudicated bankrupt, or 20

(b) making an arrangement or composition with his or her creditors.

(3) A person shall not be eligible for appointment, and shall cease to hold office, as a member of a relevant office, as an adjudication officer or as the chief executive if he or she—

(a) is convicted on indictment of an offence, 25

(b) is convicted of an offence involving fraud or dishonesty,

(c) has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,

(d) is subject, or is deemed to be subject, to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provisions of that Act, or 30

(e) enters into employment with—

(i) a licensee or an organisation which represents licensees in the State, or

(ii) a person equivalent to a licensee, or an organisation equivalent to an organisation referred to in *subparagraph (i)*, outside the State.

Membership of either House of Oireachtas, European Parliament or local authority

60. (1) Where a member of a relevant office, an adjudication officer or the chief executive is— 5

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,

(c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament, or 10

(d) is elected or co-opted as a member of a local authority,

he or she shall thereupon cease to be a member of the relevant office, an adjudication officer or chief executive, as the case may be.

(2) Where a member of staff of the Authority is—

(a) nominated as a member of Seanad Éireann, 15

(b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,

(c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament, or

(d) is elected or co-opted as a member of a local authority, 20

he or she shall thereupon stand seconded from that employment, and where the member of staff concerned is a person referred to in *section 26(2)*, he or she shall cease to be seconded to be a member of staff of the Authority, and shall not be paid by, or be entitled to receive from, the relevant office concerned, any remuneration or allowances in respect of the period commencing on the nomination, election or 25 co-option, or when he or she is regarded as having been elected, as the case may be.

(3) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,

(b) a member of the European Parliament, or 30

(c) entitled under the standing orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled as mentioned in *paragraph (a)* or *(c)* or is such a member as mentioned in *paragraph (b)*, be disqualified to act as an adjudication officer, for membership of a relevant office or for employment in any capacity by a relevant office. 35

(4) In this section, "Act of 1997" means the European Parliament Elections Act 1997.

Removal of member of relevant office

61. (1) The Minister may remove a member of a relevant office if, in the opinion of the Minister, the member has—

(a) without reasonable excuse, failed to discharge the functions of the office,

(b) become incapable through ill-health of effectively performing the functions of the office, 5

(c) committed stated misbehaviour (other than misbehaviour which is the basis for a conviction referred to in *section 59* as a result of which the member is required to cease to hold office in accordance with that provision),

(d) a conflict of interest of such significance that, in the opinion of the Minister, the person should cease to hold the office, or 10

(e) the member's removal appears to be necessary for the effective performance of the functions of the relevant office.

(2) Where the Minister proposes to remove a member pursuant to *subsection (1)*, he or she shall notify the member in writing of that proposal. 15

(3) A notification under *subsection (2)* shall include a statement—

(a) of the reasons for the proposed removal,

(b) that the member concerned may, within 30 days of the sending of the notification or such other period as the Minister, having regard to the requirements of natural justice, may specify, make representations in such manner as may be specified in the notice to the Minister as to why the member should not be removed from office, and 20

(c) that, where no representations are received within the period specified under *paragraph (b)*, the Minister will, without further notice, proceed with the removal of the member from office in accordance with this section. 25

(4) In considering whether to remove a member from office, the Minister shall take into account—

(a) any representations made pursuant to *subsection (3)(b)*, and

(b) any other matter that the Minister considers relevant for the purpose of his or her decision. 30

(5) Where, having taken into account the matters referred to in *subsection (4)*, the Minister decides to remove the member from office, he or she shall notify the member in writing of his or her decision and of the reasons for it.

Non-disclosure of confidential information

62. (1) A person shall not, unless he or she is required or permitted by law or duly authorised in writing by the Authority to do so, disclose confidential information obtained by him or her while performing functions as— 35

(a) the chief executive, a member or a member of staff of, the Authority, a member of a committee or an authorised officer, or

(b) a consultant, advisor or other person who is or was engaged under contract or other arrangement by the Authority under *section 18*.

(2) A person shall not, unless he or she is required or permitted by law or duly authorised in writing by the chairperson of the Appeals Panel to do so, disclose confidential information obtained by him or her while performing functions under this Act as a member of the Appeals Panel, an Appeals Board or as an appeals officer. 5

(3) A person shall not, unless he or she is required or permitted by law or duly authorised in writing by the chief adjudication officer to do so, disclose confidential information obtained by him or her while performing functions under this Act as an adjudication officer. 10

(4) A person who contravenes *subsection (1)*, *(2)* or *(3)* is guilty of an offence and is liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both.

(5) In this section, "confidential information" includes—

(a) information that is expressed to be confidential by a relevant office or the chief adjudication officer either as regards particular information or as regards information of a particular class or description, and 15

(b) proposals of a commercial nature or tenders submitted to the relevant office or the chief adjudication officer by contractors, consultants or any other person.

False or misleading information, documentation or evidence 20

63. (1) A person is guilty of an offence where he or she—

(a) provides information or documentation or gives evidence to—

(i) a relevant office,

(ii) a member of a relevant office, or

(iii) an adjudication officer, 25

in the performance of their respective functions, and

(b) knows, or ought reasonably to know, the information, documentation or evidence, as the case may be, to be false or misleading in a material respect.

(2) A person guilty of an offence under *subsection (1)* is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 2 years, or both, or 30

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Restriction of rights and obligations under Data Protection Regulation

64. (1) Subject to such regulations (if any) which may be made under *section 65*, the rights and obligations provided for in Articles 12 to 22 (and Article 5 in so far as its provisions correspond to any of the rights and obligations provided for in Articles 12 to 22) and Article 34 of the Data Protection Regulation, in so far as the rights and 35

obligations relate to the processing of personal data by a person or body specified in *subsection (2)*, are restricted—

(a) to the extent necessary and proportionate to enable that person or body to perform his, her or its functions under *Parts 7*, *8* and *9*, and

(b) in relation to personal data received by the Authority under *section 105*, to enable that person or body to perform his, her or its functions under this Act.

(2) A person or body referred to in *subsection (1)* means—

(a) the Authority,

(b) a member of staff of the Authority,

(c) an authorised officer,

(d) an adjudication officer, and

(e) the Appeals Panel, an Appeals Board or an appeals officer.

Regulations for purposes of data protection

65. The Authority may, with the consent of the Minister, for the purposes of this Act, by regulations provide for the following:

(a) suitable and specific measures, including measures set out in section 36(1) of the Act of 2018, for the processing of personal data and special categories of personal data;

(b) the period during which the rights and obligations referred to in *section 64* may be restricted under that provision;

(c) the period during which personal data or special categories of personal data may be processed.

Amendment of Freedom of Information Act 2014

66. Schedule 1 of the Freedom of Information Act 2014 is amended, in Part 1—

(a) in paragraph (am)(iv), by the substitution of "entity;" for "entity.", and

(b) by the insertion of the following paragraph after paragraph (am):

"(an) the Gambling Regulatory Authority of Ireland, a member, a member of staff or an authorised officer, of that Authority, the Appeals Panel, an Appeals Board, an appeals officer and an adjudication officer (all within the meaning of the *Gambling Regulation Act 2024*), in relation to the performance of their respective functions under that Act, save as regards records concerning their respective functions relating to general administration.".

PART 4

PROHIBITIONS AND OFFENCES (GENERAL)

CHAPTER 1

Prohibitions: gambling activities and offence of cheating

Prohibition on providing betting activity, game or lottery 5

67. (1) Subject to *section 68*, *Part 10* and section 18B of the Act of 1958, a person shall not provide, or cause another person to provide, a betting activity unless—

(a) the person is—

(i) a licensee of a betting licence and the betting activity is a relevant betting activity, or 10

(ii) a licensee of a gambling licence for a charitable or philanthropic purpose and the betting activity is pool betting that is a relevant gambling activity for a charitable or philanthropic purpose,

and

(b) the betting activity is provided in-person or by remote means in accordance with the gambling licence held by the licensee. 15

(2) Subject to *section 68* and *Part 10*, a person shall not provide, or cause another person to provide, a game unless—

(a) the person is—

(i) a licensee of a gaming licence and the game is a relevant game, or 20

(ii) a licensee of a gambling licence for a charitable or philanthropic purpose and the game is a relevant gambling activity for a charitable or philanthropic purpose,

and

(b) the game is provided in-person or by remote means in accordance with the gambling licence held by the licensee. 25

(3) Subject to *section 68 and Part 10*, a person shall not provide, or cause another person to provide, a lottery unless—

(a) the person is—

(i) a licensee of a lottery licence and the lottery is a relevant lottery, 30

(ii) a licensee of a gambling licence for a charitable or philanthropic purpose and the lottery is a relevant gambling activity for a charitable or philanthropic purpose, or

(iii) exempt, under *Chapter 3* of *Part 5*, from the requirement to hold a gambling licence in respect of the lottery concerned, 35

and

(b) the lottery is provided in-person or by remote means in accordance with the gambling licence held by the licensee.

(4) A person who contravenes *subsection (1)*, *(2)* or *(3)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 8 years, or both.

Employees, servants or agents of licensee providing relevant gambling activity

68. (1) A person may provide a relevant betting activity where he or she is providing such activity in his or her capacity as an employee, servant or agent of a licensee referred to in *section 67(1)(a)(i)*.

(2) A person may provide pool betting which is a relevant gambling activity for a charitable or philanthropic purpose where he or she is providing such pool betting in his or her capacity as an employee, servant or agent of a licensee referred to in *section 67(1)(a)(ii)*.

(3) A person may provide a relevant game where he or she does so in his or her capacity as an employee, servant or agent of a licensee referred to in *section 67(2)(a)(i)*.

(4) A person may provide a game which is a relevant gambling activity for a charitable or philanthropic purpose where he or she does so in his or her capacity as an employee, servant or agent of a licensee referred to in *section 67(2)(a)(ii)*.

(5) A person may provide a relevant lottery where he or she does so in his or her capacity as an employee, servant or agent of a licensee referred to in *section 67(3)(a)(i)*.

(6) A person may provide a lottery which is a relevant gambling activity for a charitable or philanthropic purpose where he or she does so in his or her capacity as an employee, servant or agent of a licensee referred to in *section 67(3)(a)(ii)*.

Prohibition on betting intermediaries acting other than by remote means

69. (1) A person (in this subsection referred to as the "intermediary") shall not provide a facility that enables another person to engage in betting with a person, other than the intermediary, where that facility is provided—

(a) in-person, or

(b) by remote means unless the intermediary is providing the facility pursuant to a remote betting intermediary licence.

(2) A person who contravenes *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Prohibition on sale or supply of gambling product or gambling related service

70. (1) Subject to *subsection (2)*and *section 72*, a person may not sell or supply, directly or indirectly, a gambling product or a gambling related service unless—

(a) the person is a licensee of a Business to Business gambling licence, and

(b) such sale or supply is authorised by that licence in accordance with *section 89*.

(2) *Subsection (1)* shall not apply—

(a) to a person selling or supplying, directly or indirectly, a gambling product or gambling related service solely and exclusively to an operator of the National Lottery,

(b) to an operator of the National Lottery, or

(c) in respect of a person to whom *subsection (2)* of *section 125* applies—

(i) during the period referred to in that subsection, or

(ii) where the person has made an application referred to in that subsection, during that period and any further period beginning on the expiration of the first-mentioned period and ending when the Authority notifies the person in writing of its decision to grant or refuse to grant a Business to Business gambling licence under that section.

(3) A person who contravenes *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Prohibition on purchase of gambling product or gambling related service

71. (1) A person in the State may not purchase a gambling product or a gambling related service unless the person concerned—

(a) is a licensee and the person selling or supplying the product or service is a licensee of a Business to Business gambling licence and the product or service concerned is a relevant gambling product or relevant gambling related service, as the case may be,

(b) is doing so in the person's capacity as an operator of the National Lottery, or

(c) has, on the coming into operation of this section, entered into a binding contract to purchase a gambling product or a gambling related service from another person.

(2) A person who contravenes *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Gambling licensees and software for use in gambling

72. Subject to, where applicable, the Authority being satisfied of the matters referred to in *section 103(3)(a)* or *(c)*, or both, as the case may be, a licensee of a gambling licence, other than a Business to Business gambling licence, may, without a Business to Business gambling licence, manufacture, adapt, install, maintain or upgrade software for use by the licensee concerned in providing a relevant gambling activity. 5

Prohibition on transfer, assignment or encumbrance of gambling licence

73. Subject to *section 109*, a gambling licence may not be transferred, assigned, mortgaged, charged or otherwise encumbered and any purported transfer, assignment, mortgage, charge or other encumbrance shall be void and of no effect. 10

Cheating at relevant gambling activity

74. (1) A person who cheats at a relevant gambling activity is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 15

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(2) For the purposes of *subsection (1)*, it is immaterial whether the person who cheats—

(a) makes a gain, or

(b) improves his or her chances of making a gain. 20

(3) Without prejudice to the generality of *subsection (1)*, a person cheats where he or she interferes with or manipulates—

(a) the process by which a relevant gambling activity is provided,

(b) a relevant gambling product or relevant gambling related service being used for a relevant gambling activity, 25

(c) an event to which a relevant gambling activity relates, or

(d) the outcome of a relevant gambling activity.

CHAPTER 2

Applications to Court in respect of persons providing gambling activity in contravention of Chapter 1 30

Application to Court to direct relevant person to cease prohibited gambling activity and related matters

75. (1) Where the Authority has reasonable grounds for believing that a person (in this section referred to as a "relevant person") is providing a gambling activity in contravention of *Chapter 1* or is advertising such an activity (in this section referred to as a "prohibited gambling activity"), the Authority may apply to the Court for either or both of the following: 35

(a) an order directing the relevant person to cease the prohibited gambling activity;

(b) one or more of the orders specified in *subsection (2)*.

(2) The orders referred to in *subsection (1)(b)* are orders directing that:

(a) an internet service provider or a provider of an online application store service, as the case may be, block access to the prohibited gambling activity concerned;

(b) a bank shall not, without leave of the Court, receive any payment into a bank account of a relevant person held with the bank in relation to a prohibited gambling activity;

(c) a bank shall not, without leave of the Court, make any payment out of a bank account of a relevant person held with the bank;

(d) a relevant person shall not, without leave of the Court, dispose of, or direct or facilitate the disposal of, an asset of the relevant person;

(e) a relevant person shall not, without leave of the Court, reduce the relevant person's assets below a specified amount or value;

(f) a relevant person shall not, without leave of the Court, remove the relevant person's assets from the State;

(g) in relation to a relevant payment made by a person to a relevant person in respect of a prohibited gambling activity, the relevant person refund the relevant payment to the first-mentioned person;

(h) a relevant person surrender to the Authority any gambling product used by the relevant person in providing the prohibited gambling activity.

(3) On the hearing of an application under *subsection (1)*, the Court may, where it is satisfied that the relevant person concerned is engaged in a prohibited gambling activity, make an order directing the relevant person to cease the prohibited gambling activity concerned.

(4) Where the prohibited gambling activity which is the subject of an order under *subsection (3)* is advertising a gambling activity, the Court may, at the same time as making an order under that subsection, direct the Authority to publish details of that order on its website.

(5) On the hearing of an application under *subsection (1)* where an order referred to in *subsection (2)* has been applied for, the Court may make the order concerned:

(a) in the case of an order referred to in *subsection (2)(a)*, where it is satisfied that the prohibited gambling activity can be accessed online;

(b) in the case of an order referred to in *subsection (2)(b)*, where it is satisfied that the payments concerned are made to the relevant person in relation to a prohibited gambling activity;

(c) in the case of an order referred to in *subsection (2)(c)*, *(d)*, *(e)* or *(f)*, where it is satisfied that it is necessary for the purpose of the order referred to in *subsection (2)(g)*;

(d) in the case of an order referred to in *subsection (2)(g)*, where it is satisfied that a person has made a relevant payment to a relevant person in relation to a prohibited gambling activity;

(e) in the case of an order referred to in *subsection (2)(h)*, where it is satisfied that the gambling product concerned was used by the relevant person in providing the prohibited gambling activity concerned.

(6) In addition to the orders that may be made under *subsection (5)*, the Court may, on hearing an application under *subsection (1)*, make such other order as it considers appropriate in the circumstances.

(7) The Court may, for the purpose of an application under *subsection (1)*, make one or more of the following orders directing that:

(a) a bank furnish any information in its possession relating to the financial affairs of a relevant person;

(b) in the case of a relevant person who is an individual, the individual swear an affidavit disclosing information relating to assets held in his or her own name or held jointly with third parties;

(c) in the case of a relevant person that is a body corporate, a relevant officer or a beneficial owner, or both, of the relevant person swear an affidavit disclosing information relating to assets held in the name of the body corporate concerned or jointly with third parties.

(8) Where the Court is satisfied that there is reason to believe that a person holds or has held assets on behalf of a relevant person, the Court may order the first-mentioned person—

(a) to disclose all information as to such assets in the person's possession or power to procure, or

(b) to disclose—

(i) all information as to such assets which had been but are no longer in the person's possession or power to procure, and

(ii) the person's belief as to the present whereabouts of those assets.

(9) At any time while an order under *paragraph (b)*, *(c)*, *(d)* or *(e)* of *subsection (5)* or under *subsection (6)* is in force, the Court may, on application by a person affected by the order concerned, make such order as the Court considers appropriate, in relation to an asset affected by the order, if satisfied that it is necessary to do so for the purpose of enabling the person—

(a) to discharge the reasonable living and other necessary expenses, including fees and costs payable in respect of legal advice or legal representation for the purposes of proceedings under this Act, of the person, or any dependent person, or

(b) to carry on a business, trade, profession or other occupation to which the asset relates.

(10) The Court may, on application to it by a person to whom an order under *subsection (5)* is directed, discharge such order where it is satisfied that the relevant person is no longer engaged in a prohibited gambling activity.

(11) The Court may, on application to it by a person affected by an order, other than an order referred to in *subsection (10)*, under this section, discharge such order where it is satisfied that the basis on which the order was made no longer applies and that it is in the interests of justice to do so.

(12) The Court may not require the Authority to give an undertaking as to damages as a condition for the granting of an order under *subsection (3)*, *(5)*, *(6)*, *(7)* or *(8)*.

(13) The hearing of an application under this section shall be conducted in public unless the Court directs that due to the existence of special circumstances the proceedings (or part thereof) should be conducted otherwise than in public.

(14) The Authority may make an application under *subsection (1)* for a temporary order on an *ex parte* basis where it considers that there is an urgent need to act, including where the Authority considers that urgent action is required in order to protect the public from the serious consequences of a prohibited gambling activity being engaged in.

(15) In this section—

"bank" means—

(a) a regulated financial service provider, or

(b) a bank outside the State;

"Court" means the High Court.

CHAPTER 3

Provisions related to offences: *general*

Liability of relevant officers and beneficial owners

76. Where an offence under this Act is committed by a person and the offence is proved to have been committed with the consent or connivance of, or to be attributable to the wilful neglect of, another person who, when the offence was committed, was a relevant officer or a beneficial owner of the first-mentioned person, that person, as well as the first-mentioned person, is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Summary proceedings

77. Summary proceedings for an offence under this Act may be brought and prosecuted by the Authority.

Time limit for offences: summary proceedings

78. Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted at any time within 3 years

from the date on which the offence was alleged to have been committed.

Jurisdiction

79. (1) Where a person engages in conduct in a place outside the State that would, if it occurred in the State, constitute an offence under this Act, or an offence of inciting, aiding and abetting, or attempting the commission of an offence under this Act, the person is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of that first-mentioned or second-mentioned offence, as the case may be, if any of the following circumstances apply:

(a) the conduct takes place on board an Irish ship, within the meaning of section 9 of the Mercantile Marine Act 1955;

(b) the conduct takes place on an aircraft registered in the State;

(c) the conduct constitutes an offence under the law of that place and the person is—

(i) an Irish citizen,

(ii) ordinarily resident in the State, or

(iii) a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act or is another body corporate established under the law of the State.

(2) Proceedings for an offence under this section may be taken in any place in the State and the offence may, for all incidental purposes, be treated as having been committed in that place.

(3) For the purposes of *subsection (1)(c)(i)*—

(a) a certificate that is signed by an officer of the Minister for Foreign Affairs and stating that a passport was issued by that Minister of the Government to a person on a specified date, and

(b) a certificate that is signed by an officer of the Minister and stating that, to the best of the officer's knowledge and belief, the person has not ceased to be an Irish citizen,

shall be evidence that the person was an Irish citizen on the date on which the offence concerned is alleged to have been committed, unless the contrary is proved.

(4) For the purposes of *subsection (1)(c)*, a certificate—

(a) purporting to be signed by a lawyer practising in the place where the conduct is alleged to have occurred, and

(b) stating that such conduct is an offence in that place,

shall be evidence of the matters referred to in that certificate, unless the contrary is proved.

(5) A document purporting to be a certificate referred to in *subsection (3)* or *(4)* is deemed, unless the contrary is proved—

(a) to be such a certificate, and

(b) to have been signed by the person purporting to have signed it.

(6) In a case where a certificate referred to in *subsection (4)* is written in a language other than the Irish language or the English language, unless the contrary is proved—

(a) a document purporting to be a translation of that certificate into the Irish language or the English language, as the case may be, and that is certified as correct by a person appearing to be competent to so certify, is taken— 5

(i) to be a correct translation of the certificate, and

(ii) to have been certified by the person purporting to have certified it,

and

(b) the person is taken to be competent to so certify. 10

(7) For the purposes of this section—

(a) a person shall be deemed to be ordinarily resident in the State if he or she had his or her principal residence in the State for the period of 12 months immediately preceding the date of the alleged commission of the offence, and

(b) a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business. 15

(8) Where a person has been acquitted or convicted of an offence in a place other than the State, he or she shall not be proceeded against for an offence under this section consisting of the conduct, or substantially the same conduct, that constituted the offence of which the person has been acquitted or convicted. 20

Costs of prosecution

80. (1) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority the costs and expenses, measured by the court, incurred by the Authority in relation to the investigation, detection and prosecution of the offence. 25

(2) An order for the payment of costs and expenses under *subsection (1)* is in addition to and not instead of any fine or other penalty the court may impose. 30

Suspension or revocation of gambling licence on conviction for offence

81. (1) Subject to *subsection (2)*, where a licensee is convicted of an offence under this Act, the court may, after having regard to the nature of the offence and the circumstances in which it was committed, order that a gambling licence held by the licensee to which the conviction relates be— 35

(a) suspended for a specified period, or

(b) revoked.

(2) Where the court is of the view that, having regard to the matters referred to in *subsection (1)*, the offence is sufficiently serious, it may, in addition to suspending or revoking the gambling licence referred to in that subsection, suspend for a specified period or revoke any other gambling licence held by the licensee.

(3) An order under *subsection (1)* and, where applicable, a suspension or revocation under *subsection (2)*, shall not take effect until— 5

(a) the time for bringing an appeal against the conviction concerned has expired without any such appeal having been brought,

(b) any such appeal has been withdrawn, abandoned or struck out, or

(c) on any such appeal, the conviction and order are upheld. 10

PART 5

Licensing of gambling activities

Chapter 1

Preliminary and General

Definitions (*Part 5*) 15

82. In this Part—

"maximum relevant payment and maximum winnings" means—

(a) for each relevant game, the amount of the maximum relevant payment and maximum winnings standing specified in *columns (2)* and *(3)* respectively opposite the mention of relevant game in *column (1)* of *Schedule 3*, 20

(b) subject to *paragraph (c)*, for each relevant lottery, the amount of the maximum relevant payment and maximum winnings standing specified in *columns (2)* and *(3)* respectively opposite the mention of relevant lottery in *column (1)* of *Schedule 3*,

(c) for a relevant lottery provided pursuant to a lottery licence for a once-off lottery, 25 the amount of the maximum relevant payment and maximum winnings standing specified in *columns (2)* and *(3)* respectively opposite the mention of relevant lottery: once-off activity in *column (1)* of *Schedule 3*,

(d) subject to *paragraph (e)*, for each game or lottery which is a relevant gambling activity for a charitable or philanthropic purpose, the amount of the maximum 30 relevant payment and maximum winnings standing specified in *columns (2)* and *(3)* respectively opposite the mention of gambling licence for charitable or philanthropic purpose in *column (1)* of *Schedule 3*, or

(e) in the case of a relevant gambling activity for a charitable or philanthropic purpose provided pursuant to a gambling licence for a charitable or philanthropic 35 purpose for a once-off activity, the maximum relevant payment and maximum winnings standing specified for the activity concerned in *columns (2)* and *(3)*

respectively, opposite the mention of gambling licence for a charitable or philanthropic purpose: once-off activity in *column (1)* of *Schedule 3*;

"relevant information and documentation" has the meaning assigned to it by *section 96(1)*;

"updated relevant information and documentation" has the meaning assigned to it by *section 104*.

Regulations (*Part 5*)

83. (1) The Authority may prescribe any of the following:

(a) information (if any), additional to that set out in this Part, to be submitted with an application for a gambling licence;

(b) a form of consent to the processing of personal data and special categories of personal data.

(2) Subject to *subsection (3)*, the Authority may, with the consent of the Minister, by regulations vary the amount of a maximum relevant payment specified in *column (2)* of *Schedule 3* or the amount of maximum winnings specified in *column (3)* of that Schedule, or both, having regard to—

(a) the number of gaming and lottery licences in force under this Act at the time of making the regulations,

(b) the impact of gambling activities on society in general, and

(c) the potential impact of any variation on gambling activities generally.

(3) Where regulations are made under *subsection (2)* which reduce the amount of a maximum relevant payment or of maximum winnings, or both, of a relevant game, a relevant lottery or a relevant gambling activity for a charitable or philanthropic purpose, the coming into operation of the regulations shall not affect such a game, lottery or activity already underway but not completed on such coming into operation.

(4) For the purposes of *subsection (3)*, a relevant lottery or a relevant gambling activity for a charitable or philanthropic purpose that is a lottery shall be taken to be underway where a relevant payment has been made in respect of the lottery concerned by any participant.

Chapter 2

Gambling licences and register of gambling licensees

Gambling licences

84. Subject to the requirements of this Act, the Authority may issue the following gambling licences:

(a) in accordance with *Chapter 6*, a Business to Consumer gambling licence;

(b) in accordance with *Chapter 7*, a gambling licence for a charitable or philanthropic purpose;

(c) in accordance with *Chapter 8*, a Business to Business gambling licence.

Betting licences

85. (1) Subject to *subsection (2)*, the Authority may issue the following betting licences:

(a) a licence (in this Act referred to as an "in-person betting licence") authorising the licensee of the licence to provide betting activities referred to in *paragraphs (a)*, *(c)*, and *(d)* (in so far as that paragraph relates to the activities referred to in *paragraphs (a)* and *(c)*) of *section 3(1)*—

(i) from one or more premises in the State where a person attends at the premises to engage in betting, and

(ii) in the case of pool betting, for an event, a series of events or a class of events;

(b) a licence (in this Act referred to as a "remote betting licence") authorising the licensee of the licence to provide betting activities referred to in *paragraphs (a)*, *(c)*, and *(d)* (in so far as that paragraph relates to the activities referred to in *paragraphs (a)* and *(c)*) of *section 3(1)* by remote means, and in the case of pool betting, by remote means for an event, a series of events or a class of events;

(c) a licence (in this Act referred to as an "in-person and remote betting licence") authorising the licensee of the licence to provide betting activities referred to in *paragraphs (a)*, *(c)*, and *(d)* (in so far as that paragraph relates to the activities referred to in *paragraphs (a)* and *(c)* of *section 3(1)*—

(i) from one or more premises in the State where a person attends at the premises to engage in betting,

(ii) in the case of pool betting, for an event, a series of events or a class of events, and

(iii) by remote means, and in the case of pool betting, by remote means for an event, a series of events or a class of events;

(d) a licence (in this Act referred to as a "remote betting intermediary licence") authorising the licensee of the licence to engage in betting activities referred to in *paragraphs (b)* and *(d)* (in so far as that paragraph relates to the activity referred to in *paragraph (b)*) of *section 3(1)*, other than pool betting.

(2) A betting licence referred to in *subsection (1)* shall not authorise a licensee of the licence to provide a betting activity in respect of such matters (if any) as may be prohibited in regulations made under *subsection (3)*.

(3) Subject to *subsection (4)*, the Authority may, having regard to the public interest and public safety, and having consulted with the Minister, prescribe matters in respect of which a licensee of a betting licence may not provide a betting activity and, without prejudice to the foregoing, such matters may include criminal activities.

(4) The Authority shall, where it proposes to prescribe a matter under *subsection (3)* in respect of which a Minister of the Government, other than the Minister, has responsibility, consult with the Minister of the Government concerned before making regulations under that subsection.

Gaming licences

86. (1) The Authority shall prescribe, for the purposes of gaming, a list of the games that may, subject to *subsection (2)*, be provided by a licensee pursuant to the gaming licences issued under *subsection (3)*.

(2) A gaming licence shall specify, from the games standing prescribed under *subsection (1)*, each game (in this Act referred to as a "relevant game") a licensee may provide pursuant to the licensee's gaming licence.

(3) The Authority may issue the following gaming licences:

(a) a licence (in this Act referred to as an "in-person gaming licence") authorising the licensee of the licence to provide a relevant game or games from one or more premises in the State to a person who attends at the premises concerned to play the games;

(b) a licence (in this Act referred to as a "remote gaming licence") authorising the licensee of the licence to provide a relevant game or games by remote means;

(c) a licence (in this Act referred to as an "in-person and remote gaming licence") authorising the licensee of the licence to provide a relevant game or games—

(i) from one or more premises in the State to a person who attends at the premises concerned to play the games, and

(ii) by remote means.

Lottery licences

87. (1) The Authority shall, for the purposes of issuing lottery licences under this section, prescribe the lottery products and activities that may, subject to *subsection (2)*, be provided by a licensee pursuant to the lottery licences issued under *subsection (3)*.

(2) A lottery licence shall specify, from the lottery products and activities standing prescribed under *subsection (1)*, the lottery activity or product, or both, as the case may be, (in this Act referred to as a "relevant lottery") which a licensee may provide pursuant to the licensee's lottery licence.

(3) The Authority may issue the following lottery licences:

(a) a licence (in this Act referred to as an "in-person lottery licence") authorising the licensee of the licence to provide a relevant lottery from one or more premises in the State to a person who attends at the premises to participate in the relevant lottery;

(b) a licence (in this Act referred to as a "remote lottery licence") authorising the licensee of the licence to provide a relevant lottery by remote means;

(c) a licence (in this Act referred to as an "in-person and remote lottery licence") authorising the licensee of the licence to provide a relevant lottery—

(i) from one or more premises in the State to a person who attends at the premises to participate in a relevant lottery, and

(ii) by remote means.

Gambling licence for charitable or philanthropic purpose

88. (1) Subject to *subsections (3)* and *(4)*, the Authority may issue a licence (in this Act referred to as a "gambling licence for a charitable or philanthropic purpose"), in accordance with *Chapter 7*, authorising the licensee of the licence to provide one or more of the gambling activities (in this Act referred to as a "relevant gambling activity for a charitable or philanthropic purpose") set out in *subsection (2)* as are specified in the licence concerned.

(2) A relevant gambling activity for a charitable or philanthropic purpose referred to in *subsection (1)* is providing—

(a) a game or games, from among the games standing prescribed under *section 86(1)*,

(b) pool betting for an event, a series of events or a class of events specified in the licence, or

(c) a lottery activity or product, or both, as the case may be, from among the lottery products and activities standing prescribed under *section 87(1)*.

(3) A gambling licence for a charitable or philanthropic purpose may authorise the licensee of the licence to provide a relevant gambling activity for a charitable or philanthropic purpose—

(a) from one or more premises in the State to a person who attends at the premises to participate in the activity and, where specified in the licence concerned, off the premises through the licensee or another person where that other person is an employee, servant or agent of that licensee,

(b) by remote means, or

(c) in the manner specified in *paragraphs (a)* and *(b)*.

(4) For the purposes of this Act, each of the following shall be considered to be a charitable or philanthropic purpose:

(a) the prevention or relief of poverty or economic hardship;

(b) the advancement of education;

(c) the advancement of religion;

(d) any other purpose that is of benefit to the community including:

(i) the advancement of community welfare including the relief of those in need by reason of age, ill-health, or disability;

(ii) the advancement of community development, including rural or urban regeneration;

(iii) the promotion of civic responsibility or voluntary work;

(iv) the promotion of health, including the prevention or relief of sickness, disease or human suffering;

(v) the advancement and promotion of sport;

(vi) the advancement of conflict resolution or reconciliation;

(vii) the promotion of religious or racial harmony and harmonious community relations;

(viii) the protection of the natural environment;

(ix) the advancement of environmental sustainability;

(x) the advancement of the efficient and effective use of the property of charitable organisations;

(xi) the prevention or relief of suffering of animals;

(xii) the advancement of the arts, culture, heritage or sciences;

(xiii) the integration of those who are disadvantaged, and the promotion of their full participation, in society; or

(xiv) the advancement of human rights.

Business to Business gambling licences

89. (1) Subject to *section 124*, the Authority may issue a licence (in this Act referred to as a "Business to Business gambling licence") in accordance with *Chapter 8* authorising the licensee of the licence to—

(a) subject to *subsection (2)*, sell or supply, directly or indirectly, a gambling product or a gambling related service, or both, specified in that licence (in this Act referred to as a "relevant gambling product or relevant gambling related service") to—

(i) a licensee in the State,

(ii) a person outside the State, or

(iii) an operator of the National Lottery,

and

(b) advertise for sale or supply to the licensees, persons and an operator referred to in *subparagraphs (i)* to *(iii)* of *paragraph (a)*, a relevant gambling product or relevant gambling related service specified in the licence concerned.

(2) A Business to Business gambling licence shall not authorise the sale or supply, directly or indirectly, in the State, of a gambling product that is a gaming machine unless the machine is capable of being adapted from time to time to reflect the maximum relevant payment and maximum winnings, for the time being in force, in respect of the type of gambling played on the machine.

Register of gambling licensees

90. (1) The Authority shall, as soon as is practicable after the coming into operation of this section, cause to be established and maintained, in such form as it considers appropriate, a register of licensees to be known as the register of gambling licensees.

(2) The Authority shall enter the information set out in *subsection (3)* in the register of gambling licensees in respect of each licensee.

(3) Subject to *subsection (5)*, the information referred to in *subsection (2)* is—

(a) the name of the licensee, the type of gambling licence issued to the licensee, the relevant gambling activity or relevant gambling product or relevant gambling related service specified in the licence and the registration number,

(b) in relation to a gaming licence held by a licensee, each relevant game the licensee may provide pursuant to that licence,

(c) in relation to a gambling licence for a charitable or philanthropic purpose held by a licensee, where applicable, each game specified in the licence as a relevant gambling activity for a charitable or philanthropic purpose,

(d) the date a gambling licence issued to the licensee and, in accordance with *section 108*, the duration for which the licence is to remain in force,

(e) where the licensee trades under a different name to that referred to in *paragraph (a)*, the trading name of the licensee,

(f) where applicable, the name of each relevant officer and each beneficial owner of the licensee,

(g) where the licensee holds an in-person gambling licence, the address of the premises where the relevant gambling activity may be provided,

(h) details of any conviction of a licensee and, where applicable, of a relevant officer or beneficial owner of the licensee for an offence under this Act,

(i) the terms of an advice, caution, warning or reprimand issued to a licensee, under *Chapter 4* of *Part 8*, in respect of a contravention of a relevant obligation by the licensee and details of the contravention concerned,

(j) where the licensee's gambling licence is subject to a condition imposed under *Part 8*, details of the condition and the contravention in respect of which the condition was imposed,

(k) where the licensee's gambling licence has been suspended or revoked under this Act, the reason for the suspension or revocation, as the case may be, and in the case of a suspension, the period of operation of such suspension,

(l) subject to *subsection (4)*, details of any decision as to contravention and, where applicable, any administrative sanction which have come into effect in accordance with *section 205*, in respect of a licensee,

(m) where a court order, directing a licensee to cease providing a relevant gambling activity or a relevant gambling product or gambling related service, is in force under *Part 8* in respect of the licensee, details of the order concerned, and

(n) such other information as the Authority considers appropriate.

(4) The Authority may, for the purposes of entering information referred to in *subsection (3)(l)* in the register of gambling licensees, redact any particulars which appear to the Authority to—

(a) be commercially sensitive, or

(b) relate to the commission of an offence.

(5) Subject to compliance with the Data Protection Regulation and the Act of 2018, the Authority may, for the purposes of the performance of its functions, retain, for such period as shall be specified in regulations made under *subsection (6)*, in the register of gambling licensees the following information in respect of a former licensee:

(a) information referred to in *subsection (3)(h)* relating to any conviction under this Act and any order made under *section 81(2)*;

(b) information referred to in *subsection (3)(k)* relating to the revocation or suspension of any gambling licence held by that licensee;

(c) information referred to in *subsection (3)(l)* relating to any decision as to contravention and any administrative sanction which have come into effect.

(6) The Authority shall make regulations to provide for the period in respect of which, and the purpose for which, information referred to in *subsection (5)* may be retained.

(7) The Authority shall—

(a) make the register of gambling licensees, other than information referred to in *subsection (3)(h)* and information retained in that register under *subsection (5)*, available, free of charge, for inspection by members of the public at its principal office during normal working hours, and

(b) publish that register, other than information referred to in *subsection (3)(h)* and information retained in that register under *subsection (5)*, on its website.

(8) The Authority may publish, in such form as it considers appropriate, the information referred to in *paragraphs (i)*, *(j)*, *(k)*, *(l)* or *(m)* of *subsection (3)* in addition to publishing that information by means of the register under *subsection (7)(b)*.

(9) The Authority shall ensure that the register of gambling licensees is kept up to date and is accurate and, for that purpose, the Authority shall make such alterations to that register as it considers necessary.

(10) The Authority shall, as soon as is practicable after making an alteration in the register of gambling licensees under *subsection (9)*, give notice in writing of that fact to the licensee to whom the alteration relates unless the alteration was made under that subsection pursuant to a notice received from the licensee under *subsection (11)*.

(11) A licensee shall notify the Authority in writing of an error in an entry in the register of gambling licensees relating to the licensee or of a change in circumstances that is likely to have a bearing on the accuracy of an entry on that register as soon as practicable after he or she becomes aware of the error or change in circumstances.

(12) Every document purporting to be a copy of, or extract from, an entry in the register of gambling licensees and purporting to be certified, either by the chief executive or a member of the staff of the Authority authorised in that behalf by the chief executive, to be a true copy of, or extract from, such entry shall, without proof of the signature of the chief executive or the member of staff concerned, be received in evidence in any legal proceedings and shall, unless the contrary is proved, be deemed to be a true copy of, or extract from, such entry and shall be evidence of the matters stated in such entry.

(13) In this section, "administrative sanction" and "decision as to contravention" have the same meaning as they have in *section 198*.

CHAPTER 3

Gambling activities exempt from requirement to hold gambling licence

Application (*Chapter 3*) 5

91. This Chapter applies to a person other than a person that is a licensee of a Business to Consumer licence or a Business to Business licence.

Certain lotteries held for charitable or philanthropic purpose not requiring gambling licence

92. (1) Subject to *subsection (2)*, a person may provide a lottery, from among the lottery products and activities prescribed under *section 87(1)*, for a charitable or philanthropic purpose without a gambling licence for a charitable or philanthropic purpose where— 10

(a) the person derives no personal profit from the lottery,

(b) the total value of the winnings do not exceed €2,000, 15

(c) the minimum payment to participate in the lottery is not more than €5,

(d) the maximum number of lottery tickets available for sale is not more than 1,500, and

(e) the person has not provided a lottery in accordance with this section within a period of 3 months preceding the first day on which it is intended to invite persons to participate in the lottery concerned. 20

(2) The Authority may, for the purposes of *subsection (1)*, prescribe—

(a) an amount greater than €5 for the purposes of *paragraph (c)* of that subsection,

(b) a higher number of tickets that may be made available for sale for the purposes of *paragraph (d)* of that subsection, or 25

(c) a different period for the purposes of *paragraph (e)* of that subsection.

Certain lotteries held in conjunction with selling or marketing of products not requiring gambling licence

93. (1) A person may provide a lottery, from among the lottery products and activities prescribed under *section 87(1)*, without a lottery licence where— 30

(a) the lottery is provided in conjunction with the selling or marketing of a product or service,

(b) no payment is required to participate in the lottery other than, if required, the purchase of the product or service concerned,

(c) the total value of the winnings do not exceed €5,000, 35

(d) there is no additional payment required to obtain the winnings, and

(e) the winnings are paid out within a period of 6 months from the first date on which persons are invited to participate in the lottery concerned.

(2) The Authority may, for the purposes of *subsection (1)(c)* prescribe an amount that is greater than €5,000.

(3) In this section, "selling" means—

(a) in the case of a product, selling the product by retail or wholesale and includes—

(i) offering or exposing the product for sale,

(ii) inviting a person to make an offer to purchase the product,

(iii) distributing the product free of charge, and

(iv) whether or not for profit, supplying the product for a purpose referred to in any of *subparagraphs (i)* to *(iii)*,

and

(b) in the case of a service, includes—

(i) offering or exposing the service for sale, and

(ii) inviting a person to make an offer to purchase the service.

CHAPTER 4

Applications for gambling licences: general

Definitions (*Chapter 4*)

94. In this Chapter—

"relevant consents" means—

(a) consent in writing to the Authority seeking information from another person for the purposes set out in *section 105(1)*, and

(b) if a form of consent to the processing of personal data and special categories of personal data has been prescribed, a signed form of consent or, if no form stands prescribed, consent given in writing to such processing for the purposes set out in that section;

"tax clearance certificate" means a certificate under section 1094 of the Act of 1997.

Public notice of intention to apply for gambling licence

95. (1) A person shall, at least 28 days prior to making an application for a gambling licence or an application for renewal of a gambling licence, publish a notice of the person's intention to so apply and send a copy of the notice to the Authority.

(2) A notice under *subsection (1)* shall contain such information, and be published in such places, including in newspapers and on websites, and in such form and manner, as may be specified by the Authority.

(3) The Authority shall, as soon as practicable after receipt of a copy of a notice under *subsection (1)*, publish the notice on its website.

Information and documentation to accompany application for gambling licence: general

96. (1) An application for a gambling licence under this Part shall be accompanied by the following information and documentation (in this Part referred to as the "relevant information and documentation"):

(a) the name of the proposed licensee, the address at which the proposed licensee ordinarily resides and of the principal office or place of business of the proposed licensee and, where the proposed licensee trades, or intends to trade, under a different name, that trading name or proposed trading name;

(b) where applicable, the name of each relevant officer and each beneficial owner of the proposed licensee, the address at which each relevant officer and each beneficial owner ordinarily resides and of the principal office or place of business of each relevant officer and beneficial owner;

(c) the address of the proposed licensee for the purpose of service of notices required to be served by or under this Act;

(d) such financial information as may be specified by the Authority;

(e) other than in the case of an application for a lottery licence for a once-off lottery under *section 113* or for a gambling licence for a charitable or philanthropic purpose for a once-off activity under *section 119*, a business plan in such form, and containing such information, as may be specified by the Authority;

(f) a declaration signed by the proposed licensee, or, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, that he or she is a fit and proper person to hold the licence concerned;

(g) where the proposed licensee or, where applicable, a relevant officer or beneficial owner of a proposed licensee, at any time applied for, or held, a licence or permit under the relevant Acts (within the meaning of *section 97*), the information specified in that section;

(h) where the application is for a Business to Consumer gambling licence under *section 112* and the gambling activity sought to be licensed is proposed to be provided from one or more than one premises in the State—

(i) in the case of a premises that is not a relevant premises, the information and documentation specified in *section 98(1)*, and, in the case of a relevant premises, the name and address of the relevant premises concerned, and

(ii) subject to *subsection (2)*, where it is proposed to permit children on the premises, the information specified in *section 98(2)*;

(i) subject to *subsection (2)*, where the application is for a Business to Consumer gambling licence under *section 112* and the gambling activity sought to be licensed is proposed to be provided from one or more than one premises in the State and it is proposed to provide an automated teller machine on the premises, the information and documentation specified in *section 98(3)*;

(j) where the application is for a gambling licence for a charitable or philanthropic purpose under *section 118* or *119* and, in addition to providing a gambling activity for a charitable or philanthropic purpose from one or more premises in the State to a person who attends at the premises to participate in the activity—

(i) it is proposed to provide the activity off the premises through the licensee or another person where that other person is an employee, servant or agent of that licensee, a statement to that effect and the reasons why it is considered necessary, and

(ii) where it is proposed that an employee, servant or agent of that licensee may, for the purposes of *subparagraph (i)*, include a child, the reasons for such inclusion;

(k) where the application is for a Business to Consumer gambling licence under *section 112* where it is proposed to provide a gambling activity by remote means, the information and documentation specified in *section 102*;

(l) a statement in respect of the proposed licensee and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be of any conviction—

(i) for a relevant offence, and

(ii) of a body corporate for a relevant offence where he or she was, at the time of the offence, a relevant officer or beneficial owner of the body corporate;

(m) a statement in respect of the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, as to whether there are any proceedings pending against him or her for a relevant offence;

(n) a statement in respect of the proposed licensee and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, as to whether there has been—

(i) any finding, by a regulatory authority, court or tribunal outside the State, made against the proposed licensee, relevant officer or beneficial owner, of a contravention of a legal obligation imposed in a jurisdiction outside the State in respect of the conduct of gambling activities outside the State, and

(ii) any sanction (howsoever described) imposed as a result of the finding referred to in *subparagraph (i)*;

(o) a statement in respect of the proposed licensee and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, as to whether there are any proceedings pending against the proposed licensee, relevant officer or beneficial owner, before a regulatory authority, court or tribunal outside the State, in respect of a contravention of a legal obligation imposed in a jurisdiction outside the State in respect of the conduct of gambling activities outside the State;

(p) details of any gambling licence held, or previously held, by the proposed licensee and where applicable, each relevant officer and each beneficial owner of the proposed licensee;

(q) confirmation as to whether the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, under the Pawnbrokers Act 1964—

(i) is the holder of a pawnbroker's licence (within the meaning of that Act), or

(ii) was refused a pawnbroker's licence or held a pawnbroker's licence which was suspended or revoked under that Act and, if so, the grounds for such refusal, suspension or revocation, as the case may be;

(r) confirmation as to whether the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, under the Consumer Credit Act 1995—

(i) holds a licence to act as a high cost credit provider, an authorisation to act as a credit intermediary or an authorisation to act as a mortgage intermediary (all within the meaning of that Act), or

(ii) was refused a licence or authorisation referred to in *subparagraph (i)* or held such a licence or authorisation that was suspended, revoked or the terms or conditions of which were varied under that Act and, if so, the grounds for such refusal, suspension, revocation or variation, as the case may be;

(s) where applicable, a statement confirming that the proposed licensee, a relevant officer or a beneficial owner of a proposed licensee, is or was a relevant officer of a body corporate to whom *subparagraph (i)* or *(ii)* of *paragraph (q)* or *subparagraph (i)* or *(ii)* of *paragraph (r)* applies or applied;

(t) confirmation as to whether the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, under the Act of 2010—

(i) was refused an authorisation (within the meaning of section 84 of that Act) or held an authorisation that was revoked under Chapter 9 of Part 4 of that Act and if so, the grounds for such refusal or revocation, as the case may be, or

(ii) is or was an individual referred to in section 109A(1) of that Act who was refused a certificate of fitness (within the meaning of that section) under that Act and if so, the grounds for such refusal;

(u) confirmation that the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, is not an undischarged bankrupt or, at the time of application, subject to a composition or arrangement with his or her creditors;

(v) the relevant consents;

(w) a tax clearance certificate in force in respect of the proposed licensee and, where applicable, each relevant officer and each beneficial owner of the proposed licensee;

(x) such supporting documentary and other evidence as the Authority may request to enable it—

(i) to verify the information contained in the application and the matters referred to in this section, and

(ii) to consider the application in accordance with this Part.

(2) *Paragraph (h)(ii)* or *paragraph (i)* of *subsection (1)* shall, in the case of a relevant premises, only apply where the application for the gambling licence concerned is made by Rásaíocht Con Eireann or Horse Racing Ireland or a company or subsidiary of Horse Racing Ireland and the premises concerned is a relevant premises.

Information and documentation to accompany application: applications, licences, permits or certificates under relevant Acts

97. (1) In this section, "relevant Acts" means the Act of 1929, the Act of 1931 and the Act of 1956.

(2) The following information is specified for the purposes of *section 96(1)(g)*:

(a) details of each licence or permit held or previously held under the relevant Acts by the proposed licensee and where applicable, each relevant officer and each beneficial owner of the proposed licensee;

(b) in relation to each licence or permit referred to in *paragraph (a)*, details of any suspension or revocation of such licence or permit and details of any other sanction (howsoever described) imposed, under the relevant Acts or under any other enactment, on the holder of the licence or permit concerned by virtue of being such holder;

(c) a statement in respect of the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, of any refusal of—

(i) an application for a licence or permit under the relevant Acts and the reasons given for such refusal,

(ii) a certificate of personal fitness under the Act of 1931 or revocation of such a certificate under that Act and the reasons given for such refusal or revocation, as the case may be;

(d) where a licence is held under the Act of 1931, a statement confirming whether there are any applications made but not determined under section 16 of that Act for an order that the licence concerned be revoked;

(e) where a licence or permit is held under the Act of 1956, a statement confirming whether there are any applications made but not determined under section 46 of that Act for an order that the licence or permit concerned be revoked or suspended;

(f) a statement in respect of a proposed licensee, or where applicable, a relevant officer or beneficial owner of the proposed licensee, who holds or held a licence under the Act of 1931 as to whether the holder concerned—

(i) unreasonably refused to pay winnings to a person or persons to whom the winnings were due, or

(ii) unreasonably refused to refund deposits made by persons who won at betting engaged in with that holder, in circumstances where that holder unreasonably refused to pay sums due to such persons;

(g) where applicable, a statement confirming that the proposed licensee or a relevant officer or a beneficial owner of a proposed licensee was a relevant officer of a body corporate that holds or held a licence under the Act of 1931 when it—

(i) unreasonably refused to pay winnings to a person or persons to whom the winnings were due, or

(ii) unreasonably refused to refund deposits made by persons who won at betting engaged in with that holder, in circumstances where that holder unreasonably refused to pay sums due to such persons.

Information and documentation to accompany application where gambling activity to be provided in-person

98. (1) The information and documentation referred to in *section 96(1)(h)(i)*, *104(e)(i)* and *116(2)* is, in respect of each premises where it is proposed to provide a gambling activity:

(a) identification of the location of the premises where it is proposed to provide the activity and append such maps and plans, on such scale, as are sufficient to enable clear identification of that location;

(b) documentary evidence that the proposed licensee, or where applicable, a relevant officer or beneficial owner of the proposed licensee, is the owner or occupier of the premises;

(c) where requested by the Authority following its consideration of the information provided under *paragraph (a)*, details relating to—

(i) the size and layout of the premises, including all entry and exit points,

(ii) the lighting provided or to be provided in the premises,

(iii) the size and location of the proposed area in the premises where gambling activities are to be conducted and the position of equipment, including games, machines or tables, to be used for gambling in the premises,

(iv) security measures in place including closed circuit television (or CCTV) systems for both internal and external security,

(v) non-gambling areas and features to separate and distinguish such areas from areas where gambling activities will be conducted, or

(vi) the size and location of external space, signs and lighting;

(d) confirmation as to whether—

(i) a certificate of suitability of premises was refused under the Act of 1931 in respect of the premises and if so, the reasons given for such refusal,

(ii) a court ever issued a direction under the Act of 1931 that the premises be removed from the register of bookmaking offices (within the meaning of that Act) and if so, the reasons given for such removal, and

(iii) the proposed licensee or, where applicable, a relevant officer or beneficial owner of a proposed licensee, has been convicted of an offence in relation to the premises while it was registered in the register of bookmaking offices under the Act of 1931;

(e) such supporting documentation, relating to the matters set out in *paragraphs (a)* to *(d)*, as the Authority may specify;

(f) such other information, relating to the premises, as the Authority may specify.

(2) The information referred to in section *96(1)(h)(ii)* and *104(e)(ii)* is, in respect of each premises where it is proposed to permit children on the premises—

(a) a statement of the reasons why children should be permitted on the premises, and

(b) details of all activities, other than gambling activities, that will be provided on the premises.

(3) The information and documentation referred to in *section 96(1)(i)* and *104(f)* is, in respect of each premises where it is proposed to provide an automated teller machine—

(a) the number of automated teller machines (if any) already available on the premises,

(b) the number of automated teller machines sought to be provided on the premises,

(c) the proximity of the premises to the nearest automated teller machine located outside the premises,

(d) details of all activities, other than gambling activities, that will be provided on the premises, and

(e) identification, on the maps and plans provided under *subsection (1)* of—

(i) any automated teller machines referred to in *paragraph (a)*, and

(ii) the proposed location of any automated teller machines sought to be provided on the premises.

Assessment of suitability of premises

99. (1) Where information and documentation referred to in *section 98(1)* is furnished, the Authority shall, subject to *subsection (2)*, determine whether a premises where it is proposed to provide a gambling activity is suitable for use for that activity having regard to—

(a) that information and documentation,

(b) whether the premises concerned communicates internally with other premises in which a gambling activity is not being provided,

(c) the existence, in the vicinity of the premises, of other premises in respect of which an in-person gambling licence is attached, and

(d) the proximity of the premises to schools.

(2) The Authority shall, for the purposes of making a determination under *subsection (1)*—

(a) subject to *subsection (3)*, consult with the local authority in the local authority area in which the premises concerned are situated,

(b) consult with the fire authority (within the meaning of the Fire Services Act 1981) in whose functional area (within the meaning of that Act) such premises are situated, and

(c) inspect the premises concerned.

(3) The function conferred by *subsection (2)(a)* shall, in the case of Limerick City and County Council, be performed for or on behalf of that local authority and in its name by the Director General of that Council.

Assessment of suitability of premises for children

100. (1) Where *section 96(1)(h)(ii)* applies, the Authority shall, on application to it under *section 112*, where it has determined in accordance with *section 99* that a premises where it is proposed to provide a gambling activity is suitable for use for that activity, determine whether children should be permitted on the premises having regard to the location and nature of the premises and the information submitted under *section 98(2)*.

(2) Where *section 104(e)(ii)* applies, the Authority shall, on application to it under *section 115*, determine whether children should be permitted on the premises having regard to the location and nature of the premises and the information submitted under *section 98(2)*.

(3) The Authority may make a determination under *subsection (1)* or *(2)* to permit children on premises subject to such conditions as it may specify when making the determination concerned.

Assessment of suitability of premises for automated teller machine

101. (1) Where *section 96(1)(i)* applies, the Authority shall, on application to it under *section 112*, where it has determined in accordance with *section 99* that a premises where it is proposed to provide a gambling activity is suitable for use for that activity, determine whether an automated teller machine or machines should be permitted on the premises having regard to the information and documentation submitted under *section 98(3)* and, if so, the number and location of such machines.

(2) Where *section 104(f)* applies, the Authority shall, on application to it under *section 115*, determine whether an automated teller machine or machines should be permitted on the premises having regard to the information and documentation submitted under *section 98(3)* and, if so, the number and location of such machines.

(3) The Authority may make a determination under *subsection (1)* or *(2)* to permit an automated teller machine or machines on a premises subject to such conditions as it may specify when making the determination concerned.

Information and documentation to accompany application where gambling activity to be provided by remote means

102. (1) The information and documentation to accompany an application referred to in *section 96(1)(k)* is—

(a) information relating to the location and type of information and communications technology hardware used, or to be used, to provide the gambling activity sought to be licensed,

(b) information relating to the software to be used to enable the proposed licensee to view, in real time, information on the National Gambling Exclusion Register which would affect the licensee concerned,

(c) where at the time of making the application concerned, standards are in effect, in accordance with *subsection (2)* or *(4)* of *section 123* in relation to the matters referred to in *subsection (1)(a)(ii)* or *(b)(ii)*, or both, of that section, information as to—

(i) the software used, or to be used, to provide the activity concerned by remote means,

(ii) whether that software has been manufactured or adapted by the proposed licensee or by a third party, and if applicable, identify the third party concerned, and

(iii) whether the proposed licensee or a third party has installed or will install, maintains or will maintain and upgrades or will upgrade, that software,

and

(d) for the purposes of enabling the Authority to verify information referred to in *paragraphs (a)* to *(c)*, such supporting documentation and other evidence as is specified by the Authority.

(2) The Authority may specify the form and manner in which the information, supporting documentation and other evidence referred to in *subsection (1)* is to be provided.

Assessment of information and documentation provided under *section 102(1)(b)* and *(c)*

103. (1) The Authority shall carry out, or arrange for a suitably qualified person to carry out, an assessment of the information referred to in *paragraph (b)* of *section 102(1)*, and the supporting documentation and other evidence furnished with that information in accordance with *paragraph (d)* of that section, for the purpose of satisfying itself that the software to be used would enable the proposed licensee concerned to view, in real time, information on the National Gambling Exclusion Register which would affect the licensee concerned.

(2) Where at the time of making an application referred to in *section 96(1)(k)* or at the time of making an application for renewal referred to in *section 104(b)*, standards referred to in *paragraph (c)* of *section 102(1)* are in effect, the Authority shall carry out, or arrange for a suitably qualified person to carry out, an assessment of the information provided under that paragraph, and the supporting documentation and other evidence furnished with that information in accordance with *paragraph (d)* of that section, for the purposes specified in *subsection (3)*.

(3) The purposes referred to in *subsection (2)* are to enable the Authority to satisfy itself—

(a) where the software used or to be used has been manufactured or adapted by the proposed licensee, that the software meets any standards in effect in accordance with *subsection (2)* or *(4)* of *section 123* in relation to the matters referred to in *subsection (1)(a)(ii)* of that section,

(b) where the software used or to be used has been manufactured or adapted by a third party, that the proposed licensee is or will be obtaining the software concerned from a Business to Business licensee,

(c) where the proposed licensee has installed or will install, maintains or will maintain and upgrades or will upgrade the software used or to be used in the gambling activity concerned, that such gambling related services meet standards in effect in accordance with *subsection (2)* or *(4)* of *section 123* in relation to the matters referred to in *subsection (1)(b)(ii)* of that section, and

(d) where a third party has installed or will install, maintains or will maintain and upgrades or will upgrade the software used or to be used in the gambling activity concerned, that such gambling related services are or will be provided by a Business to Business licensee.

Information and documentation to accompany application for renewal of gambling licence

104. (1) An application for renewal of a gambling licence under this Part shall be accompanied by the following information and documentation (in this Part referred to as the "updated relevant information and documentation"):

(a) details of any change to relevant information and documentation referred to in *paragraphs (a)* to *(c)*, *(l)*, *(m)* to *(o)* and *(q)* to *(u)* of *section 96(1)*;

(b) in an application for renewal of a Business to Consumer gambling licence under *section 121* where it is proposed to continue to provide a gambling activity by remote means—

(i) the information referred to in *paragraph (a)* of *section 102(1)*,

(ii) where at the time of making the application for renewal standards referred to in *paragraph (c)* of *section 102(1)* are in effect, the information referred to in that paragraph, and

(iii) the supporting documentation and other evidence to be furnished, in accordance with *paragraph (d)* of *section 102(1)*, with the information referred to *subparagraph (i)* and *(ii)*;

(c) such updates in respect of financial information provided under *section 96(1)(d)* as may be specified by the Authority;

(d) an updated declaration referred to in *section 96(1)(f)*;

(e) where an application was not previously made—

(i) in respect of a premises to provide a gambling activity from that premises in the State and it is now proposed that the activity be provided pursuant to a

Business to Consumer gambling licence from that premises, in the case of any premises that is not a relevant premises, the information and documentation specified in *section 98(1)*, and, in the case of a relevant premises, the name and address of the relevant premises concerned, or

(ii) subject to *subsection (2)*, to permit children on a premises but it is now proposed to do so, the information specified in *section 98(2)*,

(f) subject to *subsection (2)*, where an application was not previously made to provide an automated teller machine on the premises but it is now proposed to do so, the information specified in *section 98(3)*,

(g) where an application was not previously made to provide the activity off the premises through the licensee or another person whether that other person is an employee, servant or agent of that licensee and it is now proposed to do so, a statement to that effect and the reasons why it is considered necessary,

(h) where an application was not previously made that an employee, servant or agent of a licensee referred to in *paragraph (g)* may include a child, the reasons for such inclusion,

(i) a tax clearance certificate in force in respect of each person referred to in *section 96(1)(w)*;

(j) a copy of the notice published in accordance with *section 95*;

(k) a copy of a notice (if any) given by the licensee under *section 132* or *133*, or both;

(l) such supporting documentary and other evidence as the Authority may request to enable it to—

(i) verify the information contained in the application for renewal and the updated relevant information and documentation, and

(ii) consider an application for renewal in accordance with this Part.

(2) *Paragraph (e)(ii)* or *(f)* of *subsection (1)* shall, in the case of a relevant premises, only apply where the application for the renewal of a gambling licence concerned is made by Rásaíocht Con Eireann or Horse Racing Ireland or a company or subsidiary of Horse Racing Ireland and the premises concerned are a relevant premises.

Further information sought by Authority following receipt of application for gambling licence

105. (1) The Authority may, where it receives an application for a gambling licence or for renewal of a gambling licence under this Part, request in writing such information from a person referred to in *subsection (2)* or such further information from the proposed licensee or licensee concerned, as the Authority considers necessary for the purposes of verifying—

(a) information contained in the application and the relevant information and documentation or updated relevant information and documentation, as the case may be, and

(b) that the proposed licensee or licensee, as the case may be, and if applicable, each relevant officer and beneficial owner, is a fit and proper person to be a licensee.

(2) A person referred to in *subsection (1)* is any person whom the Authority considers has information relevant to the matters which the Authority is seeking to verify in accordance with that subsection and includes— 5

(a) the Revenue Commissioners,

(b) the Garda Síochána, and

(c) a person outside the State with whom the Authority has entered into an arrangement in accordance with *section 106*.

(3) A proposed licensee or licensee, as the case may be, to whom a request is made under *subsection (1)* shall comply with the request within such period as is specified in that request or within such further period as is agreed between the Authority and the proposed licensee or licensee concerned. 10

(4) Where a proposed licensee or a licensee, as the case may be, fails or refuses to comply with a request made under *subsection (1)* within the period referred to in *subsection (3)*, the Authority may treat the application to which the request relates as withdrawn. 15

(5) Where a person in the State, other than the proposed licensee or licensee concerned, receives a request from the Authority under *subsection (1)*, he or she shall, having received a copy of the relevant consents, provide, to the extent that the information is in his or her possession or power to procure, the information requested within such period as is specified in that request or within such further period as is agreed between the Authority and the person concerned. 20

(6) Where *subparagraph (i)* or *(ii)*, or both, of *section 96(1)(j)* or paragraph *(g)* or *(h)*, or both, of *section 104* apply in respect of an application made under *section 118*, *119* or *121*, the Authority may, for the purpose of enabling it to make a determination of the matters concerned under *section 120* or *121*, as the case may be, request such further information from the proposed licensee or licensee concerned as the Authority considers necessary for that purpose. 25

Arrangement with person outside State performing similar functions to Authority 30

106. (1) Subject to the Data Protection Regulation, the Act of 2018 and *subsections (2)* and *(4)*, the Authority may enter into an arrangement with a person outside the State whereby—

(a) the Authority agrees to furnish to the person information in its possession that is required by that person for the purposes of the performance of that person's functions, and 35

(b) the person agrees to furnish to the Authority information in that person's possession that is required by the Authority for the purposes of the performance by it of its functions under this Act.

(2) The Authority shall not furnish information to a person outside the State pursuant to an arrangement referred to in *subsection (1)* unless the Authority requires of, and obtains from, that person an undertaking in writing that the person will— 40

(a) not use that information or disclose that information to any other person other than for the purposes of the performance of functions that are the same as or similar to the functions of the Authority under this Act, and

(b) comply with any other requirement specified by the Authority as a condition for furnishing the information concerned. 5

(3) The Authority may give an undertaking to a person outside the State that it will comply with a requirement specified by the person relating to the use or disclosure by it of information obtained pursuant to an arrangement referred to in *subsection (1)* where compliance with the requirement is a condition imposed by that person for furnishing the information concerned. 10

(4) An arrangement under *subsection (1)* shall not operate to require the Authority to provide information to a person outside the State if the disclosure of that information by the Authority is prohibited by law.

(5) In this section, "person outside the State" means a person who, under the law of a place other than the State, performs in that place functions that are the same as or similar to those performed by the Authority under this Act. 15

CHAPTER 5

Gambling licences issued under this Part

Issue of gambling licence following decision to grant gambling licence

107. (1) The Authority shall, within 14 days of making a decision under this Part to grant a gambling licence to a proposed licensee, issue— 20

(a) the gambling licence to the proposed licensee, and

(b) a registration number (in this Act referred to as the "registration number") referable to that gambling licence.

(2) The Authority shall, within 14 days of making a decision under this Part to renew a gambling licence under this Part, issue a gambling licence to the licensee concerned. 25

(3) Where the Authority grants an application under section *116*, *117*, *122* or *128* in respect of a gambling licence and the effect of granting the application concerned is that the information specified in the licence concerned is no longer up to date, the Authority shall, within 14 days of granting the application, re-issue the gambling licence to the licensee concerned with the updated information. 30

(4) Where *subsection (2)* or *(3)* applies, the registration number shall be the number issued under *subsection (1)*.

Duration gambling licence remains in force

108. (1) Subject to *subsections (2)* and *(3)*, a Business to Consumer gambling licence shall, unless sooner surrendered, revoked or otherwise ceasing to be in force, remain in force for a period of one year from the date the licence is issued or for such longer period (if any) as may be prescribed under *subsection (4)* for the purposes of this subsection. 35

(2) A once-off lottery licence shall remain in force for the period specified by the Authority in the licence concerned.

(3) A betting licence which authorises a person to provide pool betting shall remain in force, in so far as the licence relates to pool betting, until the completion of the event, series of events or class of events in respect of which the pool betting is authorised by the betting licence concerned.

(4) The Authority may prescribe a period, that is longer than the period specified in *subsection (1)*, as the period during which a Business to Consumer gambling licence shall remain in force in accordance with that subsection and different periods may be prescribed for different Business to Consumer gambling licences.

(5) A gambling licence for a charitable or philanthropic purpose shall, unless sooner surrendered, revoked or otherwise ceasing to be in force, and subject to *subsections (6)* and *(7)*, remain in force for a period of one year from the date the licence is issued or for such longer period (if any) as may be prescribed under *subsection (8)* for the purposes of this subsection.

(6) A gambling licence for a charitable or philanthropic purpose for a once-off gaming or lottery activity or product shall remain in force until the expiration of the earlier of—

(a) a period of one year from the date the licence is issued, or

(b) a period of 2 months after the date the once-off activity concerned is completed.

(7) A gambling licence for a charitable or philanthropic purpose which authorises a person to provide pool betting shall remain in force, in so far as the licence relates to pool betting, until the completion of the event, series of events or class of events in respect of which pool betting is authorised by the licence concerned.

(8) The Authority may prescribe a period, being a period that is longer than the period specified in *subsection (5)*, as the period during which a gambling licence for a charitable or philanthropic purpose shall remain in force in accordance with that subsection and may prescribe different periods during which such licences shall remain in force by reference to the different relevant gambling activities for a charitable or philanthropic purpose provided pursuant to the licences concerned.

(9) A Business to Business gambling licence shall, unless sooner surrendered, revoked or otherwise ceasing to be in force, remain in force for such period as may be prescribed under *subsection (10)* for the purposes of this subsection.

(10) The Authority shall prescribe a period as the period during which a Business to Business gambling licence shall remain in force in accordance with *subsection (9)*.

Transfer of gambling licence in certain circumstances

109. (1) Where either of the circumstances specified in *subsection (2)* apply in respect of a licensee that is an individual who holds a gambling licence in his or her sole name, a person (in this section referred to as a "relevant applicant") may, within 21 days of such circumstances occurring, apply to the Authority for the transfer to the relevant applicant of the gambling licence concerned.

(2) The circumstances referred to in *subsection (1)* are—

(a) the death of the licensee, or

(b) the licensee ceasing to be an officer or member of an unincorporated body of persons where the licensee became a licensee of the gambling licence referred to in that subsection by reason of being such officer or member, as the case may be.

(3) An application under *subsection (1)* shall be in such form and accompanied by such supporting documentation as the Authority may specify.

(4) The Authority shall notify a relevant applicant of its decision in respect of an application under *subsection (1)* within 7 days of the making of the decision and the Authority shall—

(a) where the decision is that the gambling licence in respect of which the application is made may be transferred, include the information set out in *subsection (6)*, or

(b) where the decision is that the gambling licence in respect of which an application may not be transferred—

(i) confirm that the relevant applicant may appeal against the decision in accordance with *Part 9* and the period within which such an appeal may be brought in accordance with that Part, and

(ii) where applicable, include the information set out in *subsection (5)*.

(5) Subject to any order that may be made by the court under *subsection (4)* of *section 220* on application to it by the Authority under *subsection (3)* of that section, the following provisions shall have effect where the circumstances referred to in *subsection (2)(a)* apply and the Authority decides a gambling licence may not be transferred:

(a) from the date such circumstances occurred until the expiration of the period during which an appeal may be brought against that decision in accordance with *Part 9*, the licence shall remain in force and the relevant applicant shall, for the purposes of this Act, be deemed to be the licensee during that period;

(b) where no appeal against that decision is brought, the licence shall be revoked on the expiry of that period during which an appeal may be brought;

(c) where an appeal against the decision is brought—

(i) the licence shall, where that appeal is refused, be revoked on such refusal, or

(ii) *subsection (6)* shall apply where the appeal is allowed.

(6) Where the Authority decides that a licence may be transferred pursuant to an application under *subsection (1)* or where an appeal against a decision by the Authority to refuse the transfer is allowed under *Part 9*—

(a) the licence shall, on the making of that decision or on the appeal being allowed, stand transferred to the relevant person for the period the licence would have remained in force had the circumstances concerned not occurred,

(b) the relevant applicant shall, for the purposes of this Act, be deemed to have been the licensee of that gambling licence from the date the circumstances giving rise to the application occurred,

(c) a reference in this Act to a licensee shall, from the date such circumstances occurred until the expiration of that period the licence would have remained in force, include a reference to the relevant applicant, and

(d) where applicable, a first application for renewal of that licence by the relevant applicant shall be treated as an application under *section 112*, *118* or *125*, as the case may be.

(7) The Authority shall update the register of gambling licensees as soon as practicable after a decision referred to in this section is made which affects an entry in that register.

Display and production of gambling licence

110. (1) A licensee shall—

(a) display a copy of a gambling licence issued by the Authority in the name of the licensee and the registration number in a prominent location—

(i) where the licence authorises a relevant gambling activity in-person, at each premises where such relevant gambling activity is conducted,

(ii) where the licence authorises a relevant gambling activity by remote means, on each on-line platform where such relevant gambling activity can be accessed,

(iii) where the licence authorises a relevant gambling activity in-person and by remote means, in accordance with both *subparagraph (i)* and *(ii)*, and

(iv) where the licence authorises the sale or supply of a relevant gambling product or relevant gambling related service, or both, at each premises and on each on-line platform where the product or service is sold or supplied or offered for sale or supply,

and

(b) include the registration number in all business correspondence and advertisements which relate to a relevant gambling activity or a relevant gambling product or relevant gambling related service.

(2) A licensee who contravenes *subsection (1)* is guilty of an offence.

(3) Where an authorised officer is of the opinion that a person is providing a gambling activity, the officer may request the person to produce, within such period as may be specified by the officer when making the request, a copy of the gambling licence which authorises the provision of the gambling activity concerned as a relevant gambling activity.

(4) A person shall, when requested to do so under *subsection (3)*, produce a copy of the gambling licence referred to in that subsection within the period specified.

(5) A person who contravenes *subsection (4)* is guilty of an offence.

(6) It shall be a defence for a person, against whom proceedings are brought for an offence under *subsection (5)*, to prove that he or she was not providing the gambling

activity referred to in *subsection (3)* or that the provision of the gambling activity concerned was exempt under *Chapter 3*.

(7) A person or licensee who is guilty of an offence under this section is liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both. 5

Offence: falsely representing licence, registration number, as licensee or authorised officer

111. (1) A person is guilty of an offence where he or she, with the intention to deceive or defraud—

(a) alters a gambling licence or the registration number referrable to a gambling licence, 10

(b) makes a document which falsely purports to be a gambling licence or the registration number referrable to a gambling licence,

(c) transfers, copies or distributes a gambling licence, the registration number referrable to a gambling licence, a gambling licence or registration number which has been altered, or a document which falsely purports to be a gambling licence 15 or the registration number referrable to a gambling licence, or

(d) displays, produces or otherwise uses a gambling licence or the registration number referrable to a gambling licence, a gambling licence or registration number which has been altered, or a document which falsely purports to be a gambling licence or the registration number referrable to a gambling licence. 20

(2) A person (otherwise than a licensee) who holds himself or herself out, or represents himself or herself, as being a licensee is guilty of an offence.

(3) A person (other than an authorised officer) who holds himself or herself out, or represents himself or herself, as being an authorised officer is guilty of an offence.

(4) A person guilty of an offence under this section is liable— 25

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

CHAPTER 6 30

Applications for Business to Consumer licences: betting, gaming and lottery licences

Application for Business to Consumer gambling licence

112. (1) Subject to *section 113*, a person may apply to the Authority for a Business to Consumer gambling licence and the application shall be in such form as may be specified by the Authority. 35

(2) An application under *subsection (1)* shall—

(a) specify the type of licence sought and—

(i) where a betting licence is sought and the person wishes to provide pool betting, the event, series of events or class of events in respect of which the person seeks to provide that pool betting,

(ii) where a gaming licence is sought, the game or games the person seeks to provide pursuant to the licence and, where it is intended to provide the game through a gaming machine, the number of gaming machines proposed to be used, and

(iii) where a lottery licence is sought, the lottery product or activity the person seeks to provide pursuant to the licence,

(b) where a gaming or lottery licence is sought, specify—

(i) the relevant payment to be made to participate in the game or lottery, as the case may be, and

(ii) the winnings to be paid to the winner or winners of the game or lottery, as the case may be, and how the winnings are to be funded,

and

(c) be accompanied by—

(i) the relevant information and documentation, and

(ii) where applicable, such fee as may be prescribed by the Authority under *section 38*.

Application for lottery licence: once-off lottery

113. (1) A person may make an application for a lottery licence for a once-off lottery under this section where the lottery will be held in a calendar year during which year the person will not hold another such lottery.

(2) An application for a lottery licence referred to in *subsection (1)* shall—

(a) be made—

(i) in such form as may be specified by the Authority, and

(ii) not less than 30 days before the first day on which it is intended to invite persons to participate in the lottery concerned,

(b) specify—

(i) the date on which it is intended to hold the lottery,

(ii) the lottery product or activity the person seeks to provide pursuant to the licence,

(iii) the relevant payment to be made to participate in the lottery, and

(iv) the winnings to be paid to the winner or winners of the lottery and how the winnings are to be funded,

(c) contain such other information as may be specified by the Authority, and

(d) be accompanied by—

(i) the relevant information and documentation, and

(ii) where applicable, such fee as may be prescribed by the Authority under *section 38*.

Determination by Authority of application for Business to Consumer gambling licence

114. (1) Subject to *subsections (2)* and *(3)*, the Authority shall grant a gambling licence sought under *section 112* or *113*, as the case may be— 5

(a) where it is satisfied—

(i) the application complies with the requirements of the section concerned,

(ii) the financial information furnished with the application demonstrates—

(I) the capacity of the proposed licensee to provide the gambling activity or activities sought to be licensed and to fund winnings, and 10

(II) that the winnings will be funded from lawful activities,

and

(iii) the proposed licensee, and, where applicable, each relevant officer and each beneficial owner, is a fit and proper person to hold the gambling licence concerned, 15

(b) where *section 96(1)(h)(i)* applies in respect of a premises that is not a relevant premises, the Authority has made a determination under *section 99* that the premises where it is proposed to provide a gambling activity is suitable for use for that activity, 20

(c) where *section 102* applies, it is satisfied as to the matters set out in *subsections (1)* and *(3)* of *section 103*, and

(d) where applicable, it has received the fee prescribed by the Authority under *section 38.*

(2) A gambling licence granted under *subsection (1)*— 25

(a) shall specify—

(i) the relevant betting activities, including the event, series of events or class of events in respect of which the persons may provide pool betting, the relevant games or the relevant lottery, as the case may be, that may be provided pursuant to the licence, 30

(ii) where relevant games may be provided pursuant to the licence and the games are to be provided through a gaming machine, the number of gaming machines that may be used to provide those games, and

(iii) the premises in respect of which the Authority has made a determination referred to in *subsection (1)(b)* and any relevant premises specified under section *96(1)(h)(i)*, 35

(b) where applicable, shall specify that children are permitted on the premises in accordance with a determination made under *subsection (1)* of *section 100* subject to the conditions (if any) imposed under *subsection (3)* of that section,

(c) where applicable, specify that an automated teller machine or machines is or are permitted on the premises in accordance with a determination made under *subsection (1)* of *section 101* subject to the conditions (if any) imposed under *subsection (3)* of that section, and

(d) is granted subject to the conditions which apply to the licence concerned under *Chapter 9*. 5

(3) The Authority shall refuse to grant a licence sought under *section 112* or *113*—

(a) where it is not satisfied as to any matter referred to in *subparagraphs (i)* to *(iii)* of *subsection (1)(a)*,

(b) for an in-person gambling licence in respect of a premises where it is proposed to provide a gambling activity, where the Authority has determined under *section 99* that the premises concerned is not suitable for use for that activity, 10

(c) where applicable, the Authority is not satisfied as to the matters set out in *subsections (1)* and *(3)* of *section 103*, or

(d) it has not received the fee prescribed by the Authority under *section 38*. 15

(4) Where the Authority makes a decision under *subsection (3)* to refuse to grant a licence, it shall, by notice in writing, inform the person who made the application under *section 112* or *113*, as the case may be, and, if different, the proposed licensee within 14 days of the date of the decision.

(5) The Authority shall, by notice in writing, inform the person who made an application under *section 112* or *113*, as the case may be, and, if different, the proposed licensee, within 14 days of the date of a decision under *subsection (1)* to grant a licence but not to grant that licence in respect of— 20

(a) in the case of a betting licence, all the events, series of events or class of events in respect of which the person sought to provide pool betting, 25

(b) all the games which the person sought to provide or for the number of gaming machines proposed to be used, pursuant to the licence applied for, or

(c) all the lottery products or activities which the person sought to provide pursuant to the licence applied for.

(6) A notice under *subsection (4)* or *(5)* shall state— 30

(a) the reasons for the decision,

(b) that the proposed licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part. 35

Renewal of Business to Consumer gambling licence

115. (1) Subject to *subsections (3)* and *(4)*, the Authority shall renew a Business to Consumer gambling licence, other than a licence for a once-off lottery, on application to it in that behalf by the licensee of the licence where the application—

(a) is made within such period, before the expiry of the licence concerned, as is specified by the Authority,

(b) is in such form as may be specified by the Authority,

(c) contains the information referred to in *section 112(2)(a)* and *(b)*, and

(d) is accompanied by— 5

(i) the updated relevant information and documentation, and

(ii) where applicable, such fee as may be prescribed by the Authority under *section 38*.

(2) Where *section 104(e)(i)* applies in respect of a premises that is not a relevant premises, the Authority shall make a determination under *section 99* as to whether the 10 premises where it is proposed to provide a relevant gambling activity is suitable for use for that activity.

(3) A Business to Consumer gambling licence renewed under this section—

(a) shall specify—

(i) the relevant betting activities, including the event, series of events or class of 15 events in respect of which the persons may provide pool betting, the relevant games or the relevant lottery, as the case may be, that may be provided pursuant to the licence,

(ii) where relevant games may be provided pursuant to the licence and the games are to be provided through a gaming machine, the number of gaming 20 machines that may be used to provide those games, and

(iii) the premises in respect of which the Authority has made a determination referred to in *subsection (2)* and any relevant premises specified under *section 104(e)(i)*,

(b) where applicable, specify that children are permitted on the premises in 25 accordance with a determination made under *subsection (2)* of *section 100* subject to the conditions (if any) imposed under *subsection (3)* of that section,

(c) where applicable, specify that an automated teller machine or machines is or are permitted on the premises in accordance with a determination made under *subsection (2)* of *section 101* subject to the conditions (if any) imposed under 30 *subsection (3)* of that section, and

(d) is granted subject to the conditions which apply to the licence concerned under *Chapter 9*.

(4) The Authority shall refuse to renew a licence where—

(a) subject to *subsection (8)*, *paragraphs (a)* to *(d)* of *subsection (1)* have not been 35 complied with,

(b) it is no longer satisfied as to any of the matters set out in *section 114(1)(a)(ii)* or *(iii)*,

(c) having considered, where applicable, the information furnished in accordance with *section 104(b)(ii)* and any supporting documentation or other evidence 40

furnished with that information, it is not satisfied as to the matters set out in *section 103(3)*, or

(d) it has not received the fee prescribed by the Authority under *section 38* for such renewal.

(5) Subject to *subsections (6)* and *(7)*, where an application for renewal of a Business to Consumer licence under this section is not determined by the Authority before the expiry of the licence concerned, the licence shall continue in force until the later of the following occurs:

(a) the application for renewal has been determined; or

(b) the period allowed for bringing an appeal under *Part 9* against the decision of the Authority to refuse to renew the licence has expired and either—

(i) no appeal has been made, or

(ii) an appeal has been made and, if applicable, an application to the Circuit Court has been brought under *subsection (6)*, that application has been refused.

(6) A licensee who, within the period allowed for bringing an appeal under *Part 9*, brings an appeal against a decision of the Authority to refuse to renew a licence may, within that period, apply to the Circuit Court, on notice to the Authority, for an order that the licence remain in force pending the making of a decision on appeal.

(7) Where the Circuit Court grants an application under *subsection (6)* and an appeal is refused under *Part 9*, the licence concerned shall cease to be in force on the date of such refusal on appeal.

(8) Where an application under *subsection (1)* for the renewal of a licence does not comply with *paragraph (a)* of that subsection, the application shall, unless it is shown to the satisfaction of the Authority that there are exceptional circumstances justifying such failure to comply, be treated as a first application for the licence concerned and *section 112* shall apply accordingly.

(9) A contravention or alleged contravention of a relevant obligation by a licensee shall be dealt with or continue to be dealt with under *Part 8* and, accordingly, the renewal of the licensee's licence under this section does not prejudice or affect the operation of that Part, any proceedings under that Part or under any other provision of this Act.

(10) Where the Authority makes a decision under *subsection (4)* to refuse to renew a licence, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state—

(a) the reasons for the decision,

(b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part.

Application by licensee of in-person gambling licence to add premises to licence

116. (1) A licensee of an in-person gambling licence may apply to the Authority to provide a relevant gambling activity from a premises that is not specified in the licence concerned under *section 114(2)(a)(iii)* or *115(3)(a)(iii)*.

(2) An application under *subsection (1)* shall— 5

(a) be made in such form and manner as the Authority may specify,

(b) in the case of a premises that is not a relevant premises, be accompanied by the information and documentation specified in *section 98(1)*,

(c) in the case of a relevant premises, specify the name and address of the relevant premises concerned, and 10

(d) where applicable, be accompanied by such fee as may be prescribed by the Authority under *section 38*.

(3) Where an application under *subsection (1)* relates to a premises that is not a relevant premises, the Authority shall make a determination under *section 99* as to whether the premises where it is proposed to provide a relevant gambling activity is suitable for 15 use for that activity.

(4) Where an application under *subsection (1)* relates to a relevant premises, the Authority shall, where the application concerned complies with *paragraphs (a)*, *(c)* and *(d)* of *subsection (2)*, grant the application insofar as the application relates to the relevant premises. 20

(5) Where the Authority refuses to grant an application under this section in respect of a premises that is not a relevant premises, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state—

(a) the reasons for the decision,

(b) that the licensee is entitled to appeal against the decision of the Authority in 25 accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part.

Application to vary certain relevant gambling activities provided pursuant to certain Business to Consumer gambling licences 30

117. (1) A licensee of a gaming licence may apply to the Authority—

(a) to vary the relevant game or games which the licensee may provide pursuant to the gaming licence,

(b) where relevant games are provided through a gaming machine pursuant to the gaming licence, to vary the number of gaming machines which the licensee may 35 use pursuant to the gaming licence to provide a relevant game or games, or

(c) to provide relevant games through a gaming machine where the licensee did not, at the time the licensee applied for the licence, wish to provide those games through a gaming machine.

(2) A licensee of a lottery licence, other than for a once-off lottery, may apply to the Authority to vary the lottery products or activities, or both, which the licensee may provide pursuant to the lottery licence.

(3) A licensee of a betting licence may apply to the Authority—

(a) to vary the event, series of events or class of events in respect of which the licensee has been licensed to provide pool betting, or

(b) to provide pool betting for an event, series of events or class of events where the licensee did not, at the time the licensee applied for the licence, wish to provide pool betting.

(4) An application under this section shall—

(a) be made in such form and manner, and be accompanied by such information and supporting documentation, as the Authority may specify,

(b) in the case of an application referred to in *subsection (1)(b)* or *(c)*, specify the number of gaming machines proposed to be used, and

(c) where applicable, be accompanied by such fee as may be prescribed by the Authority under *section 38*.

(5) The Authority may grant an application under this section to vary the licence concerned where it is satisfied, having regard to the information and supporting documentation supplied by the licensee as required by the Authority in accordance with *subsection (4)*, that it is appropriate to do so.

(6) Where the Authority refuses to grant an application under this section, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state—

(a) the reasons for the decision,

(b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part.

Chapter 7

Applications for grant and renewal of gambling licences for charitable or philanthropic purpose

Application for gambling licence for charitable or philanthropic purpose

118. (1) Subject to *subsection (2)* and *section 119*, a person may apply to the Authority for a gambling licence for a charitable or philanthropic purpose and the application shall be made in such form and manner as may be specified by the Authority.

(2) An application may only be made under *subsection (1)* where—

(a) the proposed licensee is—

(i) an individual who is domiciled in the State, or

(ii) a body corporate established in the State,

and

(b) an undertaking, in such form as is prescribed by the Authority, is provided by the proposed licensee that, at a minimum, 30 per cent of the total relevant payments made to participate in each gambling activity sought to be licensed is used for the charitable or philanthropic purpose specified in the application.

(3) An application under *subsection (1)* shall contain the following information:

(a) the type of game or lottery activity or lottery product, referred to in *section 88(2)*, the proposed licensee seeks to provide pursuant to the licence and where the proposed licensee wishes to provide pool betting, the event, series of events or class of events in respect of which the proposed licensee seeks to provide that pool betting;

(b) the charitable or philanthropic purpose or purposes which is or are to benefit from the gaming, betting or lottery concerned;

(c) in relation to each such activity or product for which the licence is sought—

(i) the percentage of the total relevant payments made, above the minimum 30 per cent, that is to be used for the charitable or philanthropic purpose concerned and what the remaining percentage is to be used for, and

(ii) the proposed relevant payment, the proposed winnings and the source of the winnings;

(d) such other information as may be specified by the Authority.

(4) An application under *subsection (1)* shall be accompanied by—

(a) the undertaking referred to in *subsection (2)(b)*,

(b) the relevant information and documentation, and

(c) where applicable, such fee as may be prescribed by the Authority under *section 38*.

Application for gambling licence for charitable or philanthropic purpose: once-off activity

119. (1) A person may make an application under this section for a gambling licence for a charitable or philanthropic purpose for a once-off gaming, betting or lottery activity or product, referred to in *section 88(2)*, where the activity concerned will be held in a calendar year during which year the person will not hold another such activity.

(2) An application under *subsection (1)*—

(a) may only be made where the conditions referred to in *section 118(2)* have been complied with in respect of the proposed licensee, and

(b) shall—

(i) specify the date on which it is intended to hold the activity,

(ii) contain the information set out in *section 118(3)(a)* to *(c)* and such other information as may be specified by the Authority,

(iii) be in such form as may be specified by the Authority, and

(iv) be made not less than 30 days before the first day on which it is intended to invite persons to participate in the gaming, betting or lottery activity or purchase the lottery product concerned.

(3) An application under *subsection (1)* shall be accompanied by— 5

(a) the undertaking referred to in *section 118(2)(b)*,

(b) the relevant information and documentation, and

(c) where applicable, such fee as may be prescribed by the Authority under *section 38*.

Determination by Authority of application for gambling licence for charitable or philanthropic purpose 10

120. (1) Subject to *subsections (2), (3)* and *(4)*, the Authority shall grant a gambling licence for a charitable or philanthropic purpose sought under *section 118* or *119*, as the case may be—

(a) where it is satisfied— 15

(i) the application complies with the requirements of the section concerned,

(ii) the conditions referred to in *section 118(2)* have been complied with in respect of the proposed licensee,

(iii) the financial information furnished with the application demonstrates—

(I) the capacity of the proposed licensee to provide the gambling activity or activities sought to be licensed and to fund any winnings, and 20

(II) that the winnings will be funded from lawful activities,

and

(iv) the proposed licensee, and, where applicable, each relevant officer and each beneficial owner, is a fit and proper person to hold the gambling licence concerned, 25

and

(b) where applicable, it has received such fee as may be prescribed by the Authority under *section 38*.

(2) Where *subparagraphs (i)* or *(ii)*, or both, of *section 96(1)(j)* apply in respect of an application made under *section 118* or *119*, the Authority shall, at the same time as granting a licence under *subsection (1)*, having regard to the reasons specified under *section 96(1)(j)* and any further information obtained under *section 105(6)*, make a determination— 30

(a) as to whether the relevant activity for a charitable or philanthropic purpose can be provided off the premises through the licensee or another person where that other person is an employee, servant or agent of that licensee, and 35

(b) where applicable, as to whether children are permitted to act as an employee, servant or agent of the licensee.

(3) A gambling licence granted under this section—

(a) shall specify the relevant gambling activity for a charitable or philanthropic purpose, including the event, series of events or class of events in respect of which the person may provide pool betting, that may be provided pursuant to the licence,

(b) shall specify where the relevant gambling activity referred to in *paragraph (a)* may be provided—

(i) from one or more premises in the State to a person who attends at the premises to participate in the activity,

(ii) from one or more premises in the State to a person who attends at the premises to participate in the activity and off the premises through the licensee or another person where that other person is an employee, servant or agent of that licensee,

(iii) by remote means, or

(iv) in the manner specified in *subparagraphs (i)* and *(iii)* or *subparagraphs (ii)* and *(iii)*,

(c) where applicable, shall specify that children are permitted to act as an employee, servant or agent of the licensee for the purpose of providing a relevant gambling activity for a charitable or philanthropic purpose, referred to in *paragraph (a)*, off the premises, and

(d) is granted subject to the conditions that apply to the licence concerned in accordance with *Chapter 9*.

(4) The Authority shall refuse to grant a gambling licence under this section—

(a) where it is not, in accordance with *paragraphs (a)* and *(b)* of *subsection (1)*, satisfied of any matter referred to in either of those paragraphs, or

(b) it has not received the fee prescribed by the Authority under *section 38*.

(5) Where the Authority makes a decision under this section to refuse to grant a licence, it shall notify the person who made the application under *section 118* or *119*, as the case may be, and, if different, the proposed licensee within 14 days of the date of the decision.

(6) A notice under *subsection (5)* shall state—

(a) the reasons for the decision,

(b) that the proposed licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part.

Renewal of gambling licence for charitable or philanthropic purpose

121. (1) Subject to *subsections (2)*, *(3)* and *(4)*, the Authority shall renew a gambling licence for a charitable or philanthropic purpose, other than a licence for a charitable or philanthropic purpose for a once-off gaming, betting or lottery activity, on application to it in that behalf by the licensee of the licence where— 5

(a) the application is made within such period, before the expiry of the licence concerned, as is specified by the Authority,

(b) the application is in such form as may be specified by the Authority,

(c) the licensee continues to comply with *section 118(2)(a)*,

(d) the application contains the information referred to in *section 118(3)*, and 10

(e) the application is accompanied by—

(i) the undertaking referred to in *section 118(2)(b)*,

(ii) the updated relevant information and documentation, and

(iii) where applicable, such fee as may be prescribed by the Authority under *section 38*. 15

(2) Where *paragraphs (g)* or *(h)*, or both, of *section 104* apply in respect of an application made under *subsection (1)*, the Authority shall, at the same time as renewing a licence under that subsection, having regard to the reasons specified under *paragraphs (g)* or *(h)*, or both, of *section 104* as the case may be, and any further information obtained under *section 105(6)*, make a determination— 20

(a) as to whether the relevant gambling activity for a charitable or philanthropic purpose can be provided off the premises through the licensee or another person where that other person is an employee, servant or agent of that licensee, and

(b) where applicable, as to whether children are permitted to act as an employee, servant or agent of the licensee. 25

(3) A gambling licence renewed under this section—

(a) shall specify the relevant gambling activity for a charitable or philanthropic purpose, including the event, series of events or class of events in respect of which the person may provide pool betting, that may be provided pursuant to the licence, 30

(b) shall specify where the relevant gambling activity referred to in *paragraph (a)* may be provided—

(i) from one or more premises in the State to a person who attends at the premises to participate in the activity,

(ii) from one or more premises in the State to a person who attends at the premises to participate in the activity and off the premises through the licensee or another person where that other person is an employee, servant or agent of that licensee, 35

(iii) by remote means, or

(iv) in the manner specified in *subparagraphs (i)* and *(iii)* or *subparagraphs (ii)* and *(iii)*,

(c) where applicable, shall specify that children are permitted to act as an employee, servant or agent of the licensee for the purpose of providing a relevant gambling activity for a charitable or philanthropic purpose, referred to in *paragraph (a)*, off the premises, and

(d) is renewed subject to the conditions which apply to the licence concerned in accordance with *Chapter 9*.

(4) The Authority shall refuse to renew a licence where—

(a) subject to *subsection (8)*, *paragraphs (a)* to *(e)* of *subsection (1)* have not been complied with,

(b) it is no longer satisfied as to any of the matters set out in *subparagraphs (ii)* to *(iv)* of *section 120(1)(a)*, or

(c) where applicable, it has not received the fee prescribed by the Authority under *section 38*.

(5) Subject to *subsections (6)* and *(7)*, where an application for renewal of a gambling licence for a charitable or philanthropic purpose under this section is not determined by the Authority before the expiry of the licence concerned, the licence shall continue in force until the later of the following occurs—

(a) the application has been determined, or

(b) the period allowed for bringing an appeal under *Part 9* against the decision of the Authority to refuse to renew the licence has expired and either—

(i) no appeal has been made, or

(ii) an appeal has been made and, if applicable, an application to the Circuit Court has been brought under *subsection (6)*, that application has been refused.

(6) A licensee who, within the period allowed for bringing an appeal under *Part 9*, brings an appeal against a decision of the Authority to refuse to renew a licence, may, within that period, apply to the Circuit Court, on notice to the Authority, for an order that the licence remain in force pending the making of a decision on appeal.

(7) Where the Circuit Court grants an application under *subsection (6)* and a decision of the Authority to refuse to renew the licence is upheld on appeal under *Part 9*, the licence concerned shall cease to be in force on the making of that decision on appeal.

(8) Where an application under *subsection (1)* for the renewal of a licence does not comply with *paragraph (a)* of that subsection, the application shall, unless it is shown to the satisfaction of the Authority that there are exceptional circumstances justifying such failure to comply, be treated as a first application for the licence concerned and *section 118* shall apply accordingly.

(9) A contravention or alleged contravention of a relevant obligation by a licensee shall be dealt with or continue to be dealt with under *Part 8* and accordingly, the renewal of

the licensee's licence under this section does not prejudice or affect the operation of that Part, any proceedings under that Part or under any other provision of this Act.

(10) Where the Authority makes a decision under *subsection (4)* to refuse to renew a licence, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state— 5

(a) the reasons for the decision,

(b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part. 10

Application to vary relevant gambling activity for a charitable or philanthropic purpose

122. (1) A licensee of a gambling licence for a charitable or philanthropic purpose, other than for a once-off activity, may apply to the Authority—

(a) to vary the relevant gambling activity or activities for a charitable or philanthropic purpose that the licensee may provide pursuant to the licence, or 15

(b) to vary the event, series of events or class of events in respect of which the licensee has been licensed to provide pool betting, or where the licensee did not, at the time the licence was sought, wish to provide pool betting, the event, series of events or class of events in respect of which the person now seeks to provide pool betting. 20

(2) An application under *subsection (1)* shall—

(a) be made in such form and manner, and be accompanied by such information and supporting documentation, as the Authority shall specify, and

(b) where applicable, be accompanied by such fee as may be prescribed by the Authority under *section 38*. 25

(3) The Authority may grant an application under this section to vary the licence concerned where it is satisfied, having regard to the information and supporting documentation supplied by the licensee as required by the Authority in accordance with *subsection (2)*, that it is appropriate to do so.

(4) Where the Authority refuses to grant an application under this section, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state— 30

(a) the reasons for the decision,

(b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and 35

(c) the period within which such an appeal may be brought in accordance with that Part.

Power to set standards for certain gambling products and gambling related services

123. (1) The Authority may develop, adopt and publish on its website standards for—

(a) in relation to gambling products—

(i) the manufacture or adaptation of gaming machines or parts of gaming machines, and

(ii) the manufacture or adaptation of software used for the operation of gambling,

and

(b) in relation to gambling related services—

(i) the installation, maintenance or repair of gaming machines or parts of gaming machines, and

(ii) the installation, maintenance or upgrading of software used for the operation of gambling.

(2) Standards published under *subsection (1)* shall take effect—

(a) where the standards relate to the gambling products referred to in *subsection (1)(a)(i)* or the gambling related services referred to in *subsection (1)(b)(i)*, on the day following the expiry of the third anniversary of the date of such publication, and

(b) where the standards relate to the gambling products referred to in *subsection (1)(a)(ii)* or the gambling related services referred to in *subsection (1)(b)(ii)*, on the day following the expiry of the period of 6 months from the date of such publication.

(3) The Authority may, from time to time, amend, replace or revoke, in whole or in part, the standards published under *subsection (1)*.

(4) Where the Authority under *subsection (3)* amends or replaces the standards, the standards as so amended or replaced shall take effect and replace the previous standards—

(a) where the standards relate to the gambling products referred to in *subsection (1)(a)(i)* or the gambling related services referred to in *subsection (1)(b)(i)*, on the day following the expiry of the third anniversary of the date of publication of the standards as amended or replaced in accordance with *subsection (5)*, and

(b) where the standards relate to the gambling products referred to in *subsection (1)(a)(ii)* or the gambling related services referred to in *subsection (1)(b)(ii)*, on the day following the expiry of the period of 6 months from the date of publication of the standards as amended or replaced in accordance with *subsection (5)*.

(5) Where the Authority amends, replaces or revokes standards under *subsection (3)*, the Authority shall publish the standards as so amended or replaced or publish the fact of the revocation of the standards, as the case may be, on its website as soon as practicable after it so amends, replaces or revokes.

(6) The Authority may, for the purpose of developing standards under this section— 5

(a) engage, under *section 18*, the services of another person with appropriate expertise to develop the standards, and

(b) consult with such persons, including licensees, as it considers appropriate.

Application for certification of gambling product or gambling related service where standards in effect in accordance with *section 123* 10

124. (1) Where the Authority publishes standards under *section 123(1)* in relation to a gambling product or gambling related service, an application for a Business to Business gambling licence under *section 125*, for renewal of the licence under *section 127* or to vary the licence under *section 128*, may not include an application in relation to the product or service concerned at any time after— 15

(a) where the standards relate to the gambling products referred to in *section 123(1)(a)(i)* or the gambling related services referred to in *section 123(1)(b)(i)*, the day following the third anniversary of the date of such publication in relation to the product or service concerned, or

(b) where the standards relate to the gambling products referred to in *section 123(1)(a)(ii)* or the gambling related services referred to in *section 123(1)(b)(ii)*, the day following the expiry of the period of 6 months from the date of such publication in relation to the product or service concerned, 20

unless a certificate has issued in accordance with this section that the product or service concerned meets those standards. 25

(2) On each occasion where the Authority amends or replaces standards under *section 123(3)*, an application under *section 125*, *127* or *128* may not include an application in relation to a product or service the subject of those standards as amended or replaced at any time after—

(a) where the standards relate to the gambling products referred to in *section 123(1)(a)(i)* or the gambling related services referred to in *section 123(1)(b)(i)*, the day following the third anniversary of the date of publication of those standards as amended or replaced under *section 123(5)*, or 30

(b) where the standards relate to the gambling products referred to in *section 123(1)(a)(ii)* or the gambling related service referred to in *section 123(1)(b)(ii)*, the day following the expiry of the period of 6 months from the date of publication of the standards as amended or replaced under *section 123(5)*, 35

unless a certificate has issued in accordance with this section that the product or service concerned meets those standards as amended or replaced. 40

(3) An application may be made under this section by a manufacturer of a gambling product, in such form and manner as may be specified by the Authority, for a

certificate that the gambling product meets the standards referred to in *subsection (1)* or *(2)*, as the case may be.

(4) An application may be made under this section by a provider of a gambling related service, in such form and manner as may be specified by the Authority, for a certificate that the gambling related service meets the standards referred to in *subsection (1)* or *(2)*, as the case may be.

(5) An application under *subsection (3)* or *(4)* shall be accompanied by—

(a) such documents as may be specified by the Authority to enable it to determine if the gambling product or gambling related service concerned meets the standards which relate to that product or service, and

(b) if applicable, such fee as may be prescribed by the Authority under *section 38*.

(6) The Authority shall, on receipt of an application under *subsection (3)* or *(4)* and the documents and fee referred to in *subsection (5)*, where it is satisfied that a gambling product or gambling related service meets the standards referred to in *subsection (1)* or *(2)*, as the case may be, issue a certificate to the manufacturer or provider concerned confirming that the product or service meets those standards.

(7) Where the Authority refuses to grant an application under this section, it shall notify the manufacturer or provider concerned within 14 days of the date of the decision and the notice shall state—

(a) the reasons for the decision,

(b) that the manufacturer or provider, as the case may be, is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part.

Application for Business to Business gambling licence

125. (1) Subject to *section 124*, a person may apply to the Authority for a Business to Business gambling licence in such form as may be specified by the Authority.

(2) A person that, immediately before the coming into operation of this section, sold or supplied, directly or indirectly, a gambling product or a gambling related service, or both, in the State or to a person outside the State, shall, if the person wishes to continue to so sell or supply after such coming into operation, make an application under *subsection (1)*, not later than—

(a) 6 months after such coming into operation, or

(b) the expiration of such longer period after such coming into operation as the Minister may specify.

(3) Where the Minister specifies a period for the purposes of *subsection (2)(b)*, he or she shall notify the Authority of the period and the Authority shall publish, on its website, a notice of the period so specified.

(4) An application under *subsection (1)* shall contain the following information:

(a) particulars of the gambling product or gambling related service, or both, the person wishes to sell or supply;

(b) the place in the State from which the proposed licensee intends to sell or supply the gambling products for which the licence is sought;

(c) such other information as may be specified by the Authority. 5

(5) An application under *subsection (1)* shall be accompanied by—

(a) the relevant information and documentation,

(b) where applicable, a copy of a certificate that has issued under *section 124* in relation to a gambling product or gambling related service which is a subject of the application, and 10

(c) if applicable, such fee as may be prescribed by the Authority under *section 38*.

Determination by Authority of application for Business to Business gambling licence

126. (1) Subject to *section 89(2)* and *subsection (2)*, the Authority shall grant a Business to Business gambling licence where—

(a) it is satisfied that— 15

(i) the application complies with the requirements of *section 125*,

(ii) the proposed licensee, and, where applicable, each relevant officer and each beneficial owner, is a fit and proper person to hold the gambling licence concerned, and

(iii) the financial information furnished with the application demonstrates the capacity of the proposed licensee to provide the gambling product or gambling related service, or both, which the proposed licensee wishes to sell or supply pursuant to the licence, 20

and

(b) where applicable, it has received such fee as may be prescribed by the Authority under *section 38*. 25

(2) A Business to Business gambling licence granted under this section—

(a) shall specify each relevant gambling product or relevant gambling related service, or both, as the case may be, that the licensee may sell or supply pursuant to the licence, and 30

(b) is granted subject to the conditions which apply to the licence concerned in accordance with *Chapter 9*.

(3) The Authority shall refuse to grant a Business to Business gambling licence where—

(a) it is not satisfied of any matter referred to in *subsection (1)(a)*, or

(b) it has not received the fee (if any) prescribed by the Authority under *section 38*. 35

(4) Where the Authority makes a decision under *subsection (3)* to refuse to grant a licence, it shall notify the person who made the application under *section 125* and, if different, the proposed licensee, within 14 days of the date of the decision.

(5) A notice under *subsection (4)* shall state—

(a) the reasons for the decision,

(b) that the proposed licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part.

Renewal of Business to Business gambling licence

127. (1) Subject to *sections 89(2)* and *124* and *subsection (2)*, the Authority shall renew a Business to Business gambling licence on application being made to it where the application—

(a) is made within such period, before the expiry of the licence concerned, as is specified by the Authority,

(b) is in such form as may be specified by the Authority, and

(c) is accompanied by—

(i) the updated relevant information and documentation,

(ii) where applicable, a copy of a certificate that has issued under *section 124* in relation to a gambling product or gambling related service which is a subject of the application for renewal, and

(iii) if applicable, such fee as may be prescribed by the Authority under *section 38*.

(2) A Business to Business gambling licence renewed under *subsection (1)*—

(a) shall specify each relevant gambling product or relevant gambling related service, or both, as the case may be, that the licensee may sell or supply pursuant to the licence, and

(b) is renewed subject to the conditions which apply to the licence concerned in accordance with *Chapter 9*.

(3) The Authority shall refuse to renew a licence where—

(a) subject to *subsection (5)*, *paragraphs (a)* to *(c)* of *subsection (1)* have not been complied with, or

(b) it is no longer satisfied as to any of the matters set out in *section 126(1)(a)(ii)* or *(iii)*.

(4) Where an application for renewal of a Business to Business licence under this section is not determined by the Authority before the expiry of the licence concerned, the licence shall continue in force until the later of the following occurs—

(a) the application has been determined,

(b) the period allowed for bringing an appeal under *Part 9* against the decision of the Authority to refuse to renew the licence has expired and no appeal has been made, or

(c) where an appeal has been made in accordance with that Part, the appeal has not been allowed.

(5) Where an application under *subsection (1)* for the renewal of a licence does not comply with *paragraph (a)* of that subsection, the application shall, unless it is shown to the satisfaction of the Authority that there are exceptional circumstances justifying such failure to comply, be treated as a first application for the licence concerned and *section 125* shall apply accordingly.

(6) A contravention or alleged contravention of a relevant obligation by a licensee shall be dealt with or continue to be dealt with under *Part 8* and, accordingly, the renewal of the licensee's Business to Business gambling licence under this section does not prejudice or affect the operation of that Part, any proceedings under that Part or under any other provision of this Act.

(7) Where the Authority makes a decision under *subsection (3)* to refuse to renew a licence, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state—

(a) the reasons for the decision,

(b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part.

Application to vary relevant gambling product or relevant gambling related service

128. (1) Subject to *section 124*, a licensee of a Business to Business gambling licence may apply to the Authority to vary the relevant gambling product or relevant gambling related service that may be provided pursuant to the licence.

(2) An application under *subsection (1)* shall—

(a) be made in such form and manner, and be accompanied by such information and supporting documentation, as the Authority shall specify, and

(b) where applicable, be accompanied by such fee as may be prescribed by the Authority under *section 38*.

(3) The Authority may grant an application made under *subsection (1)* to vary the relevant gambling product or relevant gambling related service that may be provided pursuant to the licence concerned where it is satisfied, having regard to the information and supporting documentation supplied by the licensee in accordance with *subsection (2)*, that it is appropriate to do so.

(4) Where the Authority refuses to grant an application under this section, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state—

(a) the reasons for the decision,

(b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and

(c) the period within which such an appeal may be brought in accordance with that Part.

Chapter 9

Conditions attaching to gambling licences

Regulations (*Chapter 9*) 5

129. (1) The Authority may prescribe conditions, additional to those set out in this Chapter, which shall apply to gambling licences.

(2) Without prejudice to the generality of *subsection (1)*, conditions may be prescribed under that subsection by reference to—

(a) different types of gambling licences, 10

(b) the duration for which different gambling licences are held, or

(c) a particular category or categories of relevant gambling activities, relevant gambling products or relevant gambling related services.

Conditions attaching to gambling licences: general

130. A gambling licence is granted or renewed under this Part subject to— 15

(a) the conditions set out in this Chapter which apply to the gambling licence concerned,

(b) such other conditions (if any) as may be prescribed by the Authority under *section 129*, and

(c) any conditions imposed under *Part 8* on the licence concerned. 20

Conditions attaching to Business to Consumer gambling licences and gambling licences for charitable or philanthropic purpose

131. A Business to Consumer gambling licence and a gambling licence for a charitable or philanthropic purpose is granted subject to—

(a) a licensee of the licence— 25

(i) having the financial capacity to provide the relevant gambling activity and to fund winnings, and

(ii) funding winnings from lawful activities,

(b) a licensee and, where applicable, each relevant officer and each beneficial owner, continuing to be a fit and proper person to hold the gambling licence concerned, 30

(c) a licensee providing a relevant gambling activity,

(d) the relevant payment and winnings for each relevant gambling activity not exceeding the maximum relevant payment and maximum winnings,

(e) where maximum relevant payment and maximum winnings apply in respect of a relevant gambling activity, the maximum relevant payment and maximum winnings in respect of the activity being displayed in a prominent location—

(i) at each premises where the activity is conducted, and

(ii) on each on-line platform where the activity can be accessed,

(f) compliance by the licensee with *section 133*,

(g) where applicable, the Authority continuing to be satisfied, following receipt of a notice under *section 133*—

(i) where the notice relates to information referred to in *section 102(1)(b)*, that the software continues to enable the licensee concerned to view, in real time, information on the National Gambling Exclusion Register which affects the licensee concerned, and

(ii) where the notice relates to information referred to in *section 102(1)(c)*, as to the matters referred to in *section 103(3)* in relation to the manufacture, adaption, installation, maintenance and upgrade of software used in a relevant gambling activity provided by remote means,

and

(h) the payment, within the period specified in a notice under *section 41(5)*, of the charge due under *Chapter 2* of *Part 2* in respect of the licence concerned, subject to any appeal pending under *Part 9* in relation to that charge.

Notice to Authority of change of information given under *section 98(1)*

132. (1) A licensee of a Business to Consumer gambling licence who provides a relevant gambling activity from one or more premises in the State and to whom *section 98(1)* applied when making an application for the licence concerned, on renewal of that licence or when making an application under *section 116*, shall notify the Authority of a change, referred to in *subsection (2)*, to the information provided under that section in respect of the premises concerned.

Notice to Authority of change in information given under *section 102*

133. (1) A licensee of a Business to Consumer gambling licence who provides a relevant gambling activity by remote means and who was required to provide information specified in *section 102* in an application for the licence or for renewal of the licence, shall notify the Authority of a change to that information where the change is specified under *subsection (2).*

(2) The Authority shall specify, by notice published on its website, the changes to be notified to it under *subsection (1)*.

(3) A notification under *subsection (1)* shall be made within 7 days of a change referred to in *subsection (2)*.

(4) The Authority may, where it considers it necessary for the purposes of *section 131(g)*, conduct a further assessment under *section 103.*

Additional conditions: Business to Consumer gambling licences

134. In addition to what is provided for in *section 131*, a Business to Consumer gambling licence is granted subject to the following conditions:

(a) other than a lottery licence for a once-off lottery, that the licensee of the licence shall establish and maintain a Segregated Customer Account in accordance with *section 135*;

(b) where children are permitted on premises in which a relevant gambling activity is or may be provided pursuant to the licence, compliance by the licensee with any conditions imposed under *section 100(3)*;

(c) where applicable, compliance by the licensee with a determination made under *subsection (1)* or *(2)* of *section 101* as to the number and location of automated teller machines permitted on a premises and compliance with any conditions imposed under *subsection (3)* of that section;

(d) where applicable, compliance by the licensee with *section 132*;

(e) where *section 132(1)* applies, the Authority being satisfied, following receipt of a notification under that provision, that the premises continue to be appropriate for use for the relevant gambling activity concerned.

Establishment and maintenance of Segregated Customer Account

135. (1) Subject to regulations made under *section 136*, a licensee of a Business to Consumer gambling licence shall, in accordance with this section, open and maintain a single account (in this Act referred to as a "Segregated Customer Account") in a regulated financial service provider to hold the funds specified in *subsection (2).*

(2) The funds (in this Act referred to as "relevant funds") referred to in *subsection (1)* are—

(a) money held with a licensee by—

(i) an account-holder, or

(ii) a person (in this section referred to as an "in-person participant") participating in a relevant gambling activity on a premises in the State,

(b) until such time as a relevant gambling activity has been completed, relevant payments made by participants to a licensee in connection with that activity, and

(c) winnings not paid out by the licensee.

(3) A licensee may only access relevant funds in a Segregated Customer Account—

(a) in relation to funds referred to in *subsection (2)*, subject to *section 171*, when authorised to do so by the account-holder or in-person participant concerned,

(b) subject to *subsection (4)*, in relation to funds referred to in *subsection (2)(b)*, when the relevant gambling activity concerned has been completed,

(c) in relation to funds referred to in *subsection (2)(c)*, to pay out winnings, and

(d) in the cases referred to in *paragraphs (a)* to *(c)*, as otherwise authorised by regulations made under *section 136*.

(4) A licensee may only access relevant payments made to a licensee in connection with a relevant gambling activity after the activity is completed to the extent that the relevant payments are not required to fund winnings in respect of the activity concerned.

(5) Subject to any regulations that may be made under *section 136(d)*, a licensee shall keep up-to-date records in relation to a Segregated Customer Account in such a manner as enables identification of—

(a) in relation to the funds referred to in *subsection (2)*, the amount standing to the credit of each account-holder and in-person participant,

(b) in connection with the funds referred to in *subsection (2)(b)*, the total amount of the relevant payments held by a licensee in connection with the relevant gambling activity concerned, and

(c) in relation to the funds referred to in *subsection (2)(c)*, the amount of winnings which have not been paid out by the licensee.

(6) A licensee who fails to comply with an obligation imposed by this section or in regulations made under *section 136* on the licensee in relation to a Segregated Customer Account commits an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Regulations: Segregated Customer Accounts

136. The Authority may, for the purposes of *section 135* and the operation of Segregated Customer Accounts by licensees, by regulations do any or all of the following:

(a) specify the type of account licensees may open at a regulated financial services provider for the Account;

(b) specify a category of Business to Consumer gambling licence or a relevant gambling activity which is the subject of such a licence, or both, in respect of which a licensee of that licence is not required to open and maintain the Account;

(c) specify, for the purposes of *section 135(3)(d)*, when a licensee may access relevant funds;

(d) specify the accounting records to be maintained by a licensee in relation to the Account including information as to relevant funds received, held, controlled or paid out by the licensee;

(e) specify the minimum period or periods for which the accounting records referred to in *paragraph (d)* shall be retained by a licensee;

(f) require a licensee to arrange for the examination, by an auditor or a duly qualified accountant, at intervals specified in the regulations, of accounting records to be maintained by the licensee under *paragraph (d)*;

(g) specify circumstances in which a licensee may be required to make good any deficit in relevant funds in an Account;

(h) specify the circumstances and manner in which a licensee shall verify compliance with *section 135* and the regulations (if any) made under this section, including the frequency of so verifying.

Additional condition: game provided under gaming licence or gambling licence for charitable or philanthropic purpose 5

137. In addition to what is provided for in *sections 131* and *134*, a gaming licence and, where a gambling licence for a charitable or philanthropic purpose authorises the licensee of that licence to provide a game, that licence, is granted subject to the condition that where the participants in a game include the licensee of the licence concerned, the chance that the licensee has as a participant of winning the game and the chance that all other 10 participants in the game have of winning the game, are equal.

Additional conditions: lottery licences

138. In addition to what is provided for in *sections 131* and *134*, a lottery licence is granted subject to—

(a) every ticket relating to a lottery provided pursuant to the licence— 15

(i) bearing the name and address of the licensee providing the lottery, and

(ii) containing such other information as may be prescribed by the Authority,

and

(b) in the case of a lottery licence for a once-off lottery, the lottery being held on the date specified under *section 113(2)(b)(i)*. 20

Additional conditions: gambling licence for charitable or philanthropic purpose

139. In addition to what is provided for in *section 131*, a gambling licence for a charitable or philanthropic purpose is granted subject to—

(a) the licensee continuing to be—

(i) in the case of an individual, domiciled in the State, or 25

(ii) in the case of a body corporate, established in the State,

(b) the licensee—

(i) providing a relevant gambling activity for a charitable or philanthropic purpose, and

(ii) deriving no personal profit from that activity, 30

and

(c) at a minimum, 30 per cent of the total relevant payments being used by the licensee for a charitable or philanthropic purpose.

Conditions attaching to Business to Business gambling licence

140. A Business to Business gambling licence is granted subject to— 35

(a) the licensee, and, where applicable, each relevant officer and each beneficial owner, continuing to be a fit and proper person to hold the gambling licence concerned,

(b) the licensee continuing to have the financial capacity to provide the relevant gambling product or relevant gambling related service, or both, as the case may be,

(c) the licensee selling or supplying a relevant gambling product or relevant gambling related service specified in the licence,

(d) where applicable, the relevant gambling product or relevant gambling service, or both, provided pursuant to the licence concerned remaining certified under *section 124*, and

(e) the payment, within the period specified in a notice under *section 41(5)*, of the charge under *Chapter 2* of *Part 2* due in respect of the licence concerned, subject to any appeal pending under *Part 9* in relation to that charge.

PART 6

Obligations on Licensees and other Persons

Chapter 1

Obligations on licensees and other persons: advertising, branded clothing and engagement of children in providing relevant gambling activity

Interpretation (*Chapter 1 – Part 6*)

141. In this Chapter—

"Act of 2009" means the Broadcasting Act 2009;

"applicable regulations", in relation to advertising, means regulations made under *section 144*;

"audiovisual on-demand media service" has the same meaning as it has in section 2 of the Act of 2009;

"broadcaster" has the same meaning as it has in the Act of 2009;

"broadcasting service" has the same meaning as it has in the Act of 2009;

"editorial responsibility" means, in relation to an on-demand sound service, effective control over—

(a) the selection of sound programmes or sound recordings, or both, as the case may be, and

(b) the organisation of those programmes or recordings, or both, as the case may be, in a programme schedule or a catalogue which lists programmes or recordings that are available;

"electronic communications network" has the same meaning as it has in section 2(1) of

the Communications Regulation Act 2002;

"on-demand sound service" means a service (within the meaning of Articles 56 and 57 of the Treaty on the Functioning of the European Union) where—

(a) the principal purpose of the service, or of a dissociable section of the service, is to provide sound programmes or sound recordings by electronic communications networks to the general public in order to inform, entertain or educate, and

(b) that service is under the editorial responsibility of the provider of that service;

"relevant content" means, in relation to advertising—

(a) a relevant gambling activity, or

(b) in the case of a Business to Consumer gambling licence, the licensee of that gambling licence;

"social media service" means a website or software application (commonly known and in this Chapter referred to as an "app") that permits a person who is a registered user of the service, has an account with the service or who creates a profile with the service to do any or all of the following—

(a) create, share and view user-generated content on the website or application,

(b) generate content on the website or software application that can be viewed by other users of the service, or

(c) communicate with other users of the service;

"video-sharing platform service" has the same meaning as it has in section 2(2) and (3) of the Act of 2009.

Obligation not to engage child as employee, servant or agent providing relevant gambling activity

142. (1) Subject to *subsection (2)*, a licensee shall not—

(a) engage a child, or cause a child to be engaged on the licensee's behalf, as an employee, servant or agent, to provide a relevant gambling activity, or

(b) permit a child to act as the licensee's employee, servant or agent in providing a relevant gambling activity.

(2) A licensee of a gambling licence for a charitable or philanthropic purpose may engage a child or cause a child to be engaged as referred to in *subsection (1)(a)* and permit a child to act in the manner specified in *subsection (1)(b)* where it is authorised in the terms of the licence in accordance with *section 120(2)* or *121(2)*.

Obligations on licensees in relation to advertising: general

143. A licensee shall, in advertising relevant content or causing another person to advertise relevant content on the licensee's behalf, comply with obligations imposed in relation to advertising under this Part and, where applicable, by the applicable regulations.

Regulations regarding advertisements

144. (1) The Authority shall, having regard to the matters specified in *subsection (3)*, make regulations requiring licensees to include certain matters in advertisements relating to relevant content.

(2) The Authority may, having regard to the matters specified in *subsection (3)*, make regulations to do any or all of the following:

(a) subject to *section 148*, prohibit the inclusion of certain matters in such advertisements;

(b) subject to *section 149*, prescribe the times, places and events at which advertisements relating to relevant content may be shown;

(c) having regard to the medium through which such advertisements are shown, prescribe—

(i) the frequency with which such advertisements may be shown or broadcast, or

(ii) the duration of such advertisements.

(3) The matters referred to in *subsections (1)* and *(2)* are—

(a) the level of participation in different types of relevant gambling activities in the State, including excessive or compulsive gambling,

(b) any expert research available to the Authority in relation to factors that may increase or decrease excessive and compulsive gambling and the means to address such gambling, and

(c) the need to prevent children from gambling.

(4) Without prejudice to the generality of *subsections (1)* and *(2)*—

(a) regulations made under those subsections may be expressed to apply generally to advertisements or may make different provision for different advertisements by reference to any or all of the following:

(i) the type of gambling licence held;

(ii) a particular category or categories of relevant gambling activities, relevant gambling products or relevant gambling related services being advertised;

(iii) the medium through which advertisements are made including the medium of an audiovisual on-demand media service, an on-demand sound service communication, a social media service, a video-sharing platform service, a website, an app, television, radio or print;

(iv) in the case of regulations made under *subsection (2)*, a specific place or event or category of places or events,

(b) regulations under *subsection (1)* may require any or all of the following information to be included in advertisements:

(i) the name and contact details of the licensee who is providing the relevant gambling activity and the type of gambling licence held;

(ii) a statement that children are prohibited from participating in relevant gambling activities;

(iii) a warning of the risk of excessive or compulsive gambling and the consequences of such gambling;

(iv) details of where information may be found on the risk of excessive or compulsive gambling and how to address such gambling;

(v) details of where support services are available in relation to excessive and compulsive gambling;

(vi) an explicit statement that the activity is a relevant gambling activity in respect of which a person may make a relevant payment without obtaining anything in return,

and

(c) where regulations under *subsection (1)* require any or all of the information referred to in *paragraph (b)* to be included in advertisements, such regulations may, having regard to the medium through which such advertisements are made, prescribe how the information is to be included in the advertisements, including the size, colour and font type that is to be used in giving the information.

Advertising by licensee by means of audiovisual on-demand media service or on-demand sound service

145. (1) Subject to this section, a licensee shall not advertise relevant content, or cause a person to advertise relevant consent on the licensee's behalf, on an audiovisual on-demand media service or on an on-demand sound service to another person (in this section referred to as the "intended recipient") unless—

(a) the intended recipient has an account with the service concerned, and

(b) the licensee complies with the applicable regulations.

(2) A licensee shall not be taken to have contravened *subsection (1)* where—

(a) an intended recipient does not have an account with an audiovisual on-demand media service or an on-demand sound service, and

(b) as part of the content delivered by that service—

(i) a logo, trademark, emblem or marketing image of the licensee displayed at a sporting event is, in the case of an audiovisual on-demand service, visible to the intended recipient of that service, or

(ii) details of the sponsorship by the licensee of a sporting event are, in the case of an audiovisual on-demand service, visible, or in the case of an on-demand sound service, audible to that intended recipient of that service.

(3) *Subsection (1)* shall not apply to advertising relevant content on an audiovisual on-demand media service or an on-demand sound service by a licensee of a gambling licence for a charitable or philanthropic purpose provided that the advertising by that licensee does not include—

(a) the name or trading name, or part of the name or trading name, of a licensee of a Business to Consumer gambling licence or a Business to Business gambling licensee, or

(b) the logo, trademark, emblem or marketing image of such a licensee.

Advertising on social media service and video-sharing platform service 5

146. (1) Subject to *subsection (2)* and *section 149*, a licensee shall not enter into an arrangement (howsoever described) with another person for the purposes of advertising relevant content to a third party (in this section referred to as the "intended recipient") on a social media service or a video-sharing platform service unless the terms of the arrangement ensure such advertising is provided— 10

(a) to an intended recipient only where—

(i) the recipient has an account with that other person, and

(ii) that recipient has subscribed to the licensee's account on that service,

and

(b) in accordance with the applicable regulations. 15

(2) *Subsection (1)* shall not apply to an arrangement to advertise relevant content referred to in that subsection entered into by a licensee of a gambling licence for a charitable or philanthropic purpose where that arrangement ensures that the advertising shall not include—

(a) the name or trading name, or part of the name or trading name, of a licensee of a Business to Consumer gambling licence or a Business to Business gambling licensee, or 20

(b) the logo, trademark, emblem or marketing image of such a licensee.

Advertising by licensee by means of electronic communication

147. (1) Subject to this section, a licensee shall not advertise relevant content, or cause a person to advertise relevant content on the licensee's behalf, by electronic communication to another person (in this section referred to as the "intended recipient") unless— 25

(a) the intended recipient has given consent to receiving advertising from the licensee concerned by means of that electronic communication, 30

(b) the service provides an easily accessible mechanism to enable the recipient to stop receiving such advertising from the licensee concerned, and

(c) the licensee complies with any applicable regulations.

(2) A licensee shall not be taken to have contravened *subsection (1)* where, notwithstanding that *paragraph (a)* or *(b)* of that subsection does not apply, as part of the content shown to an intended recipient by an electronic communication— 35

(a) a logo, trademark, emblem or marketing image of the licensee displayed at a sporting event is visible, or

(b) details of the sponsorship by the licensee of a sporting event is visible or audible.

(3) *Subsection (1)* shall not apply to the advertising of relevant content by electronic communication by a licensee of a gambling licence for a charitable or philanthropic purpose provided that the advertising by that licensee does not include—

(a) the name or trading name, or part of the name or trading name, of a licensee of a Business to Consumer gambling licence or a Business to Business gambling licensee, or

(b) the logo, trademark, emblem or marketing image of such a licensee.

(4) In this section, "electronic communication" means any electronic communication (including by telephone, text message or e-mail) other than an audiovisual on-demand media service, an on-demand sound service, a social media service, a video-sharing platform service or a broadcasting service.

Prohibited material in advertisement

148. A licensee shall not advertise relevant content, or cause another person to advertise relevant content on the licensee's behalf where the advertisement includes material that is likely to—

(a) portray gambling as attractive to children,

(b) condone participation in gambling by children,

(c) encourage or cause children to gamble,

(d) exploit the credulity, loyalty, vulnerability or lack of experience of children,

(e) cause, condone or encourage excessive or compulsive gambling, or

(f) mislead, deceive or confuse, whether directly or indirectly, members of the public about the potential social or financial advantages of gambling.

Prohibited hours for advertising on certain media

149. (1) Subject to *subsection (2)*, a licensee shall not enter into an arrangement (howsoever described) with an audio-visual on-demand media service, an on-demand sound service or a broadcaster for the purposes of advertising relevant content between the hours of 5:30 a.m. and 9:00 p.m. on the service concerned.

(2) *Subsection (1)* shall not apply to an arrangement to advertise relevant content referred to in that subsection entered into by a licensee of a gambling licence for a charitable or philanthropic purpose where the arrangement ensures that the advertising shall not include—

(a) the name or trading name, or part of the name or trading name, of a licensee of a Business to Consumer gambling licence or a Business to Business gambling licensee, or

(b) the logo, trademark, emblem or marketing image of such a licensee.

Application to High Court to direct cessation of advertising activity

150. (1) The Authority may, where it has reasonable grounds for believing that the advertising of relevant content by a relevant service provider contravenes an obligation imposed on a licensee by or under this Chapter, apply to the High Court for an order directing the relevant service provider to cease such advertising. 5

(2) An application under *subsection (1)* shall be made on notice to the relevant service provider and licensee concerned.

(3) On the hearing of an application under *subsection (1)*, the High Court may, where it is satisfied that the advertising concerned contravenes an obligation imposed on a licensee by or under this Chapter, make an order directing the relevant service provider to cease such advertising. 10

(4) In this section, "relevant service provider" means an audio visual on-demand media service, an on-demand sound service, a social media service, a video-sharing platform service or a broadcaster.

Prohibition on branded clothing and merchandise 15

151. (1) Subject to *subsection (3)*, a person shall not—

(a) manufacture, for sale in the State,

(b) import, for sale in the State, or

(c) sell, supply or provide free of charge, to a person in the State,

a branded article of clothing or merchandise intended to be worn or used by a child. 20

(2) A person shall not distribute a branded article of clothing or merchandise at an event which may be attended by children.

(3) *Subsection (1)* shall not apply to clothing or merchandise offered for sale, supplied or provided free of charge, within a period of 12 months commencing on the date this section comes into operation. 25

(4) Where, in the prosecution of an offence under this section, the defendant asserts that *subsection (3)* applies, the onus of proving that the clothing or merchandise concerned was offered for sale, supplied or provided free of charge, within the period of 12 months referred to in that subsection, shall lie with the defendant.

(5) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence and is liable— 30

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(6) In this section, "branded article of clothing or merchandise" means an article of clothing or merchandise that— 35

(a) advertises a relevant gambling activity, or

(b) bears, in relation to a licensee of a Business to Consumer gambling licence or a Business to Business gambling licence—

(i) the name of the licensee, or

(ii) a trademark, emblem, marketing image or logo of the licensee by reference to which a relevant gambling activity or a relevant gambling product or relevant gambling related service is provided or marketed.

Chapter 2

Obligations on licensees: general

Obligation on licensees to maintain records and accounts

152. (1) Subject to *subsection (6)*, the Authority may prescribe the records and accounts which are required to be kept and maintained by a licensee for the purposes of this Act.

(2) Without prejudice to the generality of *subsection (1)*, the Authority may prescribe—

(a) different records and different accounts to be maintained by reference to different gambling licences or by reference to different relevant gambling activities under gambling licences, and

(b) the form in which the records and accounts are to be kept and maintained.

(3) Subject to *subsection (2)(b)*, the records and accounts referred to in *subsection (1)* may be kept and maintained in a form that is not legible if they are capable of being converted into a legible form.

(4) In any proceedings taken under this Act, a certificate signed by an authorised officer and containing information stated to be taken from records and accounts kept and maintained in accordance with this section by a licensee shall be admissible as evidence of the facts stated in the certificate.

(5) A document purporting to be a certificate under *subsection (4)* shall, in any proceedings, be deemed to be such a certificate and to have been signed by an authorised officer unless the contrary is proved.

(6) This section shall not apply to Segregated Customer Accounts.

Obligation to notify Authority of changes

153. (1) Where, during the period in which a gambling licence is in force, a material event occurs, the licensee of the gambling licence concerned shall, not later than 7 days after the material event occurs, notify the Authority in writing of the happening of that event.

(2) In this section, a material event occurs where—

(a) in respect of a body corporate that is a licensee—

(i) a person is appointed to be a relevant officer or ceases to be a relevant officer of that body, or

(ii) a person becomes, or ceases to be, a beneficial owner of that body,

(b) there is any change, from that given in the application for the licence or for renewal of the licence concerned, in the address of the licensee for the purposes of the service of notices under this Act,

(c) the licensee is convicted and, where applicable, a relevant officer or a beneficial owner of the licensee is convicted, of a relevant offence,

(d) proceedings have been instituted in relation to a relevant offence where those proceedings were not instituted at the time of the application for the licence or for the renewal of the licence concerned, as the case may be,

(e) a finding, referred to in *paragraph (n)* of *subsection (1)* of *section 96*, is made against a licensee or where applicable, a relevant officer or beneficial owner of a licensee, a sanction referred to in that paragraph is imposed or proceedings, referred to in *paragraph (o)* of that subsection, are commenced, or

(f) there is a change in the financial circumstances of the licensee which may impact on the capacity of that licensee to provide the gambling activities under the licence concerned, to fund winnings or to meet the licensee's relevant obligations.

CHAPTER 3

Obligations on certain licensees: suspicious gambling patterns, inducements, participation of children and sponsorship

Application (*Chapter 3*)

154. This Chapter, other than *section 159*, applies to a licensee of a Business to Consumer gambling licence and a licensee of a gambling licence for a charitable or philanthropic purpose.

Obligation to pay out winnings

155. A licensee to whom this Chapter applies shall not unreasonably withhold the payment of winnings.

Obligation to notify Authority of suspicious gambling patterns

156. (1) Where a licensee to whom this Chapter applies becomes aware of a gambling pattern (in this section referred to as a "suspicious gambling pattern") that suggests there is an attempt to influence the outcome of a relevant gambling activity, the licensee shall—

(a) cease accepting relevant payments in relation to the relevant gambling activity concerned,

(b) issue a note in writing to each person who attempts to make a relevant payment after such cessation stating that the payment has been refused,

(c) keep a copy of each note issued under *paragraph (b)*,

(d) notify the Authority as soon as practicable about the suspicious gambling pattern and confirm that it ceased accepting relevant payments in relation to the relevant gambling activity concerned,

(e) inform a Chief Superintendent of the Garda Síochána for the division where the gambling activity concerned took place, or in the case of an activity by remote means, the Garda National Economic Crime Bureau, as soon as practicable of the suspicious gambling pattern, and

(f) not pay out winnings on the relevant gambling activity concerned until notified by the Authority that it may do so.

(2) A licensee to whom this section applies shall, as soon as practicable, furnish to the Authority a copy of such records, including each note issued for the purposes of *subsection (1)(b)*, related to the suspicious gambling pattern concerned as are in the licensee's possession or power to procure.

(3) Subject to the Data Protection Regulation and the Act of 2018 and having due regard to the need to avoid prejudicing the operation of *Part 8* in so far as it relates to the consideration of a notification received under *subsection (1)(d)*, the Authority, having considered the notification concerned—

(a) shall take such steps (if any) as it considers appropriate to inform other licensees of the suspicious gambling pattern concerned, and

(b) may alert—

(i) a person who, under the law of a place other than the State, performs functions that are the same as or similar to those performed by the Authority under this Act, of the suspicious gambling pattern, and

(ii) where the relevant gambling activity which is the subject of the notification relates to a sport with a governing body inside or outside the State, the governing body concerned of the suspicious gambling pattern.

(4) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Offering inducement to gamble

157. (1) Subject to *subsections (2)* and *(3)*, a licensee to whom this Chapter applies may offer the general public a benefit or advantage, the intent or effect of which is, either directly or indirectly, to encourage participation in gambling (in this section referred to as an "inducement").

(2) A licensee may not offer a person or specific group of persons an inducement.

(3) A licensee shall comply with regulations (if any) made under *subsection (4)* in offering an inducement to the general public.

(4) Subject to *subsection (5)*, the Minister may, following consultation with the Authority, make regulations—

(a) imposing conditions on the manner in which an inducement or a class of inducements is offered by licensees,

(b) imposing conditions on an inducement or a class of inducements, or both, that may be offered by licensees, and

(c) prohibiting the offering by licensees of an inducement or a class of inducements. 5

(5) The Minister shall, in making regulations under *subsection (4)* have regard to whether the inducement or class of inducements concerned would encourage or contribute to—

(a) excessive or compulsive gambling, or

(b) an increase in the level of participation in gambling in the State contrary to public policy. 10

(6) Without prejudice to the generality of *subsection (4)*, the Minister may, in making regulations under that subsection, impose different conditions in relation to different inducements or different classes of inducements.

(7) A person who contravenes *subsection (2)* or regulations made under *subsection (4)* is guilty of an offence and is liable— 15

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 20

Obligation not to permit child participate in relevant gambling activity

158. (1) A licensee to whom this Chapter applies shall not permit a child to participate in a relevant gambling activity.

(2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable— 25

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 8 years, or both.

(3) It shall be a defence to proceedings for an offence under *subsection (2)* to prove that the defendant was reasonably mistaken that at the time of the alleged commission of the offence the child, against whom the offence is alleged to have been committed, had attained the age of 18 years. 30

(4) Where, in proceedings for an offence under *subsection (2)*, it falls to the court to consider whether the defendant was reasonably mistaken that, at the time of the alleged commission of the offence, the child against whom the offence is alleged to have been committed had attained the age of 18 years, the court shall consider whether, in all the circumstances of the case, a reasonable person would have concluded that the child had attained the said age. 35

(5) The standard of proof required to prove that the defendant was reasonably mistaken that the child had attained the age of 18 years shall be that applicable to civil proceedings.

Sponsorship

159. (1) A licensee of a Business to Consumer licence or a licensee of a Business to Business licence shall not shall not sponsor, or cause another person to sponsor— 5

(a) an event or part of an event in relation to which the majority of the persons attending the event or competing in the event are children,

(b) an event aimed at children,

(c) an organisation, club or team in which children are members, 10

(d) a premises that is used by an organisation, club or team referred to in *paragraph (c)*, or

(e) a public activity that appeals to children.

(2) A licensee who contravenes *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 15

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(3) In proceedings for an offence under *subsection (2)*, it shall be a defence to show that the defendant made all reasonable efforts to ensure compliance with such provision or provisions of *subsection (1)* as is or are alleged to have been contravened. 20

(4) In this section, "sponsor" means making any form of public or private contribution towards an event or organisation with the aim, or direct or indirect effect, of promoting a gambling activity.

CHAPTER 4 25

Obligations on certain Business to Consumer licensees: training, provision of facility for participants to set monetary limit and forms of payment for relevant gambling activities

Interpretation (*Chapter 4*)

160. In this Chapter—

"approved training programme" has the meaning assigned to it by *section 162(3)*; 30

"relevant post" means a position in the staff of the relevant licensee's business, the duties of which entail engaging with participants.

Application (*Chapter 4*)

161. This Chapter applies to a licensee of a Business to Consumer gambling licence other than a licensee of a lottery licence for a once-off lottery. 35

Approved training programme

162. (1) The Authority shall set the content to be included and the standards to be met by a training programme for the purposes of satisfying the requirements of *section 163* for a relevant post and shall publish the content and standards on its website.

(2) Without prejudice to the generality of *subsection (1)*, the content of a training programme referred to in that subsection shall include, but not be limited to, material which ensures that a person who successfully completes the programme will—

(a) be able to recognise the identifying characteristics of excessive or compulsive gambling,

(b) have a detailed knowledge of gambling support services,

(c) understand the licensee's obligations under this Part, and

(d) be able to assist the licensee in complying with his or her obligations under this Part.

(3) The Authority shall publish on its website a list of training programmes (each of which, in this Chapter, is referred to as an "approved training programme") that meet the content and standards referred to in *subsection (1)*.

(4) The Authority may remove an approved training programme from the list published under *subsection (3)* where it considers, following a review of the programme, that it no longer meets the content and standards referred to in *subsection (1)*.

(5) Where, in accordance with *subsection (4)*, an approved training programme is removed and, immediately before the date of its removal, a person is attending the approved training programme, the approved training programme shall, if it continues in operation, be deemed an approved training programme for the purposes of the requirement that that person has completed an approved training programme in accordance with *section 163(1)*.

Obligation to ensure approved training programme completed by staff in relevant post

163. (1) A licensee to whom this Chapter applies shall ensure that a member of staff of the licensee who fills a relevant post has completed an approved training programme—

(a) before the member of staff concerned commences work in the post concerned, and

(b) at such intervals as the Authority may prescribe.

(2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation to provide facility to enable participant to set monetary limit

164. (1) A licensee to whom this Chapter applies shall provide a participant with a facility which enables a monetary limit to be set on—

(a) the amount a participant may pay to participate in any individual relevant gambling activity, or

(b) the total amount a participant may pay to participate in all relevant gambling activities provided by the relevant licensee.

(2) Where a monetary limit is set by a participant under *subsection (1)*, it shall be set for a period specified by the participant during which period a relevant licensee shall not permit the participant to remove or increase the limit set.

(3) A licensee shall not, during the period specified by a participant under *subsection (2)*—

(a) provide a relevant gambling activity to that participant where participation in the relevant gambling activity means that he or she will exceed the monetary limit he or she has set under *subsection (1)*, or

(b) communicate with the participant in a manner that invites (or has the effect of inviting) him or her to participate in a relevant gambling activity or that advertises a relevant gambling activity to that participant.

(4) Where a participant utilises a facility set out in *subsection (1)*, the licensee concerned shall refund to the participant any relevant payment made in excess of the limit referred to in that subsection during the period specified under *subsection (2)* within 7 days of the limit being so exceeded.

(5) The Authority may prescribe the means by which a licensee to whom this Chapter applies shall provide the facility referred to in *subsection (1)*.

(6) A licensee who fails to comply with a provision of this section is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation in respect of method of payment for relevant gambling activity

165. (1) A licensee to whom this Chapter applies shall not—

(a) accept payment for a relevant gambling activity by credit card,

(b) extend a credit facility to a participant, or

(c) participate in, arrange, permit or knowingly facilitate the giving of credit in connection with a relevant gambling activity.

(2) The prohibition in *subsection (1)* includes payment by electronic or digital means which uses money loaded from a credit card.

(3) In addition to what is provided for in *subsection (1)*, the Authority may, where it is satisfied that a form of payment, a type of customer account scheme or a feature of a customer account scheme may contribute to excessive or compulsive gambling, prescribe—

(a) the form of payment for a relevant gambling activity as a form that shall not be accepted by a licensee to whom this Chapter applies,

(b) the type of customer account schemes as a type that a licensee to whom this Chapter applies may not provide for relevant gambling activities, or

(c) the feature concerned as a feature that a licensee to whom this Chapter applies may not provide in a customer account scheme.

(4) A licensee who fails to comply with a provision of this section is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

CHAPTER 5

Obligations on licensees of remote gambling licences

Definition (*Chapter 5*)

166. In this Chapter, "register of account-holders" has the meaning assigned to it by *section 168(1)*.

Obligations before providing relevant gambling activity by remote means

167. (1) Subject to *subsection (3)*, a licensee of a remote gambling licence shall not provide a relevant gambling activity by remote means to a person unless—

(a) the person has opened a gambling account with the licensee,

(b) the licensee has made an entry in the register of account-holders in respect of the gambling account, and

(c) the terms and conditions of the gambling account have been provided to the account-holder in writing.

(2) Subject to *subsection (3)*, a person may only participate in one or more relevant gambling activities by remote means provided by a licensee of a remote gambling licence where the person is an account-holder with the licensee.

(3) The Authority may by regulations prohibit, in respect of relevant gambling activities identified in the regulations, a licensee of a remote gambling licence from providing more than one of those activities by remote means to a person unless the person opens a separate gambling account in respect of each such activity.

(4) A licensee of a remote gambling licence who fails to comply with a provision of this section is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation to establish and maintain register of account-holders 5

168. (1) A licensee of a remote gambling licence shall, upon being issued with the licence concerned, cause to be established and maintained, in the form required by the Authority, a register (in this Chapter referred to as a "register of account-holders") of gambling accounts required to be opened with the licensee in accordance with this Chapter. 10

(2) A register of account-holders shall contain the following information in respect of each account—

(a) the account-holder's name, address and date of birth,

(b) how the obligations imposed under *sections 172* and *173* have been fulfilled with regard to each account, and 15

(c) such information as may be prescribed under *subsection (4)*.

(3) An entry in the register of account-holders in respect of a gambling account shall be removed if the gambling account concerned is closed pursuant to *section 171*.

(4) The Authority may prescribe the information that is to be entered in the register of account-holders in order to enable the verification of compliance with the obligations imposed in this Chapter in connection with gambling accounts. 20

(5) A licensee who fails to comply with a provision of this section is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 25

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Application to open gambling account with licensee of remote gambling licence

169. (1) A person who has attained the age of 18 years may apply to a licensee of a remote gambling licence to open a gambling account for the person with the licensee. 30

(2) An application referred to in *subsection (1)* shall be made to a licensee of a remote gambling licence in such form and manner, and be accompanied by such documentation, as may be specified by the Authority.

(3) A licensee of a remote gambling licence shall not open a gambling account for a person who has made an application to the licensee unless— 35

(a) the person has attained the age of 18 years, and

(b) the licensee concerned has verified, in accordance with the means specified under *subsection (4)* or prescribed under *subsection (5)*—

(i) the identity of the person, and

(ii) that the person has attained the age of 18 years.

(4) Subject to *subsection (5)*, a licensee of a remote gambling licence verifies, for the purposes of *subsection (3)(b)*, the identity and age of the person who has made the application concerned where—

(a) the person provides the licensee with—

(i) a copy of a document that specifies the name, address and date of birth of the person and contains photo identification of that person, or

(ii) a copy of a document that specifies the name and date of birth of the person and contains photo identification of that person together with a copy of 2 relevant documents confirming the address of that person,

and

(b) the licensee is satisfied that the document or documents provided to the licensee in accordance with *paragraph (a)* relate to that person and confirm that that person has attained the age of 18 years.

(5) The Authority may prescribe additional means by which a licensee may verify the matters referred to in *subsection (3)(b)*.

(6) A licensee of a remote gambling licence who fails to comply with *subsection (3)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 8 years, or both.

(7) In this section, "relevant document" means a document issued within the previous 6 months being either a utility bill, an insurance policy or a document issued by the Revenue Commissioners or a Department of State.

Requirement to lodge money in gambling account

170. (1) The Authority may make regulations—

(a) limiting the amount of money that a licensee of a remote gambling licence may require an account-holder to lodge in a gambling account with the licensee, and

(b) specifying a maximum amount of money that may be lodged by an account-holder in a gambling account held with such a licensee during a specified period.

(2) A licensee of a remote gambling licence who fails to comply with any regulations made under *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation to close gambling account

171. (1) Subject to *subsection (2)*, a licensee of a remote gambling licence shall close an account-holder's gambling account with the licensee where the account-holder—

(a) requests the licensee in writing to do so, or

(b) does not participate in any relevant gambling activity provided by the licensee concerned by remote means for a period of 13 months.

(2) *Subsection (1)(b)* shall not apply in respect of an account-holder entered on the National Gambling Exclusion Register for the duration of the period of such registration.

(3) Where a licensee closes the gambling account of an account-holder under *subsection (1)*, the licensee shall—

(a) where the gambling account is closed pursuant to a request under *paragraph (a)* of that subsection, refund any money in that account to the account-holder, and

(b) where the gambling account is closed pursuant to *paragraph (b)* of that subsection, make reasonable efforts to refund any money in that account to the account-holder.

(4) Where a licensee is unable, having made reasonable efforts, to refund money in a gambling account in accordance with *subsection (3)(b)*, the licensee shall transfer the money to the Authority for the purposes of payment into the Social Impact Fund.

(5) Where a licensee has transferred money in a gambling account to the Authority under *subsection (4)* and subsequently a person contacts the licensee claiming to be the account-holder of that account and seeks to either gamble with the money that had been in that account or to obtain a refund of that money, the licensee shall, having satisfied itself that the person was the account-holder concerned—

(a) direct the person to the Authority for a refund, and

(b) notify the Authority in writing—

(i) that it has directed the person to it,

(ii) that the licensee is satisfied that the person was the account-holder of the gambling account that was closed, and

(iii) of the date on which the money in the gambling account was transferred to the Authority and the amount transferred.

(6) A licensee of a remote gambling licence who fails to comply with a provision of this section is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation to provide copy of terms and conditions of relevant gambling activity provided by remote means

172. (1) Subject to *subsection (3)*, a licensee of a remote gambling licence shall ensure that a person is provided with the terms and conditions of a relevant gambling activity—

(a) when the person accesses the relevant gambling activity by remote means for the first time, and

(b) on each occasion after the terms and conditions change, when the person accesses the relevant gambling activity by remote means for the first time after such change.

(2) A licensee of a remote gambling licence shall ensure that where a person accesses a relevant gambling activity by remote means, the person is able at all times to access the terms and conditions of the relevant gambling activity concerned from the licensee's website.

(3) The terms and conditions of a relevant gambling activity shall—

(a) be worded, in so far as is practicable, in clear and plain language,

(b) be expressly accepted, the first time and on each occasion referred to in *subsection (1)(a)* and *(b)*, by the account-holder before a relevant payment is accepted by a licensee from the account-holder in respect of the activity, and

(c) be made available to the person by electronic means in a manner that enables him or her to store and retrieve the terms and conditions.

(4) A licensee of a remote gambling licence who fails to comply with a provision of this section is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation to provide information to account-holder

173. (1) A licensee of a remote gambling licence shall provide an account-holder with the information prescribed by the Authority under *subsection (2)*.

(2) The Authority shall prescribe the information that a licensee of a remote gambling licence shall provide to an account-holder relating to—

(a) the recognition of the identifying characteristics of excessive or compulsive gambling and its adverse effects,

(b) the facilities available to support account-holders to gamble in a manner that avoids excessive or compulsive gambling,

(c) the facilities available to account-holders to block their access, or the access of a child, or both, to gambling websites or platforms, and

(d) gambling support services providing information and assistance in respect of excessive or compulsive gambling.

(3) In addition to providing an account-holder with the information prescribed by the Authority under *subsection (2)*, that information shall be prominently displayed on the home page of the website of a licensee of a remote gambling licence and on each online platform where a relevant gambling activity provided by that licensee by remote means can be accessed. 5

(4) A licensee of a remote gambling licence shall cause alerts, at the intervals prescribed by the Authority under *subsection (6)*, to be sent to the account-holder's account detailing—

(a) the account-holder's winnings and losses, and

(b) the time spent by the account-holder participating in relevant gambling activities through that account. 10

(5) A licensee of a remote gambling licence shall, in addition to any alerts that may be sent to an account-holder pursuant to *subsection (4)*, provide the account-holder with immediate access, through his or her gambling account, to—

(a) the amount of money in that account, and 15

(b) details of the amounts paid by the account-holder to participate by remote means in each relevant gambling activity provided by the licensee over the period or periods prescribed by the Authority under *subsection (6)*.

(6) The Authority shall prescribe—

(a) the intervals at which the alerts referred to in *subsection (4)* are to be provided, and 20

(b) the period or periods referred to in *subsection (5)(b)*.

(7) A licensee of a remote gambling licence who fails to comply with a provision of this section is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 25

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Protection of children

174. (1) A licensee of a remote gambling licence shall display, or cause to be displayed, a hyperlink to parental control programmes on the home page of the website of the licensee and on each online platform where a relevant gambling activity provided by the licensee by remote means can be accessed. 30

(2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable— 35

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation not to provide relevant gambling activities by remote means on certain days or at certain times

175. (1) The Authority may, having regard to the desire to reduce, in accordance with public policy, excessive or compulsive gambling and the level of participation in gambling in the State, prescribe days or hours, or both, during which a relevant gambling activity may not be provided by a licensee of a remote gambling licence. 5

(2) A licensee of a remote gambling licence shall not provide a relevant gambling activity by remote means during such days, or outside such hours, or both, as are prescribed by the Authority under *subsection (1)*.

(3) A licensee who contravenes *subsection (2)* is guilty of an offence and is liable— 10

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

CHAPTER 6 15

Obligations on licensees of in-person gambling licences

Obligations in respect of opening hours and use of premises

176. (1) The Authority may, having regard to the desire to reduce, in accordance with public policy, excessive or compulsive gambling and the level of participation in gambling in the State, prescribe days or hours, or both, during which a licensee of an in-person gambling licence may not open a premises in respect of which the licence is held. 20

(2) *Subsection (1)* shall not apply to a betting office during a period the office is permitted to open for business in accordance with regulations made under—

(a) subsection (1)(b)(iii) of section 32D of the Act of 1958 by reference to subsection (2)(b) of that section, or 25

(b) subsection (1)(e)(iii) of section 53 of the Act of 1994 by reference to subsection (2)(b) of that section.

(3) Subject to *subsection (2)*, a licensee of an in-person gambling licence shall not open a premises in respect of which an in-person gambling licence is held during such days or hours as stand prescribed under *subsection (1)*. 30

(4) The Authority may by regulations prohibit the sale, by a licensee of an in-person gambling licence, on premises in respect of which the licence is held, of any matter specified in the regulations where the Authority considers that the sale of the matter on the premises would entice persons to engage in relevant gambling activities.

(5) A person who contravenes *subsection (3)* or regulations made under *subsection (4)* is guilty of an offence and is liable— 35

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation in relation to children on premises

177. (1) A licensee of an in-person gambling licence shall not permit a child to enter on a premises in which a relevant gambling activity is or may be provided pursuant to the licence concerned unless the licence concerned specifies, in accordance with *section 114(2)* or *115(3)*, that children are permitted on the premises.

(2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 8 years, or both.

(3) It shall be a defence to proceedings for an offence under this section for the defendant to prove that he or she was reasonably mistaken that, at the time of the alleged commission of the offence, the child in respect of whom the offence is alleged to have been committed had attained the age of 18 years.

(4) Where in proceedings for an offence under this section it falls to the court to consider whether the defendant was reasonably mistaken that, at the time of the alleged commission of the offence, the child in respect of whom the offence is alleged to have been committed had attained the age of 18 years, the court shall consider whether, in all the circumstances of the case, a reasonable person would have concluded that the child had attained that age.

(5) The standard of proof required to prove the defendant was reasonably mistaken that a child had attained the age of 18 years shall be that applicable to civil proceedings.

Obligation in relation to withdrawal of cash on premises

178. (1) A licensee of an in-person gambling licence shall not permit an automated teller machine on a premises where a relevant gambling activity is or may be provided pursuant to the gambling licence concerned unless the licence specifies, in accordance with *section 114(2)* or *115(3)*, that it is permitted.

(2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

PART 7

COMPLAINTS

Definition (*Part 7*)

179. In this Part, "complainant" means a person who makes a complaint under *section 180*.

Complaints about licensees 5

180. (1) A person may make a complaint to the Authority in relation to an alleged contravention by a licensee of a relevant obligation.

(2) A complaint under *subsection (1)* shall, subject to *subsection (3)*, be in writing.

(3) The Authority may, where it considers it appropriate to do so, accept a complaint that is not in writing and where it does so shall, as soon as practicable— 10

(a) reduce the complaint to writing, and

(b) seek confirmation from the person who made the complaint, in such form and manner as the Authority considers appropriate, that the written record of that complaint is a true and accurate record.

(4) A complaint shall be made to the Authority under *subsection (1)* not more than 12 months after the date of the alleged contravention concerned. 15

(5) The Authority may extend the period referred to in *subsection (4)* if the Authority is satisfied that it is appropriate and would not cause an injustice to the licensee in respect of whom the complaint concerned is made.

(6) Where the Authority receives a complaint under *subsection (1)*, it may dismiss the complaint if it considers that the complaint— 20

(a) is frivolous or vexatious,

(b) was not made in good faith, or

(c) is the same or substantially the same as a complaint which was previously—

(i) considered by the Authority under this Part, 25

(ii) the subject of a notice of non-compliance,

(iii) the subject of a directed investigation, or

(iv) the subject of civil proceedings or criminal proceedings in respect of which a final determination of the issues has been made by a court in favour of the licensee concerned. 30

(7) The Authority may request a complainant to provide further particulars in writing in respect of the complaint within such reasonable period as is specified by the Authority.

(8) Where the Authority does not dismiss a complaint under *subsection (6)*, it shall, having considered the complaint and any further particulars received upon request under *subsection (7)*, do one or more of the following: 35

(a) where it is of the opinion that a licensee has contravened or is contravening a relevant obligation, proceed in accordance with *section 190*;

(b) take such other action in respect of the complaint as the Authority considers appropriate;

(c) take no further action in respect of the complaint. 5

(9) The Authority shall, as soon as practicable after making a decision to dismiss a complaint under *subsection (6)* or take any action referred to in *subsection (8)*, give notice in writing to the complainant and to the licensee concerned of the decision and the reasons for that decision.

(10) Where a complaint made in accordance with this section is withdrawn by the complainant or abandoned for any reason, including by reason of the death of the complainant, the Authority may proceed as if the complaint had not been withdrawn or abandoned if it is satisfied that there is good and sufficient reason for doing so. 10

Regulations regarding complaints

181. (1) The Authority may make regulations to ensure the effective operation of this Part. 15

(2) The Authority shall, in making regulations under this section, have as an objective that the manner in which complaints may be made, and the procedures to be followed by the complainant, the licensee concerned and the Authority are as informal as is consistent with the principles of fair procedures and that undue expense is not incurred by the complainant or the licensee concerned in relation to the complaint. 20

PART 8

Compliance with and enforcement of relevant obligations of licensees

Chapter 1

Preliminary and general

Interpretation (*Part 8*) 25

182. In this Part—

"adjudication" means the process undertaken under *Chapter 6* to decide—

(a) whether there has been a contravention of a relevant obligation by a licensee, and

(b) where there has been a contravention, whether to impose an administrative sanction (within the meaning of that Chapter) on the licensee concerned in respect of that contravention; 30

"investigation report" has the meaning assigned to it by *section 196(5)*;

"place" includes—

(a) a dwelling,

(b) a building, 35

(c) any other premises, and

(d) a vehicle, vessel, aircraft or any other means of transport;

"relevant equipment" means any electronic, photographic, magnetic, optical or other equipment, including a computer, which may be used for processing or holding relevant material; 5

"relevant material" means any record or information relating to a gambling activity.

Privileged legal material

183. (1) Subject to *subsections (2)* and *(3)*, nothing in this Part shall compel the disclosure by a person or authorise the taking from a person, of a record which the person is entitled to refuse to produce on the grounds of legal professional privilege (in this section 10 referred to as "privileged legal material").

(2) Privileged legal material may be taken from a person referred to in *subsection (1)* where the material is freely provided by the person.

(3) Notwithstanding that it is apprehended that a record is privileged legal material, an authorised officer or an adjudication officer, as the case may be, may, in accordance 15 with this Act, compel the disclosure of the record or take possession of the record provided that the privilege asserted can be maintained (as against the person compelling such disclosure or taking such possession) pending the determination by the High Court of an application made under *subsection (4)* or *(6)* as to whether the record is privileged legal material. 20

(4) Subject to *subsection (5)*, a person who has compelled the disclosure of a record or taken possession of a record in accordance with *subsection (2)* shall, on notice to the person who is compelled to disclose, or surrender possession of, the record concerned, apply to the High Court not later than 30 days from the date of the disclosure or the taking of possession for a determination as to whether the record is 25 privileged legal material.

(5) A person shall not make an application under *subsection (4)* where, before the application is made, an application has been made under *subsection (6)*.

(6) A person who, in accordance with *subsection (3)*, is compelled to disclose, or surrender possession of, a record may, on notice to the person who compelled the 30 disclosure or has taken possession of the record concerned, apply to the High Court for a determination as to whether the record is privileged legal material.

(7) Pending the making of a final determination of an application made under *subsection (4)* or *(6)*, the High Court may give such directions or make such orders as it considers appropriate including, without prejudice to the generality of the 35 foregoing, in relation to—

(a) the preservation of the record in a safe and secure place in a manner specified by the High Court,

(b) the appointment of a person with suitable legal qualifications possessing the level of experience, and the independence from any interest falling to be determined 40 between the parties concerned, that the court considers to be appropriate for the purpose of—

(i) examining the record, and

(ii) preparing a report for the High Court with a view to assisting or facilitating it in the making of a determination as to whether the record is privileged legal material.

(8) An application under *subsection (4)* or *(6)*, or any related proceedings under which directions or orders referred to in *subsection (7)* are sought, may, if the High Court so directs, be heard otherwise than in public. 5

CHAPTER 2

Authorised officers

Appointment of authorised officers 10

184. (1) The Authority may appoint in writing such and so many members of its staff, and such and so many other persons who, in the opinion of the Authority, have the expertise or experience necessary, to be authorised officers for the purposes of this Act.

(2) The Authority may revoke in writing an appointment made by it under *subsection (1)*.

(3) An authorised officer shall be furnished with a warrant of his or her appointment by the Authority and shall, when exercising a power conferred by this Act, produce the warrant or a copy of the warrant, together with a form of personal identification, for inspection if requested to do so by any person affected. 15

(4) The appointment of a person under *subsection (1)* shall cease where—

(a) it is revoked under *subsection (2)*, 20

(b) it is for a fixed period and the period expires,

(c) the person was appointed on the basis that he or she was a member of the staff of the Authority, on that person ceasing to be a member of its staff, or

(d) the person resigns from the appointment.

(5) Nothing in *subsection (4)* shall be construed so as to prevent the Authority from reappointing as an authorised officer a person to whom that subsection applied. 25

(6) An authorised officer shall be appointed for such period, and subject to such terms (including terms as to remuneration and allowances for expenses (if any)), as the Authority may, with the approval of the Minister given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine. 30

Powers of authorised officers

185. (1) For the purposes of this Act, an authorised officer may do any of the following:

(a) subject to *subsection (4)*, enter, if necessary by the use of reasonable force, at any reasonable time, any place where the authorised officer has reasonable grounds for believing that— 35

(i) a gambling activity has taken place, is taking place or is intended to take place,

(ii) relevant material is being kept, or

(iii) gambling products are being kept;

(b) search the place and inspect any relevant material, relevant equipment or gambling products found there;

(c) require any person at the place to produce to him or her any relevant material which is in that person's possession or power to procure and to produce the relevant material, where necessary, in a form in which it can be taken away from the place and in which it is, or can be made, legible and comprehensible, and to give to the authorised officer such information as he or she may reasonably require in relation to such relevant material;

(d) where relevant material is not within a person's possession or power to procure in accordance with *paragraph (c)*, require the person at the place to state, to the best of that person's knowledge and belief, where the material is or from whom it may be obtained;

(e) operate any relevant equipment at the place or cause it to be operated by a person accompanying the authorised officer;

(f) require any person at the place, who appears to the authorised officer to be in a position to facilitate access to the relevant material stored in any relevant equipment or which can be accessed by the use of that relevant equipment, to give the authorised officer all reasonable assistance in relation to the operation of the relevant equipment or access to the relevant material stored in it, including—

(i) providing the relevant material to the authorised officer in a form in which the material can be taken away from the place and in which the material is, or can be made, legible and comprehensible,

(ii) giving to the authorised officer any password necessary to make the relevant material concerned legible and comprehensible, or

(iii) otherwise enabling the authorised officer to examine the relevant material in a form in which the material is legible and comprehensible;

(g) make copies of any relevant material (including, in the case of material in a non-legible form, a copy of such material in a permanent legible form);

(h) remove relevant material from the place and retain it for such period as the authorised officer reasonably considers necessary for the purposes of the performance of his or her functions;

(i) require any person at the place who has relevant material or relevant equipment in his or her possession or power to procure to retain the material or maintain the equipment for such period as the authorised officer reasonably considers necessary;

(j) secure for later inspection, for such period as the authorised officer reasonably considers necessary for the performance of his or her functions—

(i) any relevant material provided in accordance with *paragraph (c)* or otherwise found at the place,

(ii) any relevant equipment or gambling product found at the place, or

(iii) any such place, or part thereof, in which the authorised officer has reasonable grounds for believing that relevant material, relevant equipment, or gambling products is or are being kept;

(k) require any person at the place concerned to give the authorised officer such information and assistance as he or she may reasonably require for the purposes of his or her functions under this Act;

(l) require any person at the place concerned to produce for inspection a gambling licence which is within that person's possession or power to procure.

(2) An authorised officer may specify that a requirement under *paragraph (c)*, *(d)*, *(k)* or *(l)* of *subsection (1)* be complied with within such reasonable period as he or she may determine.

(3) When performing a function under this Act, an authorised officer may, subject to the terms of any warrant issued under *section 186*, be accompanied by such number of other authorised officers, members of An Garda Síochána or such other competent persons as he or she considers appropriate in the circumstances of the case.

(4) An authorised officer shall not enter a dwelling, other than—

(a) with the consent of the occupier, or

(b) in accordance with a warrant issued under *section 186*.

(5) An authorised officer may require a person to provide his or her name and address where the authorised officer has reasonable grounds for believing that—

(a) the person has committed an offence under this Act, or

(b) such information is required for the purpose of applying for a warrant under *section 186*.

(6) An authorised officer may, for the purposes of carrying out a directed investigation—

(a) require a person to provide relevant material to the authorised officer where the authorised officer is of the opinion that the person has relevant material in his or her possession or power to procure which is relevant to the directed investigation, and

(b) where the authorised officer thinks fit, require that person to attend before the authorised officer for the purpose of providing that relevant material.

(7) A person who is the subject of a requirement under *subsection (6)* shall comply with the requirement.

(8) An authorised officer who requires a person under *subsection (6)* to provide relevant material to the authorised officer shall specify—

(a) the period within which, or a date and time on which, the person concerned is to comply with the requirement, and

(b) where the authorised officer thinks fit, the place at which the person shall attend to give the relevant material concerned or to which the person shall send or deliver that material.

(9) A person required to attend before an authorised officer under *subsection (b)* shall—

(a) answer fully and truthfully any question put to the person by the authorised officer, and

(b) if so required by the authorised officer, answer any such question under oath.

(10) Where it appears to an authorised officer that a person has failed to comply with a requirement under *subsection (1)*, *(6)* or *(9)*, the authorised officer may, on notice to that person, and with the consent of the Authority, apply in a summary manner to the District Court for an order under *subsection (11)*.

(11) The District Court may, where it is satisfied on hearing an application made under *subsection (10),* that a person has failed to comply with the requirement specified in the application, make an order requiring the person to comply with that requirement within such period as is specified by the Court.

(12) An application under *subsection (10)* shall be made to a judge of the District Court for the time being assigned to the District Court District within which the person in respect of whom the application is made resides or carries on any profession, trade or business.

(13) A statement or admission made by a person pursuant to a requirement under *subsection (1)*, *(6)* or *(9)* shall not be admissible as evidence in proceedings against the person for an offence (other than an offence under *subsection (15)*), and this shall be explained to the person in ordinary language by the authorised officer concerned.

(14) Where, in the course of exercising a power under this Act, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence relating to the commission of an offence under this Act, the officer may seize and retain it for use in evidence.

(15) A person is guilty of an offence where he or she—

(a) withholds, destroys, conceals or refuses to provide relevant equipment or relevant material—

(i) required for the purposes of a directed investigation,

(ii) which the person concerned has been required by an authorised officer under this section to produce, or

(iii) which the person concerned may reasonably expect to be required by an authorised officer under this section to produce,

(b) in purported compliance with a requirement under this section, gives to an authorised officer relevant material which the person knows to be false or misleading in a material respect,

(c) fails or refuses to comply with a requirement of an authorised officer under this section, or

(d) otherwise obstructs or impedes an authorised officer in the performance of his or her functions under this Act.

(16) A person guilty of an offence under *subsection (15)* is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Search warrants

186. (1) Where a judge of the District Court is satisfied, on the sworn information of an authorised officer, that there are reasonable grounds for believing that, at a dwelling—

(a) a gambling activity has taken place, is taking place or is intended to take place,

(b) relevant material is being kept, or

(c) gambling products are being kept,

the judge may issue a warrant authorising the authorised officer accompanied by such other authorised officers, members of An Garda Síochána or such other competent persons as may be necessary, at any time or times within the period of validity of the warrant, on production, if so required, of the warrant, to enter that dwelling, if necessary by the use of reasonable force, and to exercise the powers conferred on an authorised officer by *section 185*.

(2) The period of validity of a warrant issued under this section shall be 28 days from the date of its issue but that period of validity may be extended in accordance with *subsections (3)* and *(4)*.

(3) An authorised officer may, during the period of validity of a warrant (including such period as previously extended under *subsection (4)*), apply to a judge of the District Court for an order extending the period of validity of the warrant and such an application shall be grounded upon information on oath laid by the authorised officer stating, by reference to the purpose or purposes for which the warrant was issued, the reasons why the authorised officer considers the extension to be necessary.

(4) Where, on the making of an application under *subsection (3)*, the judge of the District Court is satisfied that there are reasonable grounds for believing, having regard to that information so laid, that further time is needed so that the purpose or purposes for which the warrant was issued can be fulfilled, the judge may make an order extending the period of validity of the warrant by such period as, in the opinion of the judge, is appropriate and just, and where such an order is made, the judge shall cause the warrant to be suitably endorsed to indicate its extended period of validity.

(5) Nothing in the preceding subsections prevents a judge of the District Court from issuing, on foot of a fresh application made under *subsection (1)*, a further search warrant under this section in relation to the same dwelling.

Data sharing: Act of 1958 and Act of 1994

187. (1) Subject to *subsection (2)*, a relevant person shall, for the purposes of enabling an authorised officer to perform his or her functions under this Act, on being requested in writing by an authorised officer to do so, give the authorised officer a copy of any books, accounts or other documents or records that the relevant person has obtained while performing his or her functions under the Act of 1958 or the Act of 1994, as the case may be.

(2) Subject to the Data Protection Regulation and the Act of 2018, a relevant person and an authorised officer may, for the purposes set out in *subsection (1)*, process personal data contained in a copy of any books, accounts or other documents or records referred to in that subsection.

(3) In this section, "a relevant person" means—

(a) an authorised officer under the Act of 1958,

(b) an authorised officer under the Act of 1994, or

(c) an officer of customs and excise performing functions under the Act of 1994.

CHAPTER 3

Compliance with relevant obligations: general

Obligation on licensees to furnish compliance report and information and documentation

188. (1) The Authority shall, by notice in writing and at such intervals as it considers appropriate, request licensees to provide the Authority with a report (in this section referred to as a "compliance report") for the purposes of enabling the Authority to confirm that licensees have complied or are complying with their relevant obligations.

(2) A notice under *subsection (1)* shall specify—

(a) subject to *subsection (3)(a)*, the information to be provided by licensees in the compliance report, and

(b) the form and manner in which the report shall be provided.

(3) The Authority may, for the purposes of *subsection (1)*—

(a) by reference to the type of gambling licence held by licensees or the type of relevant gambling activities, or relevant gambling products or relevant gambling related services, provided by licensees, or both, specify different information to be provided by licensees or different intervals at which a report is to be provided by licensees, or both, and

(b) make a request to licensees under that subsection by reference to the date of issue of a gambling licence to licensees.

(4) A licensee shall comply with a request under *subsection (1)* within a period of 14 days of the date of the notice under that subsection or within such further period as may be agreed in writing between the Authority and the licensee concerned.

(5) Without prejudice to *subsection (1)*, the Authority may at any time, by notice in writing, request a licensee to provide the Authority with information and documentation relating to the licensee's compliance with a relevant obligation.

(6) A notice under *subsection (5)* shall specify—

(a) the information and documentation to be provided,

(b) the form and manner in which the information and documentation is to be provided, and

(c) the period within which the information and documentation are be provided.

(7) A licensee shall comply with a request under *subsection (5)* within the period specified in the notice or within such further period as may be agreed in writing between the Authority and the licensee concerned.

Application to District Court to compel production of information and documentation

189. (1) This section is without prejudice to any action the Authority may take under *section 190* in relation to a failure of a licensee to comply with a request under *section 188*.

(2) The Authority may, on notice to a licensee, apply to the District Court for an order under *subsection (3)* where it appears to the Authority that the licensee has failed to comply with a request under *section 188* within the period specified in a notice under that section or, if applicable, within such further period as has been agreed in writing between the Authority and the licensee concerned under that section.

(3) The District Court may, on hearing an application under *subsection (2)*, where it is satisfied that the licensee concerned has failed to comply with the request concerned, make an order directing the licensee, within such period as is specified in the order, to comply with the request.

Action by Authority in relation to alleged contravention of relevant obligation

190. (1) Where the Authority is of the opinion that a licensee has contravened or is contravening a relevant obligation, the Authority may, having regard to the matters set out in *subsection (2)*—

(a) enter into an agreement with the licensee in accordance with *section 191*,

(b) proceed to deal with the alleged contravention under *Chapter 4,* or

(c) carry out a directed investigation in accordance with *Chapter 5*.

(2) In determining whether to proceed in accordance with *paragraph (a)*, *(b)* or *(c)* of *subsection (1),* the Authority shall have regard to the following matters:

(a) the nature and gravity of the alleged contravention;

(b) the duration of the alleged contravention;

(c) whether the objective of the exercise of the power is primarily to deter others;

(d) whether the objective of the exercise of the power is primarily to achieve compliance;

(e) the damage which may be caused by the alleged contravention;

(f) how easily such damage may be repaired;

(g) any gain made or loss avoided by the licensee or any connected person through the alleged contravention;

(h) any previous notice of non-compliance issued to the licensee, any previous condition, suspension or revocation of a licence of that licensee under that Chapter, any sanction imposed on the licensee previously under *Chapter 6* and any conviction of the licensee for an offence under this Act.

(3) In this section—

"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"civil partner" has the same meaning as it has in the Act of 2010;

"cohabitant" means a cohabitant within the meaning of section 172(1) of the Act of 2010;

"connected person" means, in relation to a person—

(a) a connected relative of the person,

(b) a company or other body corporate of which the person is a member or a connected relative of the person, or a nominee of either of them, is a member,

(c) a partnership in which the person or a connected relative of the person is a partner, or

(d) an employer of the person or of a connected relative of the person;

"connected relative" means, in relation to a person—

(a) the person's spouse or the civil partner or cohabitant of the person, or

(b) a parent, brother, sister or child of—

(i) the person, or

(ii) the person's spouse or the civil partner or cohabitant of the person;

"nominee" means a person named to act as the agent or representative of another person.

Power of Authority to enter agreement with a licensee in respect of alleged contravention of relevant obligation

191. (1) The Authority may, in accordance with *section 190(1)(a)* or *197(2)(d)*, enter into an agreement in writing with a licensee setting out the steps which the licensee agrees to take, and the period within which those steps shall be taken, to comply with a relevant obligation.

(2) Where a licensee fails to comply with an agreement referred to in *subsection (1)*, the Circuit Court may, on application to it by the Authority, make an order directing the licensee to comply with the agreement.

Notice to licensee: contravention of relevant obligation

192. Where the Authority has made a decision under *section 190(1)(b)*, the Authority may, by notice in writing to the licensee—

(a) specify the relevant obligation in respect of which the decision is made,

(b) require the licensee to comply with the relevant obligation,

(c) invite the licensee, where that licensee is of the view that there has been or is no contravention of a relevant obligation, to set out the reasons for that view within the period specified in the notice,

(d) state that a notice of non-compliance shall issue where the licensee—

(i) has contravened or is contravening the relevant obligation, or

(ii) fails to give reasons, satisfactory to the Authority, within the period specified in the notice, as to why the licensee is of the view that there has been or is no contravention of the relevant obligation,

and

(e) state the terms of *section 193(2)(b)* and *(4)*.

Notice of non-compliance

193. (1) The Authority shall issue a notice (in this Act referred to as a "notice of non-compliance") to a licensee where—

(a) a notice has issued to the licensee under *section 192* or the Authority has made a decision under *section 197(2)(c)*, and

(b) it is satisfied that the licensee has contravened or is contravening the relevant obligation the subject of that notice or decision.

(2) A notice of non-compliance shall—

(a) state that the Authority is satisfied that the licensee has contravened or is contravening a relevant obligation and state the reasons for being so satisfied,

(b) where the Authority considers that the contravention referred to in *paragraph (a)* so merits—

(i) contain an advice, caution, warning or reprimand to the licensee concerned in respect of that contravention, or

(ii) specify one or more than one condition, to address and mitigate that contravention, that will apply to the gambling licence to which that contravention relates,

(c) state that the licensee is entitled to appeal, in accordance with *Part 9*, against the finding of the Authority that the licensee has contravened or is contravening a

relevant obligation and, where *paragraph (b)* applies, against the advice, caution, warning or reprimand or any condition specified, as the case may be, and

(d) state the period within which such an appeal may be brought in accordance with *Part 9*.

(3) A condition specified under *subsection (2)(b)(ii)* shall take effect— 5

(a) where the period for bringing an appeal under *Part 9* against the decision to impose a condition has expired and no appeal has been made, on the expiration of that period, or

(b) where an appeal has been made in accordance with *Part 9*, when the appeal in relation to the imposition of the condition has not been allowed. 10

(4) The Authority may, where a notice of non-compliance does not contain an advice, caution, warning, reprimand or condition referred to in *subsection (2)(b)*, apply to the Circuit Court under *section 194* for suspension or revocation of the gambling licence to which the contravention relates, on the later of the following—

(a) where the period for bringing an appeal against the notice of compliance referred to in *subsection (2)(d)* has expired and no appeal has been made, on the expiration of that period, or 15

(b) where an appeal has been made in accordance with *Part 9*, after the appeal has not been allowed.

Suspension or revocation of licence following notice of non-compliance 20

194. (1) The Authority may, in accordance with *section 193(4)*, apply to the Circuit Court for an order that the licensee's gambling licence, to which the contravention referred to in the notice of non-compliance relates,—

(a) be suspended, or

(b) be revoked. 25

(2) An application to the Circuit Court under *subsection (1)* shall be brought—

(a) where the licensee resides in the State, in the circuit where the licensee ordinarily resides or carries on a profession, trade or business, and

(b) in all other cases, to the Dublin Circuit Court.

(3) An application under *subsection (1)* shall be on notice to the licensee concerned and the licensee shall be entitled to appear, be heard and adduce evidence at the hearing of the application. 30

(4) The Circuit Court may, having regard to the nature of the relevant obligation and the circumstances in which the notice of non-compliance was issued—

(a) grant the application and direct the Authority to— 35

(i) suspend the gambling licence concerned for such period as is specified in the order, or

(ii) revoke the gambling licence concerned,

or

(b) refuse the application.

Chapter 5

Directed investigation

Power to direct investigation

195. (1) Where the Authority makes a decision under *section 190(1)(c)*, it may direct an authorised officer to carry out an investigation (in this Act referred to as a "directed investigation") to ascertain whether a licensee has contravened or is contravening a relevant obligation.

(2) The Authority may define the scope and terms of the directed investigation, whether as respects the matters under consideration or the period to which the directed investigation is to extend or otherwise and may, in particular, limit the directed investigation to matters connected to particular circumstances.

(3) The Authority may, at any stage prior to the completion of a directed investigation, amend the scope and terms of that investigation.

Report of authorised officer

196. (1) As soon as is practicable after completing a directed investigation, an authorised officer shall prepare a draft report of the directed investigation.

(2) The draft report of the directed investigation shall include—

(a) the scope and terms of the directed investigation as defined under *subsection (2)* of *section 195* or, if applicable, as amended under *subsection (3)* of that section,

(b) the steps taken by the authorised officer as part of the directed investigation,

(c) any findings made by the authorised officer in relation to the directed investigation, and

(d) details of any failure by the licensee concerned to co-operate with the authorised officer during the directed investigation.

(3) An authorised officer shall, as soon as is practicable after preparing the draft report of the directed investigation, give the licensee concerned—

(a) a copy of the draft report, and

(b) a notice in writing stating that the licensee may, within the period of 14 days from the date specified in the notice, make submissions in writing to the authorised officer in relation to the draft report.

(4) An authorised officer may, on the request of the licensee concerned, agree in writing to extend the period within which the licensee may make submissions under *subsection (3)(b)*.

(5) The authorised officer shall, as soon as is practicable after the expiration of the period referred to in *subsection (3)(b)*, or where the period is extended under *subsection (4)*,

that period as so extended, and having considered the submissions (if any) made within that period, make such revisions (if any) to the draft report of the directed investigation that, in the opinion of the authorised officer, are warranted, and prepare a final report (in this Part referred to as the "investigation report").

(6) An authorised officer shall not make any recommendation, or express any opinion, in a draft report under *subsection (1)* or in an investigation report on any action the Authority should take under *section 197*.

(7) An authorised officer shall, as soon as is practicable after the preparation of the investigation report, provide a copy of—

(a) the investigation report to the licensee concerned, and

(b) the investigation report and any submissions made under *subsection (3)(b)* to the Authority.

Action by Authority after consideration of investigation report

197. (1) The Authority shall, as soon as practicable after the provision of the investigation report and any submissions under *section 196(7)(b)*, consider the report and submissions.

(2) The Authority may, following its consideration of the investigation report and any submissions under *subsection (1)*, decide—

(a) where it considers it necessary, to direct an authorised officer to conduct a further directed investigation in accordance with this Chapter,

(b) to refer the investigation report to the chief adjudication officer for the purposes of conducting an adjudication,

(c) to proceed to deal with the matter by way of a notice of non-compliance,

(d) to enter into an agreement with the licensee concerned under *section 191*, or

(e) to take no further action.

Chapter 6

Adjudication and decisions on adjudication

Definitions (*Chapter 6*)

198. In this Chapter—

"administrative sanction" means, subject to *section 201*, one or more of the following:

(a) a financial penalty;

(b) the suspension of the gambling licence in relation to which a contravention of a relevant obligation has occurred;

(c) the revocation of the gambling licence in relation to which a contravention of a relevant obligation has occurred;

(d) the imposition of a condition on the gambling licence in relation to which a contravention of a relevant obligation has occurred;

"appropriate court" means—

(a) where no financial penalty is imposed under *section 203(12)* or where the amount of a penalty imposed does not exceed €75,000 or such other sum as stands specified in law as that court's jurisdiction in tort, the Circuit Court, or

(b) in any other case, the High Court;

"decision as to contravention" has the meaning assigned to it in *section 203(4)*;

"oral hearing" shall be construed in accordance with *section 211*;

"proceedings before an adjudication officer" means any process, including an oral hearing, by which an adjudication officer considers submissions, information, documentation, records or other evidence provided to the officer for the purpose of an adjudication under this Chapter.

Adjudication by adjudication officers or panel

199. (1) Subject to *subsection (2)*, where an investigation report is referred by the Authority under *section 197(2)(b)*, the chief adjudication officer shall assign an adjudication officer to conduct an adjudication in relation to the alleged contravention of a relevant obligation to which that investigation report relates.

(2) The chief adjudication officer may direct that adjudication officers sit as a panel to perform an adjudication, in an uneven number of 3 or more, and where he or she so directs, a reference in this Act to an adjudication officer shall be construed as a reference to a panel of adjudication officers.

(3) The chief adjudication officer shall determine the procedures to apply where a panel of adjudication officers is conducting an adjudication.

Imposition of financial penalty and criminal proceedings

200. Where a financial penalty is imposed on a licensee in accordance with this Chapter in respect of a contravention of a relevant obligation and the contravention of the relevant obligation is an offence under a law of the State, the licensee concerned is not liable to be prosecuted or punished for the offence under that law.

Administrative sanction: suspension or revocation of gambling licence or imposition of condition on gambling licence

201. In imposing an administrative sanction, an adjudication officer under *subsection (12)*, *(14)* or *(15)* of *section 203*, an appropriate court under *paragraph (b)(iii)* or *paragraph (c)(iii)* of *section 207(7)* or the Circuit Court under *section 208(7)(c)* may, where the adjudication officer or the court, as the case may be, is of the view that the contravention of a relevant obligation by a licensee is sufficiently serious, suspend or revoke or impose a condition on—

(a) the gambling licence in relation to which a contravention of a relevant obligation has occurred, and

(b) any other gambling licence, not being the gambling licence referred to in *paragraph (a)*, held by the licensee.

Action by adjudication officer after assignment to conduct adjudication

202. (1) An adjudication officer to whom an adjudication is assigned under *section 199(1)* shall, as soon as practicable after such assignment, give the licensee concerned—

(a) a copy of this section, and

(b) a notice in writing stating that the licensee may make submissions in writing, within the period specified in the notice, to the adjudication officer on the investigation report to which that adjudication relates.

(2) Submissions may be made under *paragraph (b)* of *subsection (1)* within the period specified in the notice given under that paragraph or within such further period, not exceeding 15 days, as the adjudication officer may agree in writing with the licensee concerned.

(3) An adjudication officer may, where he or she considers necessary or appropriate for the purposes of resolving an issue of fact or otherwise enabling the adjudication officer to make a decision under *section 203(1)* or to impose an administrative sanction under *section 203(12)*, do any of the following:

(a) issue a direction under *section 210*;

(b) request, by notice in writing, from either the licensee or the Authority, or both, further information or documentation, or both, to be provided within such period as is specified in the notice;

(c) request, by notice in writing, from any other person (not being the licensee or the Authority) information or documentation, or both, to be provided within such period as is specified in the notice, and the adjudication officer may, where necessary for the purposes of the request, provide, with due regard for commercial confidentiality, a copy of the investigation report to that other person;

(d) conduct an oral hearing.

(4) As soon as practicable after making a request under *subsection (3)(c)*, the adjudication officer shall, with due regard for commercial confidentiality, give to the Authority and the licensee concerned a copy of the request.

(5) As soon as practicable after receiving information or documentation pursuant to a request under *subsection (3)(c)*, the adjudication officer shall, with due regard for commercial confidentiality, give the Authority and the licensee concerned—

(a) a copy of the information or documentation or, where by reason of commercial confidentiality such information or documentation cannot be provided in full, a summary of such information or documentation received from the person to whom the request was made, and

(b) a notice in writing stating that the Authority and the licensee may make submissions in writing, within the period specified in the notice, to the adjudication officer on the information or documentation.

(6) Submissions may be made under *paragraph (b)* of *subsection (5)* within the period specified in the notice given under that paragraph or within such further period, not exceeding 10 days, as the adjudication officer may agree in writing with the Authority or licensee, as the case may be.

(7) A person who receives a copy of an investigation report under *subsection (3)(c)* shall not, without the prior consent in writing of the adjudication officer concerned, disclose the existence or the content of the investigation report to any other person.

(8) A person who contravenes *subsection (7)* is guilty of an offence and is liable, on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both.

Decision as to contravention and imposition of administrative sanction

203. (1) Subject to *subsection (13)*, an adjudication officer shall decide whether, on the balance of probabilities, a licensee has contravened or is contravening a relevant obligation having considered—

(a) the investigation report and submissions (if any) made by the licensee in accordance with *section 202(2)*,

(b) any further information or documentation provided by a licensee or the Authority pursuant to a request for further information under *section 202(3)(b)*,

(c) any information or documentation provided by a person pursuant to a request for information under *section 202(3)(c)* and any submissions made by the Authority or the licensee in accordance with *section 202(6)*, and

(d) any submissions, information, documentation, records or other evidence provided in proceedings before an adjudication officer.

(2) Where an adjudication officer makes a decision under *subsection (1)* that a licensee has not contravened or is not contravening a relevant obligation, the adjudication officer shall, as soon as practicable after making the decision, send the Authority a copy of that decision.

(3) The Authority shall, as soon as practicable after receiving a copy of a decision referred to in *subsection (2)*, give notice in writing of the decision to the licensee concerned.

(4) Where an adjudication officer makes a decision (in this Chapter referred to as a "decision as to contravention") under *subsection (1)* that a licensee has contravened or is contravening a relevant obligation, the adjudication officer shall—

(a) where he or she is not imposing an administrative sanction under *subsection (12)* in respect of a decision as to contravention, by notice in writing inform the Authority of the decision as to contravention, the reasons for that decision and that he or she is not imposing an administrative sanction, or

(b) where he or she proposes to impose an administrative sanction under *subsection (12)* in respect of a decision as to contravention, send a notice in accordance with *subsection (7)*.

(5) Where *subsection (4)(a)* applies, the Authority shall send a copy of the notice under that subsection to the licensee concerned within 7 days of receipt of the notice and shall, at the same time, by notice in writing—

(a) require the licensee to comply with the relevant obligation in respect of which the decision as to contravention relates,

(b) state that the licensee is entitled to appeal, in accordance with *section 207*, against the decision as to contravention and state the period within which such an appeal may be made in accordance with that section, and

(c) state that where the licensee does not bring an appeal under *section 207*, the Authority shall, as soon as is practicable after the expiration of the period for making an appeal under that section, make an application under *section 208* in a summary manner for confirmation of the decision as to contravention.

(6) The Authority shall, in accordance with *subsection (5)(c)*, where no appeal is made by the licensee concerned under *section 207* within the period allowed for making the appeal, apply to the Circuit Court under *section 208* for confirmation of the decision as to contravention.

(7) Where *subsection (4)(b)* applies, the adjudication officer shall send a notice in writing to the Authority and the licensee concerned—

(a) informing the Authority and the licensee of the adjudication officer's decision as to contravention and the reasons for that decision,

(b) stating the intention of the adjudication officer to impose an administrative sanction under *subsection (12)* and the sanction proposed, and, where the sanction proposed is a financial penalty, the amount of the financial penalty proposed, and

(c) stating that—

(i) the Authority may make submissions in writing to the adjudication officer, within the period specified in the notice, in relation to the administrative sanction and, where applicable, on the amount of the financial penalty and the factors to be taken into account in determining the amount of the penalty in accordance with *section 206*, and

(ii) the licensee may make submissions in writing in accordance with *subsection (10)*.

(8) Submissions may be made by the Authority under *subsection (7)(c)(i)* within the period specified in the notice under that subsection or, where the adjudication officer is satisfied there are good reasons to do so, within such further period, not exceeding 10 days, as he or she may agree in writing with the Authority.

(9) An adjudication officer shall give the licensee concerned a copy of any submissions made by the Authority in accordance with *subsection (8)*.

(10) An adjudication officer shall, by notice in writing, state that the licensee concerned may, within the period specified in the notice, make submissions in writing to the adjudication officer—

(a) where no submissions are received from the Authority in accordance with *subsection (8)*, in relation to the matters referred to in *subsection (7)(c)*, or

(b) where submissions are received from the Authority in accordance with *subsection (8)*, in relation to the matters referred to in *subsection (7)(c)* and those submissions.

(11) Submissions may be made by a licensee under *subsection (10)* within the period specified in the notice under that subsection or, where the adjudication officer is satisfied there are good reasons to do so, within such further period, not exceeding 10 days, as he or she may agree in writing with the licensee concerned.

(12) Subject to *subsection (13)*, where an adjudication officer makes a decision as to contravention, he or she may impose an administrative sanction—

(a) having considered the matters referred to in *paragraphs (a)* to *(d)* of *subsection (1)* and any submissions made in accordance with *subsections (8)* and *(11)* by the Authority and the licensee concerned, and

(b) where the sanction being imposed is a financial penalty, in accordance with *section 206*.

(13) A decision as to contravention and an administrative sanction in relation to that contravention shall take effect in accordance with *section 205*.

(14) Where an appropriate court remits an administrative sanction under *section 207(7)(b)(iv)*, or on the remittal of an administrative sanction only by an appropriate court under *section 207(7)(c)(iv)* or the Circuit Court under *section 208(7)(d)*, an adjudication officer shall reconsider the administrative sanction and may, following such reconsideration in accordance with any directions of the court concerned, impose a different administrative sanction or no administrative sanction.

(15) Where an appropriate court or the Circuit Court remits both the decision as to contravention and the administrative sanction under *section 207(7)(c)(iv)* or *208(7)(d)*, as the case may be, an adjudication officer shall reconsider both the decision and sanction concerned and may, following such reconsideration in accordance with any directions of the court concerned—

(a) set aside the decision as to contravention and the sanction concerned, or

(b) confirm the decision as to contravention and either confirm the sanction or impose a different administrative sanction or no administrative sanction.

(16) An adjudication officer shall, as soon as practicable after he or she has made a decision under *subsection (14)* or *(15)*, as the case may be, notify the Authority and the licensee concerned in writing of the decision, the reasons for the decision and specify the date from which the decision shall take effect.

Notice of administrative sanction

204. (1) An adjudication officer shall, as soon as practicable after he or she imposes an administrative sanction under *section 203(12)*, send the Authority a notice of the administrative sanction concerned including, where the administrative sanction is a financial penalty, the amount of the financial penalty being imposed.

(2) The Authority shall send a copy of the notice of the administrative sanction referred to in *subsection (1)* to the licensee concerned within 7 days of receipt of the notice and shall, at the same time, by notice in writing state that—

(a) the licensee is required to comply with the relevant obligation in respect of which the decision as to contravention and that sanction relate, 5

(b) the licensee is entitled to appeal, in accordance with *section 207*, against the decision as to contravention and the administrative sanction or against the administrative sanction only and state the period within which such an appeal may be made in accordance with that section, and

(c) where the licensee does not make an appeal under *section 207*, the Authority shall, as soon as is practicable after the expiration of the period for making the appeal under that section, make an application under *section 208* in a summary manner for confirmation of the decision as to contravention and the administrative sanction. 10

(3) The Authority shall, in accordance with *subsection (2)(c)*, where no appeal is made by the licensee concerned under *section 207* within the period allowed for making the appeal, apply to the Circuit Court under *section 208* for confirmation of the decision as to contravention and the administrative sanction. 15

Taking effect of decision as to contravention and taking effect of administrative sanction

205. (1) A decision as to contravention shall take effect— 20

(a) where an appeal against the decision is taken under *section 207*, when the decision is upheld on appeal,

(b) when the decision is confirmed by the Circuit Court in accordance with *section 208*, or

(c) where the decision, having been remitted to an adjudication officer for reconsideration, is confirmed by the officer under *subsection (15)(b)* of *section 203*, on the date specified in the notice under *subsection (16)* of that section. 25

(2) An administrative sanction shall take effect—

(a) where an appeal is taken under *section 207*— 30

(i) when the sanction is confirmed on appeal by the appropriate court under *subsection (7)(b)(i)* or *(7)(c)(i)* of that section or when a different administrative sanction is imposed by the appropriate court under *subsection (7)(b)(iii)* or *(7)(c)(iii)* of that section, or

(ii) where the appropriate court on appeal remits the sanction to an adjudication officer and the sanction is confirmed by the officer under *subsection (15)(b)* of *section 203* or a different administrative sanction is imposed by the officer under *subsection (14)* or *(15)(b)* of that section, on the date specified in the notice under *subsection (16)* of that section, 35

or 40

(b) where an application is made to the Circuit Court under *section 208*—

(i) when the sanction is confirmed by the Court under *subsection (5)* of that section or when a different administrative sanction is imposed by the Court under *subsection (7)(c)* of that section, or

(ii) where the Court remits the sanction to an adjudication officer and the sanction is confirmed by the officer under *subsection (15)(b)* of *section 203* or a different administrative sanction is imposed by the officer under *subsection (14)* or *(15)(b)* of that section, on the date specified in the notice under *subsection (16)* of that section.

(3) Where an administrative sanction takes effect in accordance with *subsection (2)*, the sanction may be enforced by the Authority without the need for any further judgment of a court.

(4) The Authority may recover, as a simple contract debt in any court of competent jurisdiction, any amount due and owing by a licensee as a financial penalty which has taken effect as an administrative sanction in accordance with *subsection (2)*.

(5) Where a licensee fails to comply with an administrative sanction that has taken effect in accordance with *subsection (2)*, the High Court may, on an application to it by the Authority in that behalf—

(a) compel compliance with the administrative sanction imposed, and

(b) grant such injunctive relief (if any) that the Court considers necessary.

(6) The High Court may not require the Authority to give an undertaking as to damages as a condition of granting any injunctive relief under *subsection (5)(b)*.

Limitations on amount of financial penalty imposed as administrative sanction

206. (1) The amount of a financial penalty imposed as an administrative sanction on a licensee under this Chapter shall not exceed €20,000,000, or if greater, 10 per cent of the turnover of the licensee in the financial year preceding the date of the decision as to contravention or in any year in which the act or acts occasioning the administrative sanction occurred.

(2) Regard shall be had to the following matters in determining the amount of the financial penalty to be imposed:

(a) the nature, gravity and duration of the contravention;

(b) the degree of harm to particular people, to consumers or to the public caused as a result of the contravention;

(c) the extent of any failure by the licensee to co-operate with the Authority, an authorised officer or an adjudication officer in the performance of their functions under this Part in so far as it relates to the contravention concerned, provided that acknowledgement of a contravention shall not, of itself, constitute grounds for reduction of the financial penalty;

(d) any gain (financial or otherwise) made, or any loss (financial or otherwise) avoided, by the licensee concerned or by any person in which that licensee has a pecuniary or beneficial interest, as a consequence of the contravention;

(e) whether a previous decision as to contravention and, where applicable, a previous administrative sanction, has taken effect, in accordance with *section 205*, in relation to the same licensee;

(f) the nature, extent and timeliness of any steps taken by the licensee to bring the contravention to an end and any steps taken by the licensee to remedy the consequences of the contravention;

(g) the absence, the ineffectiveness or the repeated failure of internal mechanisms or procedures of the licensee intended to prevent such a contravention;

(h) the extent to which the contravention was contributed to by the act or omission of a third party, and the extent to which the licensee took steps to identify, and mitigate the effect of, the act or omission;

(i) the extent to which the contravention was contributed to by circumstances beyond the control of the licensee, and the extent to which the licensee took steps to identify, and mitigate the effect of, those circumstances;

(j) where applicable, the extent to which a relevant officer or beneficial owner of the licensee knew, or ought to have known, that the contravention was occurring or would occur;

(k) the turnover of the licensee in the financial year or years during which the contravention occurred and the ability of the licensee to pay a financial penalty;

(l) the amount of a financial penalty imposed, which came into effect in accordance with *section 205*, on any other licensee in respect of a similar contravention;

(m) any specific factors, criteria or methodology as may be prescribed by the Minister for the purposes of this subsection.

(3) The amount of a financial penalty imposed shall—

(a) be proportionate to the nature of the contravention,

(b) act as a sufficient incentive to ensure future compliance by the licensee, and other licensees, with relevant obligations, and

(c) be set with a view to deterring the licensee, and other licensees, from contravening relevant obligations.

(4) The amount of a financial penalty imposed as an administrative sanction shall not—

(a) in the case of an individual, be such as would be likely to cause the individual to be unable to pay his or her debts as they fall due, or

(b) in the case of a licensee that is not an individual, be such as would be likely to cause the licensee to cease trading.

(5) The Minister may prescribe specific factors, criteria or methodology relevant to the determination of the amount of the financial penalty for the purposes of *subsection (2)*.

Appeal against decision as to contravention and imposition of administrative sanction

207. (1) A decision as to contravention or, where applicable, the imposition of an administrative sanction, or both, shall not be challenged, including as to its validity, other than by an appeal under this section.

(2) A licensee to whom a decision as to contravention relates may appeal to the appropriate court—

(a) where no administrative sanction is imposed in respect of a decision as to contravention, against the decision as to contravention, or

(b) where an administrative sanction is imposed in respect of a decision as to contravention—

(i) against the imposition of an administrative sanction, including the type of administrative sanction imposed, or

(ii) against both the decision as to contravention and the imposition of an administrative sanction, including against the type of administrative sanction imposed.

(3) Subject to *subsection (4)*, an appeal under *subsection (2)* may be made to the appropriate court—

(a) under *subsection (2)(a)*, within 28 days from the date on which the notice in writing under *section 203(5)* is sent to the licensee concerned, or

(b) under *subsection (2)(b),* within 28 days from the date on which the notice in writing under *section 204(2)* is sent to the licensee concerned.

(4) The appropriate court may, on the application of a licensee to whom a decision as to contravention relates, extend the period referred to in *subsection (3)* for the making of an appeal under *subsection (2)* where it is satisfied that—

(a) there is good and sufficient reason for doing so,

(b) the circumstances that resulted in the failure to bring an appeal within that period were outside the control of the licensee, and

(c) where an application has been made under *section 208* for confirmation of the decision as to contravention or, where applicable, the imposition of an administrative sanction, that application has not been finally determined.

(5) An appeal under *subsection (2)* may be made on either or both of the following grounds:

(a) a ground that could, but for *subsection (1)*, be relied upon by the licensee in an application seeking judicial review of the adjudication officer's decision;

(b) in so far as it is not a ground referred to in *paragraph (a)*, the ground that an administrative sanction imposed is disproportionate.

(6) In considering an appeal under *subsection (2)*, the appropriate court may, where it considers it necessary for the fair and proper determination of the appeal, consider—

(a) information or documentation provided by the Authority, the licensee or any person under *paragraph (b)* or *(c)* of *section 202(3)*, and

(b) any evidence adduced or submission made by the Authority or by the licensee concerned, whether or not already adduced or made to the adjudication officer.

(7) Subject to *subsection (8)* and *section 206* and having regard to *section 201*, the appropriate court may, on the hearing of an appeal under *subsection (2)*—

(a) where *subsection (2)(a)* applies—

(i) confirm the decision, or

(ii) set aside the decision,

(b) where *subsection (2)(b)(i)* applies—

(i) confirm the administrative sanction,

(ii) set aside the administrative sanction,

(iii) set aside the administrative sanction, and replace it with such other administrative sanction as the court considers just and appropriate to impose, including in the case of a financial penalty, the imposition of a different financial penalty, or

(iv) remit the administrative sanction for reconsideration by an adjudication officer, subject to such directions as the court considers appropriate,

or

(c) where *subsection (2)(b)(ii)* applies—

(i) confirm both the decision as to contravention and the administrative sanction,

(ii) confirm the decision as to contravention and set aside the administrative sanction,

(iii) confirm the decision as to contravention and set aside the administrative sanction and replace it with such other administrative sanction as the court considers it just and appropriate to impose, including, in the case of a financial penalty, the imposition of a different financial penalty,

(iv) remit either or both the decision as to contravention and the administrative sanction for reconsideration by an adjudication officer, subject to such directions as the court considers appropriate, or

(v) set aside both the decision as to contravention and the administrative sanction.

(8) A decision as to contravention or the imposition of an administrative sanction may not be set aside or remitted by the appropriate court under *subparagraph (ii)* of *paragraph (a)*, *subparagraphs (ii)*, *(iii)* or *(iv)* of *paragraph (b)* or *subparagraphs (ii)*, *(iii)*, *(iv)* or *(v)* of *paragraph (c)* of *subsection (7)* for error of law or fact unless the appropriate court is satisfied that the officer concerned committed a serious and significant error in making the decision, or that the officer committed a series of minor errors which, when taken together, amount to a serious and significant error.

(9) The appropriate court may make such interim or interlocutory orders in appeal proceedings under this section as it considers appropriate.

(10) The appropriate court may direct how the costs of an appeal under *subsection (2)* are to be borne.

(11) Where an appeal under *subsection (2)* is withdrawn or abandoned by a licensee, or struck out by the appropriate court, the Authority shall make an application under *section 208*. 5

Circuit Court confirmation of decision as to contravention and administrative sanction

208. (1) The Authority shall, on notice to the licensee to whom a decision as to contravention relates, make an application in a summary manner to the Circuit Court for confirmation of—

(a) where no administrative sanction is imposed, the decision as to contravention, or 10

(b) where an administrative sanction is imposed, the decision as to contravention and the administrative sanction.

(2) The Authority shall make an application under *subsection (1)* where—

(a) the licensee does not appeal against the decision within the period specified in *section 207(3)*, or 15

(b) an appeal is withdrawn, abandoned or struck out, as the case may be, as referred to in *section 207(11)*.

(3) An application under *subsection (1)* shall be made by the Authority as soon as practicable after the expiration of the period specified in *section 207(3)* for bringing an appeal or after the appeal is withdrawn, abandoned or struck out, as the case may 20 be, as referred to in *section 207(11)*.

(4) A licensee may, as soon as practicable after receiving notice of the application under *subsection (1)*, inform the Authority in writing that the licensee does not intend to appear at, or make submissions at, the hearing of the application and where the licensee does so, the application and any remaining steps in such application may be 25 made *ex parte.*

(5) On the hearing of an application under *subsection (1)*, the Circuit Court shall, where *paragraph (a)* of that subsection applies, confirm the decision as to contravention, or where *paragraph (b)* of that subsection applies, confirm the decision as to sanction and the administrative sanction, unless it is satisfied, on the basis of the evidence that 30 was before the adjudication officer when making the decision or imposing the sanction—

(a) that the officer made an error of law which is—

(i) manifest from the decision, and

(ii) fundamental so as to deprive the decision of its basis, 35

(b) that the administrative sanction is manifestly disproportionate, or

(c) where the administrative sanction is a financial penalty, that the financial penalty is manifestly disproportionate having regard to *section 206*.

(6) Where the Circuit Court does not, under *subsection (5)*, confirm a decision as to contravention, the Court shall set the decision aside. 40

(7) Where the Circuit Court does not, under *subsection (5)*, confirm the decision as to contravention and the administrative sanction, it may, subject to *section 206* and having regard to *section 201*—

(a) set aside the decision as to contravention and the administrative sanction,

(b) confirm the decision as to contravention and set aside the administrative sanction, 5

(c) confirm the decision as to contravention and set aside the administrative sanction and replace it with such other administrative sanction as the Circuit Court considers just and appropriate, including in the case of a financial penalty replace it with a different financial penalty, or

(d) remit the decision as to contravention or, where applicable, the administrative 10 sanction, or both, for reconsideration by an adjudication officer, subject to such directions as it considers appropriate.

(8) Where an application to extend the period for the making of an appeal against a decision as to contravention is made under *section 207(4)*, the Circuit Court shall make an order staying proceedings in relation to an application under *subsection (1)* 15 until the appropriate court has made a decision under *section 207(4)* in relation to the extension sought.

(9) Where the appropriate court makes an order under *section 207(4)* extending the period for the making of an appeal under that section, the Circuit Court shall continue the stay on proceedings in relation to an application under this section until— 20

(a) where the appeal is brought under *section 207* within the extended period, either—

(i) the appropriate court has made a decision on the appeal under *section 207(7)*, or

(ii) the appeal is withdrawn, abandoned or struck out, 25

or

(b) where the appeal is not brought under *section 207* within the extended period, until that period as so extended expires.

(10) Where *subsection (9)(a)(i)* applies, the Circuit Court shall make an order striking out the application of the Authority under *subsection (1)*. 30

(11) The Circuit Court may make such interim or interlocutory orders as it considers appropriate in any proceedings in relation to an application under *subsection (1)*.

(12) The Circuit Court may direct how the costs of an application under *subsection (1)* are to be borne having regard to any communication of the licensee concerned to the Authority under *subsection (4)*. 35

Reference on point of law to High Court

209. (1) An adjudication officer may, at any time before making a decision under *section 203(1)* or imposing an administrative sanction under *section 203(12)*, refer any question of law to the High Court.

(2) Subject to *subsection (3)*, no appeal shall lie to the Court of Appeal from a decision of the High Court on a reference under *subsection (1)*.

(3) The High Court may grant leave to appeal its decision on a reference under *subsection (1)* where it certifies that its decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Court of Appeal.

Power of adjudication officer to issue direction to Authority or licensee

210. (1) An adjudication officer may, at any time before making a decision under *section 203(1)* or imposing an administrative sanction under *section 203(12)*, whether on application by the Authority or a licensee concerned or on the adjudication officer's own motion, issue a direction in writing to the Authority or the licensee concerned (in this section referred to as the "directed person") in accordance with *subsection (2)*.

(2) A direction issued under *subsection (1)* may require the directed person, within such period as is specified in the direction, to do any or all of the following:

(a) answer (whether on oath or otherwise) an identified question in whatever manner or form the adjudication officer may specify in the direction;

(b) adduce evidence or produce records that are in the directed person's possession or power to procure;

(c) clarify any issue of fact.

(3) An answer given by a directed person to a question put to the person in response to a direction under *subsection (2)(a)* is not admissible as evidence against the person in criminal proceedings, other than proceedings for perjury in circumstances where the answer was provided on oath.

(4) A directed person shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in this section as a witness appearing in proceedings before the High Court.

(5) Where a directed person fails or refuses to comply with a direction under *subsection (1)* within the period specified in the direction, the adjudication officer may apply, in a summary manner, to the High Court on notice to that directed person for an order under *subsection (6)*.

(6) The High Court may, on application to it under *subsection (5)*—

(a) require the directed person to comply with the direction concerned, and

(b) make such other orders (if any) as it considers necessary for the purpose of *paragraph (a)*.

(7) A directed person who, having been required to produce a record under *subsection (2)(b)*, intentionally destroys or otherwise disposes of, falsifies or conceals such record or causes or permits its destruction, disposal, falsification or concealment is guilty of an offence.

(8) A person guilty of an offence under *subsection (7)* is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(9) Proceedings may be brought for an offence under *subsection (7)* regardless of whether or not an order has been made, or has been applied for, under *subsection (5)*.

Oral hearing

211. (1) Where an adjudication officer considers it necessary or appropriate, in accordance with *section 202(3)(d)* to conduct an oral hearing, the oral hearing shall be conducted by the adjudication officer in accordance with this section.

(2) An adjudication officer may, by notice in writing—

(a) summon a person to appear as a witness before the adjudication officer to do either or both of the following:

(i) give evidence;

(ii) produce any records in the person's possession or power to procure,

and

(b) require that person to attend an oral hearing from day to day unless excused, or released from further attendance, by the adjudication officer.

(3) Without prejudice to *subsection (2)*, an adjudication officer has the same powers, rights and privileges as a judge of the High Court when hearing civil proceedings including with respect to:

(a) the attendance and examination of witnesses (including witnesses who are outside the State) on oath or otherwise;

(b) compelling the production (including discovery) of records or an identified category or categories of records.

(4) An oral hearing may, at the discretion of an adjudication officer, be conducted in whole or in part by way of a remote hearing.

(5) Where *subsection (4)* applies—

(a) an adjudication officer shall have the same powers, with any necessary modifications, in respect of the conduct of the oral hearing by way of a remote hearing as he or she has in respect of the conduct of an oral hearing that is not conducted by way of a remote hearing, and

(b) a person who participates in such a remote hearing before an adjudication officer shall, in respect of such participation—

(i) be deemed to be present at the oral hearing concerned, and

(ii) have the same immunities and privileges, and be subject to the same obligations and liabilities, as he or she would were he or she participating in an oral hearing that was not so conducted.

(6) At the oral hearing, an authorised officer, other representative of the Authority or any other person with leave of the adjudication officer, shall present the evidence as to the reason the Authority referred the investigation report in accordance with *section 197(2)(b)*.

(7) An oral hearing shall be held in public unless the adjudication officer conducting the hearing is satisfied that, given the existence of special circumstances (which shall include whether information given or likely to be given in evidence is commercially sensitive information), the hearing or part of the hearing should be held otherwise than in public.

(8) Where special circumstances as referred to in *subsection (7)* exist, an adjudication officer may impose restrictions on the reporting or distribution of evidence given or records produced at the hearing.

(9) An adjudication officer may, at his or her discretion, direct the reimbursement of some or all of the reasonable travelling expenses incurred by a witness required to attend an oral hearing and the payment of a sum to such witness for subsistence while so attending, out of moneys provided by the Oireachtas.

(10) Save as may be otherwise prescribed by the Minister under *section 213*, the rules of evidence shall apply to an oral hearing, including an oral hearing held in whole or in part by way of a remote hearing.

(11) A person is guilty of an offence where the person—

(a) having been duly summoned to attend as a witness at an oral hearing under *subsection (2)(a)*, fails without reasonable excuse to attend at the time and place indicated in the notice,

(b) having been duly summoned to attend as a witness at an oral hearing under *subsection (2)(a)*, fails without reasonable excuse to produce before the adjudication officer any records specified in the notice, or

(c) while attending as a witness at an oral hearing, refuses to—

(i) give evidence in the manner lawfully required by the adjudication officer,

(ii) produce any record in the person's possession or power to procure that the person is lawfully required by the adjudication officer to produce, or

(iii) answer any question that the person is lawfully required by the adjudication officer to answer.

(12) A person who, having been required to produce a record under *subsection (2)(a)(ii)*, intentionally destroys or otherwise disposes of, falsifies or conceals such record or causes or permits its destruction, disposal, falsification or concealment is guilty of an offence.

(13) A person guilty of an offence under *subsection (11)* or *(12)* is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(14) In this section—

"electronic communications technology" means, in relation to a remote hearing, technology that enables real time transmission and real time two-way audio-visual or audio communication that enables a person to participate in the hearing from a location other than the location where the adjudication officer conducting the oral hearing is;

"in part", in relation to a remote hearing, includes—

(a) any day or part of a day in which an oral hearing is conducted, and

(b) the participation of a particular person in the oral hearing;

"remote hearing" means a hearing in which one or more of the participants participates—

(a) from a location other than the location where the adjudication officer conducting the oral hearing is, whether within the State or outside the State, and

(b) by means of electronic communications technology.

Orders for costs in proceedings before adjudication officer

212. (1) Subject to *subsection (2)*, no order as to costs shall be made in proceedings before an adjudication officer.

(2) An adjudication officer may, at his or her discretion, award the costs of proceedings referred to in *subsection (1)* against a licensee or the Authority where the adjudication officer determines that the licensee or the Authority, as the case may be, has engaged in improper, irregular, unfair or unsatisfactory conduct in connection with—

(a) the investigation of the alleged contravention of a relevant obligation giving rise to those proceedings, or

(b) in the conduct of those proceedings.

(3) An award of costs against a licensee or the Authority under *subsection (2)* shall be proportionate to the nature and extent of the improper, irregular, unfair or unsatisfactory conduct that the licensee or the Authority, as the case may be, is found to have engaged in and the award may be limited to a proportion of the costs of the proceedings before an adjudication officer or to the costs of a particular part of those proceedings.

Regulations in relation to proceedings before adjudication officer

213. (1) Subject to this Chapter, the Minister may make regulations setting out requirements in relation to the conduct of proceedings before an adjudication officer, having regard to the need for efficiency and the rights of licensees.

(2) Without prejudice to the generality of *subsection (1)*, regulations under that subsection may include, but are not limited to, all or any of the following:

(a) the form, and manner of making, of requests by an adjudication officer for information, documentation or discovery from a party to proceedings or from a person other than a party to proceedings;

(b) the form, and manner of inviting, of submissions by an adjudication officer from a party to proceedings;

(c) the form and manner of provision of submissions, information, documentation, records, or other evidence to be provided to an adjudication officer;

(d) the provision by an adjudication officer to a party to proceedings or to a person other than a party to proceedings, of information or documentation received by the adjudication officer;

(e) time limits to apply in the conduct of proceedings before an adjudication officer;

(f) procedures for the consolidation of two or more proceedings before an adjudication officer;

(g) procedures for the separation of proceedings before an adjudication officer;

(h) the issuing of a direction by an adjudication officer under *section 210*;

(i) the conduct of an oral hearing.

(3) In this section, "party to proceedings" means the Authority or the licensee concerned.

Treatment of amounts paid in respect of financial penalties

214. A payment made by a licensee to the Authority in respect of a financial penalty, which has taken effect as an administrative sanction in accordance with *section 205*, shall be paid into, or disposed of for the benefit of, the Exchequer by the Authority in such manner as the Minister for Finance may direct.

CHAPTER 7

Adjudication officers

Nomination of adjudication officers

215. (1) The Authority shall, on the request of the Minister, nominate such and so many persons who, in the opinion of the Authority, are independent and have the experience, qualifications, training or expertise specified in regulations made by the Minister under *section 218(a)*, to be appointed by the Minister as adjudication officers.

(2) The Authority shall not nominate, under *subsection (1)*, any of the following for appointment:

(a) an authorised officer;

(b) a member of a committee established under *section 20(1)(b)* who is not a member of, or a member of staff of, the Authority; or

(c) a member of, or a member of staff of, the Authority.

Appointment of adjudication officers

216. (1) Subject to *sections 59* and *60* and *subsection (2)*, the Minister shall appoint such and so many persons (each of whom in this Act is referred to as an "adjudication officer")

as he or she considers necessary to perform the functions of an adjudication officer under this Act.

(2) The Minister shall appoint an adjudication officer from among the persons nominated by the Authority under *section 215* unless the Minister is not satisfied that the person— 5

(a) is independent, or

(b) has the experience, qualifications, training or expertise specified in regulations made under *section 218(a).*

(3) The Minister shall appoint one adjudication officer to be the chief adjudication officer. 10

(4) Subject to *sections 59* and *60* and *subsections (5)* and *(6)*, an adjudication officer shall—

(a) be appointed under this section upon such terms and conditions (including as to appointment, remuneration, reappointment and revocation of appointment) as are specified in regulations under *section 218*, and 15

(b) be paid, out of moneys provided by the Oireachtas for such purpose, such remuneration and allowances for expenses, as are specified in regulations under that section.

(5) A person shall cease to hold office as an adjudication officer on his or her appointment as an authorised officer or on becoming a member referred to in 20 *section 215(2)(b)* or *(c)*.

(6) The appointment of an adjudication officer may be revoked by the Minister, in accordance with procedures specified in regulations made under *section 218(f)*, on one of the grounds specified in *subsection (7)* following—

(a) receipt of an assessment and recommendation by an independent person from 25 outside the Authority with relevant experience and expertise in the matters giving rise to the revocation, and

(b) a decision by the Government, having reviewed the assessment and recommendation referred to in *paragraph (a)*, confirming the proposed revocation. 30

(7) The grounds referred to in *subsection (6)* are that an adjudication officer has—

(a) become incapable through ill-health of effectively performing his or her functions,

(b) engaged in serious misconduct, or

(c) a serious conflict of interest, which conflict of interest is likely to continue. 35

Independence of adjudication officer

217. (1) An adjudication officer shall be independent in the performance of his or her functions.

(2) An adjudication officer shall, where he or she believes that performing an adjudication assigned to him or her may create a conflict of interest or may give rise to the perception of a potential conflict of interest, recuse himself or herself from the adjudication concerned.

(3) Where an adjudication officer forms a belief referred to in *subsection (2)*, he or she shall inform the chief adjudication officer who shall re-assign that adjudication to another adjudication officer.

(4) An adjudication officer shall, as soon as practicable after informing the chief adjudication officer under *subsection (2)*, by notice in writing, inform the Authority and any licensee affected by a recusal under that subsection.

Regulations (*Chapter 7*)

218. The Minister shall, in a manner ensuring the independence of adjudication officers in the performance of their functions, make regulations providing for—

(a) the experience, qualifications, training or expertise persons shall possess to be appointed as adjudication officers,

(b) the term of appointment of adjudication officers, which term shall be specified in writing on appointment, and the term of appointment may be—

(i) fixed and non-renewable, or

(ii) subject to *paragraph (c)*, fixed and renewable,

(c) where a term of appointment is renewable in accordance with *paragraph (b)(ii)*, objective, independently assessed competence-based criteria for such renewal,

(d) the remuneration and allowance for expenses to be paid, which may not be reduced during the term of the appointment save in accordance with law, to an adjudication officer and, having regard to his or her different functions, to the chief adjudication officer,

(e) the manner in which an adjudication officer may resign from office, and

(f) subject to *section 216(4)*, *(5)* and *(7)*, procedures for the revocation of appointment of adjudication officers.

Assistance to adjudication officers

219. (1) The Authority may, from time to time, require a member of staff of the Authority to assist adjudication officers in the performance of their functions.

(2) The Authority may, from time to time, enter into a contract or arrangement with a person or appoint a consultant or adviser under *section 18* for the purpose of having the person, consultant or adviser assist adjudication officers in the performance of their functions.

(3) A member of staff of the Authority referred to in *subsection (1)* or a person, consultant or adviser referred to in *subsection (2)*—

(a) shall not provide assistance to adjudication officers in connection with any matter in which the member, or person, consultant or adviser concerned, has or may have a conflict of interest, and

(b) may perform other tasks on behalf of the Authority, including performing tasks in any investigation in which the member or person, consultant or adviser concerned has not been, and will not be, involved in assisting an adjudication officer under this section.

Chapter 8

Emergency orders in respect of licensees

Application to Court for emergency orders in respect of licensees

220. (1) The Authority may make an *ex parte* application to the Court for a temporary order under *subsection (2)* in respect of a licensee where it considers that there is an urgent need, until further steps are taken by the Authority, to act in order to protect—

(a) the public from the serious consequences of an ongoing contravention of a relevant obligation by a licensee, or

(b) relevant funds contained in a Segregated Customer Account.

(2) On the hearing of an application under *subsection (1)*, the Court may, where it considers that there is an urgent need to act for the purposes of *paragraph (a)* or *(b)* of that subsection, make one or more of the following orders directing that—

(a) the gambling licence of a licensee be suspended with immediate effect,

(b) the licensee cease providing a relevant gambling activity or a relevant gambling product or relevant gambling related service,

(c) an internet service provider or a provider of an online application store service, as the case may be, block access to a relevant gambling activity provided by the licensee concerned or to a website where a relevant gambling product or relevant gambling related service is advertised, sold or supplied,

(d) a bank shall not, without leave of the Court, receive any payment into a bank account of the licensee in the licensee's capacity as a licensee,

(e) a bank shall not, without leave of the Court, make any payment out of a bank account of the licensee in the licensee's capacity as a licensee,

(f) the licensee concerned shall not, without leave of the Court, dispose of, or direct or facilitate the disposal of, any of the licensee's assets,

(g) the licensee concerned shall not, without leave of the Court, reduce the licensee's assets below a specified amount or value,

(h) the licensee shall not remove the licensee's assets from the State, or

(i) the licensee shall lodge, or cause to be lodged, any money received by the licensee to the appropriate Segregated Customer Account, unless otherwise ordered by the Court.

(3) Where *section 109* applies and the Authority has serious concerns in relation to the relevant applicant referred to in that subsection, it may make an *ex parte* application to the Court for an order under *subsection (4)*.

(4) On the hearing of an application under *subsection (3)*, the Court, where it is satisfied that there are good and substantial reasons to do so, may make an order directing that the licence concerned be suspended with immediate effect.

(5) In addition to the orders that may be made under *subsection (2)* or *(4)*, the Court may, on hearing an application under *subsection (1)* or *(3)*, make such other order as it considers appropriate in the circumstances.

(6) The Court may, for the purposes of an application made under *subsection (1)*, make one or more of the following further orders directing—

(a) a bank to furnish any information in its possession relating to the financial affairs of the licensee in the licensee's capacity as a licensee,

(b) in the case of a licensee who is an individual, that individual to swear an affidavit disclosing information relating to assets held in his or her own name or held jointly with third parties, or

(c) in the case of a licensee that is a body corporate, a relevant officer or a beneficial owner, or both, of the licensee to swear an affidavit disclosing information relating to assets held in the name of the body corporate concerned or jointly with third parties.

(7) Where the Court is satisfied that there is reason to believe that a person holds or has held assets on behalf of a licensee, the Court may order the person—

(a) to disclose all information as to such assets in the person's possession or power to procure, or

(b) to disclose—

(i) all information as to such assets which had been but are no longer in the person's possession or power to procure, and

(ii) the person's belief as to the present whereabouts of those assets.

(8) At any time while an order under *paragraph (d)*, *(e)*, *(f)*, *(g)* or *(h)* of *subsection (2)* is in force, the Court may, on application by a person affected by the order concerned, make any order that the Court considers appropriate in relation to an asset or a payment affected by the order, if satisfied that it is necessary to do so for the purpose of enabling the person—

(a) to discharge the reasonable living and other necessary expenses, including fees and costs payable in respect of legal advice or legal representation for the purposes of legal proceedings under this Act of the person, or any dependent person, or

(b) to carry on a business, trade, profession or other occupation to which the asset or payment relates.

(9) The Court may, on application to it by a person affected by an order under this section, discharge such order where it is satisfied that the basis on which the order was made no longer applies and that it is in the interests of justice to do so.

(10) The Court may not require the Authority to give any undertaking as to damages as a condition for the granting of an order under *subsection (2)*, *(4)*, *(5)*, *(6)* or *(7)*. 5

(11) The hearing of an application under this section shall be conducted in public unless the Court directs that, due to the existence of special circumstances, the proceedings (or part thereof) should be conducted otherwise than in public.

(12) Where the relevant gambling activity referred to in *paragraph (b)* of *subsection (2)* is advertising a gambling activity, the Court may direct the Authority to publish on its website details of the order concerned. 10

(13) In this section—

"bank" means—

(a) a regulated financial service provider, or

(b) a bank outside the State; 15

"Court" means the High Court.

PART 9

Appeals

Definition (*Part 9*)

221. In this Part, "appellant" means a person who brings an appeal under *section 222* or *223*, as the case may be. 20

Appeals to Circuit Court

222. (1) An appellant may bring an appeal to the Circuit Court on notice to the Authority—

(a) against the decision of the Authority under *section 109*, *114(4)*, *115*, *124*, *126* or *127*, or 25

(b) where a notice of non-compliance states, in accordance with *subsection (2)(a)* of *section 193*, that the Authority is satisfied that the licensee has contravened or is contravening a relevant obligation and specifies one or more than one condition under *subsection (2)(b)(ii)* of that section, against that finding as to contravention or against the imposition of any subsequent condition or conditions, or both. 30

(2) An appeal to the Circuit Court under *subsection (1)* shall be made not later than 14 days from the date the decision giving rise to the appeal is notified to the appellant.

(3) An appeal to the Circuit Court under *subsection (1)* shall be brought—

(a) where the appellant is resident in the State, in the circuit where the appellant ordinarily resides or carries on any profession, trade or business, and 35

(b) in all other cases, to the Dublin Circuit Court.

(4) In determining an appeal under this section, the Circuit Court may—

(a) refuse the appeal,

(b) where the appeal is made in respect of a decision under *section 109*, *114(4)*, *115*, *126* or *127*, allow the appeal and direct the Authority to transfer, grant or renew the licence, as the case may be, under the section concerned, 5

(c) where the appeal is made in respect of a decision under *section 124*, allow the appeal and direct the Authority to issue a certificate under that section, or

(d) where the appeal is made under *subsection (1)(b)*, allow the appeal—

(i) in so far as it relates to the imposition of a condition, or

(ii) where applicable, in respect of both the finding as to contravention and the imposition of a condition. 10

(5) The Authority shall comply with a direction given to it under *subsection (4)(b)* or *(c)* and shall notify the appellant as soon as practicable after it does so.

Appeals to Appeals Panel

223. (1) An appellant may bring an appeal to the Appeals Panel— 15

(a) against a determination of the Authority under *section 41* or a decision of the Authority under *section 110(5)*, *116*, *117*, *120*, *121*, *122* or *128*, or

(b) against the finding of the Authority, stated in a notice of non-compliance under *section 193*, that a relevant obligation is being or has been contravened, or, where applicable, against the issue of an advice, caution, warning or reprimand under *subsection (2)(b)(i)* of that section, or both. 20

(2) An appeal under *subsection (1)* shall be determined by an appeals officer or an Appeals Board in accordance with this Part.

Appeals Panel

224. (1) Subject to *sections 59* and *60*, the Minister shall, as soon as practicable after the establishment day, establish an Appeals Panel and shall appoint at least 5 persons, other than members, or members of staff, of the Authority, to be members of the Panel. 25

(2) The Minister shall appoint one person under *subsection (1)* who is a practising barrister or practising solicitor to be the chairperson of the Appeals Panel. 30

(3) In making appointments under *subsection (1)*, the Minister shall have regard to the desirability—

(a) that the members of the Appeals Panel possess knowledge of, and experience, qualifications, training or expertise in, matters specified in *subsection (4)*, and

(b) of having at least 2 men and 2 women on the Panel. 35

(4) The matters referred to in *subsection (3)(a)* are matters connected with—

(a) legal or compliance functions in a regulated profession or industry,

(b) gambling activities,

(c) consumer affairs,

(d) the pathology and treatment of addiction, with particular reference to gambling addiction,

(e) information and communications technology, and

(f) financial services, including audit and financial forensic services.

(5) A member of the Appeals Panel shall hold office for such period, not exceeding 4 years from the date of his or her appointment, as the Minister determines.

(6) A member of the Appeals Panel whose term of membership of the Appeals Panel expires shall be eligible for reappointment by the Minister as a member of the Panel but shall not hold office for periods the aggregate of which exceeds 8 years.

(7) A member of the Appeals Panel shall be paid such remuneration, fees or allowances for expenses (if any) as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines.

(8) A member of the Appeals Panel may resign from office by notice in writing addressed to the Minister and the resignation takes effect on the date the Minister receives the notice, or, if a date is specified in the notice and the Minister agrees to the date, on that date.

(9) Where a member of the Appeals Panel dies, resigns, is removed from office or otherwise ceases to hold office in accordance with *Part 3*, the Minister may appoint a person to be a member of the Appeals Panel to fill the casual vacancy so occasioned.

(10) A person appointed to be a member of the Appeals Panel pursuant to *subsection (9)*—

(a) holds office for so much of the term of office of the member who occasioned the casual vacancy concerned as remains unexpired at the date of the appointment, and

(b) is eligible for reappointment as a member of the Panel on the expiry of that period.

(11) The Minister shall furnish such support of an administrative nature to the Appeals Panel as the Minister in his or her opinion determines is necessary to enable the Panel, an appeals officer or an Appeals Board to perform their functions.

(12) The Appeals Panel shall be independent in the performance of its functions.

Application to Appeals Panel and determination of appeal by appeals officer or Appeals Board

225. (1) An appeal shall—

(a) subject to *subsection (2)*, be made to the Appeals Panel by the appellant not later than 14 days from the date the decision giving rise to the appeal is notified to the appellant,

(b) be in such form, and accompanied by such information and documentation, as may be prescribed by the Minister under *section 226*, and

(c) if applicable, be accompanied by such fee as may be prescribed by the Authority under *section 38*.

(2) The chairperson of the Appeals Panel may accept an appeal outside the 14 day period referred to in *subsection (1)(a)* where he or she is satisfied in the particular circumstances that it is in the interests of justice to do so.

(3) An appellant shall serve a copy of the appeal and the information and documentation accompanying the appeal on the Authority within 7 days of making the appeal to the Appeals Panel.

(4) Upon receipt by the Appeals Panel of an appeal, the chairperson of the Panel shall appoint either—

(a) one member of the Panel (in this Act referred to as an "appeals officer") to determine the appeal, or

(b) where he or she considers it necessary and appropriate given the nature of the appeal, 3 members of the Panel (in this Act referred to as an "Appeals Board") to determine the appeal.

(5) Where an Appeals Board is appointed under *subsection (4)(b)*, the chairperson of an Appeals Board shall be appointed by the chairperson of the Appeals Panel from among the members of the Board and the chairperson of that Board shall regulate the procedure of that Board.

(6) An appeals officer or Appeals Board may refuse to hear an appeal where, in the opinion of the officer or of the Board, the appeal lodged is not made in good faith or is frivolous or vexatious.

(7) An appeals officer or Appeals Board may request, in writing, a party to an appeal or any other person to furnish information to the officer or the Board, as the case may be, where he, she or it considers the information necessary for the purposes of determining an appeal and the party or other person so requested shall furnish the information within such period as is specified in the request.

(8) An appeals officer or Appeals Board may hold such hearings as he, she or it considers necessary for the purpose of determining an appeal.

(9) Each of the parties to an appeal is entitled to be heard at the hearing and to present evidence to the appeals officer or Appeals Board, as the case may be.

(10) An appeals officer or Appeals Board may adjourn the hearing of a matter until a date specified by the appeals officer or Appeals Board, as the case may be.

(11) Where an Appeals Board is appointed under *subsection (4)(b)*, a decision by a majority of the members of an Appeals Board shall suffice for any purpose.

(12) In determining an appeal, the appeals officer or Appeals Board may—

(a) refuse the appeal,

(b) where the appeal is made in respect of a determination under *section 41* or a decision under *section 114(5)*, *117*, *122* or *128*, allow the appeal in whole or in part,

(c) where the appeal is made in respect of a decision under *section 120* or *121*, allow the appeal and direct the Authority to grant or renew the licence, as the case may be, under the section concerned, or

(d) where the appeal is made under *section 223(1)(b)*, allow the appeal—

(i) in so far as it relates to the finding that a relevant obligation has been or is being contravened,

(ii) where applicable, in respect of the advice, caution, warning or reprimand, as the case may be, or

(iii) in respect of both the finding and the advice, caution, warning or reprimand concerned.

(13) An appeals officer or Appeals Board, as the case may be, shall communicate his, her or its determination under *subsection (12)* to the appellant, the Authority and the Appeals Panel.

(14) The Authority shall comply with a direction given to it under *subsection (12)(c)* and shall notify the appellant as soon as practicable after it does so.

(15) An appeals officer and an Appeals Board shall be independent in the performance of their functions.

Appeal procedures

226. (1) The Minister shall, as soon as practicable after the appointment of the Appeals Panel, following consultation with the Appeals Panel and the Authority, prescribe procedures for the hearing and determination of the appeals provided for under *section 223*.

(2) Different procedures may be prescribed under *subsection (1)* for different appeals or classes of appeal.

(3) Without prejudice to the generality of *subsection (1)*, procedures prescribed under this section shall specify—

(a) the application form to be used for bringing an appeal, and

(b) the information and supporting documentation which shall accompany an application.

(4) Without prejudice to the generality of *subsection (1)*, procedures prescribed under this section may specify—

(a) the time within which an appeal shall be heard,

(b) any other person whom the appellant should notify of the bringing of the appeal, or

(c) the period within which an appeals officer or an Appeals Board hearing an appeal shall, from the date of completion of a hearing or hearings in relation to the appeal, make a determination in relation to the matter.

Amendment of Act of 1931

227. The Act of 1931 is amended—

(a) in section 7(10), in paragraph (b) of the definition of "licence final day", to substitute "12 months" for "24 months",

(b) in section 7B(8), in paragraph (b) of the definition of "licence final day", to substitute "12 months" for "24 months",

(c) in section 7C(8), in paragraph (b) of the definition of "licence final day", to substitute "12 months" for "24 months", and

(d) in section 12(5), in paragraph (b) of the definition of "registration final day", to substitute "12 months" for "24 months".

Prohibition on employment of child or young person in providing relevant gambling activity

228. The Protection of Young Persons (Employment) Act 1996 is amended by the insertion of the following section after section 2:

"2A. (1) Subject to subsection (2), a licensee shall not employ, or cause another person to employ on the licensee's behalf, a child or young person to provide a relevant gambling activity.

(2) Subsection (1) shall not apply in respect of the employment of a child or young person by or on behalf of a licensee of a gambling licence for a charitable or philanthropic purpose where it is specified in the gambling licence under *section 120* or *121* of the *Act of 2024* that such employment is permitted.

(3) A person who contravenes subsection (1) is guilty of an offence.

(4) In this section—

'*Act of 2024'* means the *Gambling Regulation Act 2024*;

'gambling licence for a charitable or philanthropic purpose' has the same meaning as it has in the *Act of 2024*;

'licensee' has the same meaning as it has in the *Act of 2024*;

'relevant gambling activity' has the same meaning as it has in the *Act of 2024*.".

Amendment of Act of 2002

229. The Act of 2002 is amended—

(a) in section 66(4), by the deletion of the words "(amended by section 34 of the Betting (Amendment) Act 2015)", and

(b) in section 78(5)(b)(i), by the deletion of the words "(amended by section 34 of the Betting (Amendment) Act 2015)". 5

Amendment of Act of 2010

230. The Act of 2010 is amended—

(a) in section 24—

(i) in subsection (1)— 10

(I) by the insertion of the following definitions:

" '*Act of 2024'* means the *Gambling Regulation Act 2024*;

'gambling service' means a gambling service within the meaning of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015[2] on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, other than— 15

(a) subject to subsection (3), a poker game provided at a premises,

(b) subject to subsection (3), a relevant game (within the meaning of the *Act of 2024*) played on a gaming machine (within the meaning of the *Act of 2024*) provided at a premises in accordance with an in-person gaming licence granted under Part 5 of the *Act of 2024*, 20

(c) a game played on an amusement machine (within the meaning of section 120 of the Finance Act 1992), and

(d) a lottery (within the meaning of the *Act of 2024*);", 25

(II) in paragraph (a) of the definition of "occasional transaction", by the substitution of "a gambling service provider" for "a person referred to in section 25(1)(h)",

(III) in the definition of "transaction", by the substitution of the following paragraph for paragraph (b): 30

"(b) in relation to a gambling service provider, any transaction involving a gambling service, including—

(i) a bet (within the meaning of the *Act of 2024*),

(ii) a payment to participate in a game (within the meaning of the *Act of 2024*), or 35

2 OJ No. L 141, 5.6.2015, p. 73

(iii) the payment of winnings (within the meaning of the *Act of 2024*) in respect of a transaction referred to in subparagraph (i) or (ii);",

and

(ii) by the insertion of the following subsection after subsection (2): 5

"(3) A reference to a premises in paragraph (a) or (b) of the definition of "gambling service" does not include a reference to a premises that is a casino or a private members' club.",

(b) in section 25(1)—

(i) in paragraph (ic) by the substitution of "linked to each other)," for "linked to each other), or", and 10

(ii) by the insertion of the following paragraph after paragraph (ic):

"(id) a gambling service provider, or",

and

(c) in section 60(2)— 15

(i) by the insertion of the following paragraph after paragraph (db):

"(dc) in the case of a designated person that is a gambling service provider, the Gambling Regulatory Authority of Ireland;",

and

(ii) in paragraph (e), by the substitution of "(d), (db) or (dc)" for "(d) or (db)". 20

CHAPTER 2

Transitional provisions: Act of 1929 and regulations made under that Act

Definition

231. In this Chapter, "relevant date" means the date on which *section 10*, in so far as it relates to the Act of 1929 and regulations made under that Act, comes into operation. 25

Totalisator licences under Act of 1929

232. (1) Subject to *subsections (2)* and *(3)*, a totalisator licence granted by the Minister for Finance under section 3 of the Act of 1929 that is in force immediately before the relevant date shall, on and after the relevant date, subject to the modifications specified in *subsection (2)*, continue in force until the expiration of the period specified in the licence concerned and that Act, any regulations made under that Act, and section 17 of the Act of 2001 as it stood immediately before the coming into operation of *section 267*, shall continue to apply accordingly. 30

(2) The modifications referred to in *subsection (1)* are—

(a) a reference to setting up, maintaining, working or operating a totalisator by reference to a registered premises (within the meaning of the Act of 1931) where 35

at any time on and after the relevant date there is no such premises shall be taken to refer to a premises of a licensee of an in-person betting licence or an in–person and remote betting licence,

(b) where *paragraph (a)* applies, a reference to the consent of the registered proprietor (within the meaning of the Act of 1931) of a registered premises shall be taken to be a reference to the consent of the licensee referred to in that paragraph, and

(c) a reference to remote means (within the meaning of the Act of 1931) shall be taken to be a reference to that term as defined in this Act.

(3) The holder of a totalisator licence that continues in force in accordance with *subsection (1)* may, by notice in writing to the Minister for Finance, surrender the licence.

(4) Where, on the expiration of the period referred to in *subsection (1)* or on the surrender of a licence in accordance with *subsection (3)*, whichever first occurs, the holder of the licence holds undistributed funds, the holder shall arrange with the Authority to transfer the funds to the Social Impact Fund.

CHAPTER 3

Transitional provisions: Act of 1931 and regulations made under that Act

Definition

233. In this Chapter, "relevant date" means the date on which *section 10*, in so far as it relates to the Act of 1931 and any regulations made under that Act, comes into operation.

Transitional provision: general

234. On and after the relevant date, the Act of 1931 and any regulations made thereunder—

(a) shall continue to apply in respect of a licence or certificate issued or registration made—

(i) under that Act before that date, and

(ii) that remains in force in accordance with this Chapter,

and

(b) shall apply in respect of a licence or certificate issued or registration made under that Act on or after that date in accordance with this Chapter.

Transitional provisions: bookmaker's license under section 7 of Act of 1931

235. (1) A bookmaker's licence issued by the Revenue Commissioners under section 7 of the Act of 1931 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force—

(a) unless sooner revoked or otherwise ceasing to remain in force, for the period remaining until the next licence final day in accordance with subsection (7)(a) of

that section or until 30 November next following the grant of the licence in accordance with subsection (7)(b) of that section, as the case may be, and

(b) subject to that Act.

(2) Where an application has been made for a bookmaker's licence under section 7 of the Act of 1931 but not determined before the relevant date, the application shall, on or after the relevant date, be determined in accordance with that Act and where a licence is issued pursuant to that application, that Act shall apply accordingly.

Transitional provision: certificates of personal fitness under sections 4 and 5 of Act of 1931 for bookmaker's licence

236. (1) Where an application for a certificate of personal fitness has been made under section 4 or 5 of the Act of 1931 but not determined before the relevant date, the application shall, on or after the relevant date, be determined in accordance with that Act and where the application is refused, that decision may be appealed to the District Court in accordance with that Act.

(2) Where an appeal has been made under section 13 of the Act of 1931 against a refusal to grant a certificate of personal fitness under section 4 or 5 of that Act but not determined by the District Court before the relevant date the appeal shall, on and after such date, be determined in accordance with that Act.

(3) A person may, within the period of time allowed for bringing an appeal, bring an appeal to the District Court under section 13 of the Act of 1931 against a refusal to grant a certificate of personal fitness under section 4 or 5 of that Act, on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired.

(4) On or after the relevant date, an application may be made under section 7 of the Act of 1931 for a bookmaker's licence where—

(a) a certificate of personal fitness has issued under section 4 or 5 of the Act of 1931 before the relevant date and on that date the 21 day period referred to in section 7(2)(f) or (g), as the case may be, has not expired,

(b) an application referred to in *subsection (1)* is granted or where the District Court allows an appeal referred to in that subsection and a certificate of personal fitness is issued pursuant to such grant or decision on appeal,

(c) an appeal referred to in *subsection (2)* is allowed and a certificate of personal fitness is issued pursuant to the decision on appeal, or

(d) an appeal referred to in *subsection (3)* is brought and allowed and a certificate of personal fitness is issued pursuant to the decision on appeal,

and the Act of 1931 shall apply accordingly.

Transitional provision: remote bookmaker's licence under section 7B of Act of 1931

237. (1) A remote bookmaker's licence issued by the Revenue Commissioners under section 7B of the Act of 1931 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force—

(a) unless sooner revoked or otherwise ceasing to remain in force, for the period remaining until the next licence final day in accordance with subsection (6)(a) of that section or until 30 June next following the grant of the licence in accordance with subsection (6)(b) of that section, as the case may be, and,

(b) subject to that Act.

(2) Where an application has been made for a remote bookmaker's licence under section 7B of the Act of 1931 but not determined before the relevant date the application shall, on or after the relevant date, be determined in accordance with that Act and where a remote bookmaker's licence is issued pursuant to that application that Act shall apply accordingly.

Transitional provision: remote betting intermediary's licence under section 7C of Act of 1931

238. (1) A remote betting intermediary's licence issued by the Revenue Commissioners under section 7C of the Act of 1931 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force—

(a) unless sooner revoked or otherwise ceasing to remain in force, for the period remaining until the next licence final day in accordance with subsection (6)(a) of that section or until 30 June next following the grant of the licence in accordance with subsection (6)(b) of that section, as the case may be, and,

(b) subject to that Act.

(2) Where an application has been made for a remote betting intermediary's licence under section 7C of the Act of 1931 but not determined before the relevant date, the application shall, on or after the relevant date, be determined in accordance with that Act and where a remote betting intermediary's licence is issued pursuant to that application that Act shall apply accordingly.

Transitional provision: certificates of personal fitness under section 5A for remote bookmaker's licence or remote betting intermediary's licence

239. (1) Where an application for a certificate of personal fitness has been made under section 5A of the Act of 1931 but not determined before the relevant date, the application shall, on or after the relevant date, be determined in accordance with that Act and where the application is refused that decision may be appealed to the District Court in accordance with that Act.

(2) Where an appeal has been made under section 13 of the Act of 1931 against a refusal to grant a certificate of personal fitness under section 5A of that Act but not determined by the District Court before the relevant date, the appeal shall, on and after such date, be determined in accordance with that Act.

(3) A person may, within the period of time allowed for bringing an appeal, bring an appeal to the District Court under section 13 of the Act of 1931 against a refusal to grant a certificate of personal fitness under section 5A of that Act, on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired.

(4) On or after the relevant date, an application may be made under section 7B or 7C of the Act of 1931 for a remote bookmaker's licence or a remote betting intermediary's licence, as the case may be, where—

(a) a certificate of personal fitness has issued under section 5A of the Act of 1931 before the relevant date and on the relevant date the 21 day period referred to in section 7B(2)(f) or (g), or 7C(2)(f) or (g), as the case may be, has not expired,

(b) an application referred to in *subsection (1)* is granted or where the District Court allows an appeal referred to in that subsection and a certificate of personal fitness is issued pursuant to such grant or decision on appeal,

(c) an appeal referred to in *subsection (2)* is allowed and a certificate of personal fitness is issued pursuant to the decision on appeal, or

(d) an appeal referred to in *subsection (3)* is brought and allowed and a certificate of personal fitness is issued pursuant to the decision on appeal,

and the Act of 1931 shall apply accordingly.

Transitional provision: certificates of suitability of premises under section 10 of Act of 1931

240. (1) A certificate of suitability of premises given under section 10 of the Act of 1931 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force in accordance with that Act.

(2) Where an application has been made for a certificate of suitability of premises under section 10 of the Act of 1931 but not determined before the relevant date the application shall, on or after the relevant date, be determined in accordance with that Act and where the application is refused, that decision may be appealed under section 13 of that Act.

(3) Where an application referred to in *subsection (2)* is granted or where the District Court decides to allow an appeal against a refusal to grant the application and a certificate of suitability is issued pursuant to such grant or decision, the Act of 1931 shall apply accordingly.

(4) Where an appeal has been made under section 13 of the Act of 1931 but not determined by the District Court before the relevant date, the appeal shall, on and after such date, be determined in accordance with that Act.

(5) A person may, within the period of time allowed for bringing an appeal, bring an appeal under section 13 of the Act of 1931 on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired.

(6) The Act of 1931 shall apply in respect of a certificate issued pursuant to a decision of the District Court to allow an appeal referred to in *subsection (4)* or *(5)*.

Transitional provision: registration under section 12 of Act of 1931 in register of bookmaking offices

241. (1) A premises registered under section 12 of the Act of 1931 in the register of bookmaking offices immediately before the relevant date shall, on and after the relevant date, remain on that register in accordance with that Act— 5

(a) unless sooner removed under section 15 or 17 of that Act or section 78 of the Act of 2002 or otherwise ceasing to be registered, for the period remaining until the next registration final day in accordance with section 12(5) of the Act of 1931, and

(b) subject to both those Acts. 10

(2) Where an application has been made for registration or renewal of registration under section 12 of the Act of 1931 in the register of bookmaking offices but not determined before the relevant date, the application shall, on or after the relevant date, be determined in accordance with that Act and that Act shall apply accordingly.

Transitional provision: revocation of licence or registration by court under section 15 of Act of 1931 15

242. Section 15 of the Act of 1931 shall, on and after the relevant date, continue to apply in respect of a conviction for an offence under any section of that Act whether the conviction is obtained before, on or after that date.

Transitional provision: revocation of certain licences by Minister for Justice under section 16 of Act of 1931 20

243. (1) Where an application has been made by the Minister for Justice under section 16 of the Act of 1931 but the application has not been determined by the District Court before the relevant date, the application shall, on and after such date, be determined in accordance with that Act. 25

(2) The Minister for Justice may, on and after the relevant date, make an application under section 16 of the Act of 1931 in respect of a person who continues to be, or becomes, the holder of a licence under that Act in accordance with this Chapter.

Transitional provision: registers under Act of 1931

244. (1) A register maintained under section 8, 8A and 8B of the Act of 1931 shall, on and after the relevant date, continue to be maintained by the Revenue Commissioners for so long as the Act continues to apply in accordance with this Chapter— 30

(a) in the case of the register maintained under section 8, in respect of a premises to which that section applies,

(b) in the case of the register maintained under section 8A, in respect of a licensed bookmaker to which that section applies, and 35

(c) in the case of the register maintained under section 8B, in respect of a remote bookmaker's licence or a remote betting intermediary's licence to which that section applies.

(2) The Authority may, during the period a register is maintained in accordance with *subsection (1)* and before the register is transferred to the Authority under *subsection (3)*, request information from the Revenue Commissioners contained in that register for the purpose of assisting the Authority in determining a first application for a gambling licence under this Act and the Revenue Commissioners shall comply with a request so made.

(3) A register maintained in accordance with *subsection (1)* shall, when the obligation to so maintain has concluded, be transferred to the Authority.

(4) Subject to *subsection (5)*, the Authority may retain the information contained in a register transferred under *subsection (3)* for the purposes of assisting the Authority in determining a first application for a gambling licence under this Act.

(5) The Authority may retain the information referred to in *subsection (4)* for a period of 24 months commencing on the relevant date.

Transitional provision: compliance notice under section 32B of Act of 1931

245. The Act of 1931 shall continue to apply in respect of a compliance notice served under section 32B of that Act before the relevant date that has not been withdrawn in accordance with that section before that date.

CHAPTER 4

Transitional provisions: Act of 1956 and regulations under that Act

Definition

246. In this Chapter, "relevant date" means the date on which *section 10*, in so far as it relates to the Act of 1956 and any regulations made under that Act, comes into operation.

Transitional provision: general

247. (1) On and after the relevant date, the Act of 1956 and any regulations (to the extent they apply to the permit or licence concerned) made thereunder—

(a) shall continue to apply in respect of a gaming permit, gaming licence, lottery permit and lottery licence—

(i) issued under that Act before that date, and

(ii) that remains in force in accordance with this Chapter,

and

(b) shall apply in respect of a gaming permit, gaming licence, lottery permit and lottery licence issued under that Act on or after that date in accordance with this Chapter.

(2) The Minister may, on and after the relevant date, make regulations under section 9A, 14, 27B or 28 of the Act of 1956 in relation to a gaming permit, gaming licence, lottery permit or lottery licence, as the case may be, during the period a permit or licence to which the regulations relate remains in force.

Transitional provision: contracts or debts referred to in section 36 of Act of 1956

248. Contracts or debts referred to in section 36 of the Act of 1956, entered into or incurred, as the case may be, before the relevant date in so far as that date relates to that section, shall not be legally enforceable.

Transitional provision: gaming permits under Part II of Act of 1956 5

249. (1) A gaming permit issued under section 9A of the Act of 1956 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force—

(a) unless previously revoked or suspended under section 46 of that Act, for the remainder of the period specified in the permit in accordance with section 9A(7) of that Act, and 10

(b) subject to that Act.

(2) Where an application has been made for a gaming permit under section 9A of the Act of 1956 but not determined before the relevant date the application shall, on or after that date, be determined in accordance with that Act and, where the application is refused, that decision may be appealed in accordance with subsection (18) of that section. 15

(3) Where an application referred to in *subsection (2)* is granted or where the District Court decides to allow an appeal referred to in that subsection and a gaming permit is issued pursuant to such grant or decision, the Act of 1956 shall apply to that permit accordingly. 20

(4) Where an appeal has been made to the District Court under section 9A(18) of the Act of 1956 but not determined before the relevant date, the appeal shall, on and after such date, be determined in accordance with that Act.

(5) A person may, within the period of time allowed for bringing an appeal, bring an appeal under section 9A(18) of the Act of 1956 on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired. 25

(6) The Act of 1956 shall apply to a gaming permit issued pursuant to a decision of the District Court to allow an appeal referred to in *subsection (4)* or *(5)*. 30

Transitional provision: gaming licences under Part III of Act of 1956

250. (1) A gaming licence issued under section 19 of the Act of 1956 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force—

(a) for the remainder of the period specified in the certificate under section 15(5) of that Act which relates to that licence, and 35

(b) subject to that Act.

(2) Where an application has been made to the Revenue Commissioners for a gaming licence under section 19 of the Act of 1956 but the application has not been determined before the relevant date, the application shall be determined under that 40

section and where a gaming licence is issued pursuant to that application that Act shall apply accordingly.

(3) Where a person to whom a certificate for a gaming licence has been granted has not applied for a gaming licence under section 19 of the Act of 1956 before the relevant date he or she may, for so long as that certificate remains in force in accordance with that Act, make an application under that section for a gaming licence and where a licence is issued pursuant to that application that Act shall apply accordingly.

(4) Where an application for a certificate has been made to the District Court under section 15 of the Act of 1956 but has not been determined before the relevant date, the application shall, on or after that date, be determined in accordance with that Act.

(5) Where an appeal has been made to the Circuit Court under section 18 of the Act of 1956 but not determined before the relevant date, the appeal shall, on and after such date, be determined in accordance with that Act.

(6) A person may, within the period of time allowed for bringing an appeal, bring an appeal under section 18 of the Act of 1956 on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired.

(7) The Act of 1956 shall apply to a gaming licence issued by the Revenue Commissioners on the application of a person to whom a certificate was granted pursuant to a decision of the District Court under *subsection (4)*, or of the Circuit Court on the hearing of an appeal referred to in *subsection (5)* or *(6)*.

Transitional provision: lottery permits under Part IV of Act of 1956

251. (1) A lottery permit issued under section 27B of the Act of 1956 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force—

(a) unless previously revoked or suspended under section 46 of that Act, for the remainder of the period specified in the permit in accordance with section 27B(6) of that Act, and

(b) subject to that Act.

(2) Where an application has been made for a lottery permit under section 27B of the Act of 1956 but not determined before the relevant date the application shall, on or after that date, be determined in accordance with that Act and where the application is refused, that decision may be appealed in accordance with subsection (17) of that section.

(3) Where an application referred to in *subsection (2)* is granted or where the District Court decides to allow an appeal referred to in that subsection and a lottery permit is issued pursuant to such grant or decision, the Act of 1956 shall apply to that permit accordingly.

(4) Where an appeal has been made under section 27B(17) of the Act of 1956 but not determined by the District Court before the relevant date the appeal shall, on and after such date, be determined in accordance with that Act.

(5) A person may, within the period of time allowed for bringing an appeal, bring an appeal under section 27B(17) of the Act of 1956 on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired.

(6) The Act of 1956 shall apply to a lottery permit issued pursuant to a decision of the District Court to allow an appeal referred to in *subsection (4)* or *(5)*.

Transitional provision: lottery licences under Part IV of Act of 1956

252. (1) A lottery licence issued under section 28 of the Act of 1956 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force—

(a) unless previously revoked or suspended under section 46 of that Act, for the remainder of the period specified in the licence under section 28(6) of that Act, and

(b) subject to that Act.

(2) Where an application has been made to the District Court for a lottery licence under section 28 of the Act of 1956 but not determined before the relevant date the application shall, on or after that date, be determined in accordance with that Act and where the application is refused, that decision may be appealed in accordance with section 32 of that Act.

(3) Where the District Court issues a lottery licence pursuant to an application referred to in *subsection (2)* or where the Circuit Court decides to allow an appeal referred to in that subsection and a lottery licence is issued pursuant to that decision, the Act of 1956 shall apply to that licence accordingly.

(4) Where an appeal has been made under section 32 of the Act of 1956 but not determined by the Circuit Court before the relevant date the appeal shall, on and after such date, be determined in accordance with that Act.

(5) A person may, within the period of time allowed for bringing an appeal, bring an appeal under section 32 of the Act of 1956 on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired.

(6) The Act of 1956 shall apply to a lottery licence issued pursuant to a decision of the Circuit Court on the hearing of an appeal referred to in *subsection (4)* or *(5)*.

Transitional provision: revocation of licences and permits under Part V of Act of 1956

253. (1) Where an application has been made under section 46 of the Act of 1956 for the revocation or suspension of a gaming licence, gaming permit, lottery licence or lottery permit but not determined by the District Court before the relevant date the application shall, on and after such date, be determined by the District Court in accordance with that section.

(2) Where an appeal has been made against a decision of the District Court under section 46 of the Act of 1956 but has not been determined before the relevant date the appeal

shall, on and after such date, continue as if that Act had not been repealed and that Act shall apply accordingly.

(3) A person may, within the period of time allowed for bringing an appeal, bring an appeal against a decision under section 46 of the Act of 1956 to revoke or suspend a licence or permit on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired and that Act shall apply accordingly.

Registers of gaming permits, gaming licences, lottery permits and lottery licences under Act of 1956

254. (1) A register maintained under section 9A, 19A, 27B or 28 of the Act of 1956 shall, on and after the relevant date, continue to be maintained by the person on whom the obligation falls under the Act until the later of the following occurs—

(a) the last licence or permit, which is entered on the register concerned, expires, or

(b) the last proceedings that affect an entry on the register concerned are determined.

(2) The Authority may, during the period a register is maintained by a person in accordance with *subsection (1)* and before the register is transferred to the Authority under *subsection (3)*, request information from the person for the purpose of assisting the Authority in determining a first application for a gambling licence under this Act and that person shall comply with a request so made.

(3) A register maintained in accordance with *subsection (1)* shall, when the obligation to so maintain has concluded, be transferred to the Authority.

(4) Subject to *subsection (5)*, the Authority may retain the information contained in a register transferred under *subsection (3)* for the purposes of assisting the Authority in determining a first application for a gambling licence under this Act.

(5) The Authority may retain the information referred to in *subsection (4)* for a period of 24 months commencing on the relevant date.

CHAPTER 5

Transitional provision: Act of 1975

Transitional provisions: section 43 of Act of 1975

255. (1) A gaming machine licence issued under section 43 of the Act of 1975 that is in force immediately before the coming into operation of *section 10(1)* in so far as it relates to the repeal of section 43 of the Act of 1975, shall, on and after such coming into operation, continue in force—

(a) for the remainder of the period referred to in section 43(4) of that Act which relates to that licence, and

(b) subject to that section of that Act.

(2) Where an application has been made to the Revenue Commissioners for a gaming machine licence under section 43 of the Act of 1956 but the application has not been determined before the coming into operation of *section 10(1)* in so far as it relates to

the repeal of section 43 of the Act of 1975, the application shall, on and after such coming into operation, be determined under that section and where a gaming machine licence is issued pursuant to that application that section of that Act shall apply accordingly.

(3) Notwithstanding the coming into operation of *section 10(1)* in so far as it relates to the repeal of section 43 of the Act of 1975, an application may be made to the Revenue Commissioners for a gaming machine licence under that section of that Act by the holder of a gaming licence that remains in force under *section 250* or a gaming machine licence that is issued in accordance with the operation of that section and, where a gaming machine licence is issued pursuant to that application, section 43 of the Act of 1975 shall apply accordingly.

(4) Subsections (6), (10) and (12) of section 43 of the Act of 1975 shall continue to apply during the period within which a gaming machine licence remains in force in accordance with this section.

CHAPTER 6

Transitional provisions: Act of 2010 and regulations made under that Act in relation to private members' clubs that engage in gambling activities

Definitions

256. In this Chapter—

"relevant date" means the date on which *section 10*, in so far as it relates to the Act of 2010 and the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (Section 109B) (Certificate of Fitness) Regulations 2022, comes into operation;

"relevant enactments" means—

(a) the provisions of the Act of 2010 specified in *paragraph 14* of *Part 1* of *Schedule 2*, and

(b) the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (Section 109B) (Certificate of Fitness) Regulations 2022 (S.I. No. 272 of 2022).

Transitional arrangements: general

257. On and after the relevant date, the relevant enactments—

(a) shall continue to apply in respect of a private members' club at which gambling activities are carried on where—

(i) a certificate of fitness required under section 109B of the Act of 2010 was granted prior to that date, and

(ii) the certificate remains in force in accordance with this Chapter,

and

(b) shall apply in respect of a private members' club at which gambling activities are carried on where a certificate of fitness is granted on or after that date under section 109B of the Act of 2010 in accordance with this Chapter.

Transitional arrangement: maintenance of register under section 109 of Act of 2010

258. (1) The Minister shall, on and after the relevant date, continue to maintain the register established for the purposes of section 109 of the Act of 2010 for so long as that Act continues to apply in accordance with this Chapter in respect of a designated person to whom that section applies. 5

(2) The Authority may, during the period a register is maintained by the Minister in accordance with *subsection (1)* and before the register is transferred to the Authority under *subsection (3)*, request information from the Minister for the purpose of assisting the Authority in determining a first application for a gambling licence under this Act and the Minister shall comply with a request so made. 10

(3) A register maintained in accordance with *subsection (1)* shall, when the obligation to so maintain has concluded, be transferred to the Authority.

(4) Subject to *subsection (5)*, the Authority may retain the information contained in a register transferred under *subsection (3)* for the purposes of assisting the Authority in determining a first application for a gambling licence under this Act. 15

(5) The Authority may retain the information referred to in *subsection (4)* for a period of 24 months commencing on the date that the register is transferred to it under *subsection (3)*.

Transitional arrangement: registration on the register

259. (1) A person who is registered on the register established and maintained by the Minister under section 109 of the Act of 2010 immediately before the relevant date shall, on and after the relevant date, remain on the register— 20

(a) unless the person is sooner removed from that register under subsection (8) of that section, for the remainder of the period that the gambling activities, in respect of which the person effectively directs a private members' club, remain licensed in accordance with this Part, and 25

(b) subject to the relevant enactments.

(2) Section 109 of the Act of 2010 shall, on and after the relevant date, continue to apply to a person who is required to register with the Minister under that section where gambling activities, in respect of which the person effectively directs a private members' club, are carried on in accordance with this Chapter. 30

Transitional arrangement: certificate of fitness under section 109B of Act of 2010

260. (1) A certificate of fitness granted by a Superintendent of the Garda Síochána or the Minister, as the case may be, under section 109B of the Act of 2010 that is in force immediately before the relevant date shall, on and after the relevant date, continue in force— 35

(a) for the duration the certificate remains in force in accordance with section 109D, and

(b) subject to the relevant enactments.

(2) Where immediately before the relevant date an application for a certificate of fitness has been made under section 109B of the Act of 2010 but the application has not been determined by the Minister or by the Superintendent of the Garda Síochána, as the case may be, before the relevant date, the application shall, on or after the relevant date, be determined in accordance with that Act and where the application is refused that decision may be appealed to the District Court under section 109E.

(3) The relevant enactments shall apply in respect of the certificate of personal fitness that issues following a determination referred to in *subsection (2)*.

Transitional arrangement: Appeal under section 109E of Act of 2010 where application for certificate of fitness refused

261. (1) Where an appeal has been made under section 109E of the Act of 2010 against a refusal to grant a certificate of fitness under section 109B of that Act but not determined by the District Court before the relevant date the appeal shall, on and after such date, be determined in accordance with the relevant enactments.

(2) A person may, within the period of time allowed for bringing an appeal, bring an appeal to the District Court under section 109E of the Act of 2010 against a refusal to grant a certificate of personal fitness under section 109B of that Act, on or after the relevant date where before the relevant date an appeal has not been made but the period of time allowed for bringing an appeal has not, on that date, expired.

(3) The relevant enactments shall apply in respect of a certificate of personal fitness that issues following an appeal referred to in *subsection (1)* or *(2)*.

CHAPTER 7

Consequential amendments to other enactments

Amendment of Act of 1958

262. (1) The Act of 1958 is amended—

(a) in section 2(1)—

(i) by the insertion of the following definitions—

" '*Act of 2024'* means the *Gambling Regulation Act 2024*;

'betting licence' has the same meaning as it has in the *Act of 2024*;

'in-person betting licence' has the same meaning as it has in the *Act of 2024*;

'in-person and remote betting licence' has the same meaning as it has in the *Act of 2024*;

'licensed bookmaker' means a licensee (within the meaning of the *Act of 2024*) of an in-person betting licence or an in-person and remote betting licence for the time being in force under the *Act of 2024* which licence authorises the licensee to act as a bookmaker (within the meaning of *section 3(2)* of the *Act of 2024*);

'pool betting' has the same meaning as it has in the *Act of 2024*;",

and

(ii) by the substitution of the following definition for the definition of "totalisator licence":

" 'totalisator licence' means a betting licence to the extent that the licence authorises the licensee (within the meaning of the *Act of 2024*) of that licence to provide pool betting for an event, a series of events or a class of events;",

(b) in section 18B(1), by the substitution of the following paragraph for paragraph (b):

"(b) to provide pool betting in accordance with the terms of a totalisator licence held by the Board.",

(c) in section 23—

(i) in subsection (1), by the substitution of "Subject to the *Act of 2024*, the Board may" for "The Board may",

(ii) in subsection (2), by the substitution of "Subject to the *Act of 2024*, the Board may" for "The Board may",

(iii) in subsection (3)(d), by the substitution of "conditions as to permitting the Board, as the holder of a totalisator licence, to provide pool betting" for "conditions as to permitting the Board to set up, maintain and work totalisators", and

(iv) in subsection (4), by the substitution of "suitable for providing pool betting" for "suitable for a totalisator",

(d) in section 32D—

(i) in subsection (1)—

(I) by the substitution of "Subject to this section and the *Act of 2024*, the Board may" for "Subject to this section, the Board may", and

(II) in paragraph (b), by the substitution of the following subparagraph for subparagraph (i):

"(i) the relevant betting activities (within the meaning of the *Act of 2024*) that may be made available at betting offices,",

(ii) by the insertion of the following subsection after subsection (1):

"(1A) The Board shall consult with the Gambling Regulatory Authority of Ireland before making regulations under subsection (1).",

and

(iii) in subsection (2), by the substitution of the following paragraph for paragraph (a):

"(a) on any day and during such hours that are not prescribed under *section 176(1)* of the *Act of 2024* as days or hours, or both, during

which a licensee (within the meaning of the *Act of 2024*) of an in-person gambling licence may not open a premises in respect of which the licence is held, and",

and

(e) in section 40— 5

(i) in subsection (1), by the substitution of "where the Board provides pool betting" for "where the Board maintains totalisators",

(ii) in subsection (2), by the substitution of "out of moneys staked by means of pool betting provided by the Board" for "out of moneys staked by means of totalisators maintained by the Board", and 10

(iii) in subsection (3), by the substitution of "pool betting provided by the Board" for "totalisators maintained by the Board".

(2) Notwithstanding the coming into operation of *subsection (1)*, the Act of 1958 as it stood immediately before such coming into operation shall continue to apply in respect of the holder of a bookmaker's licence that is in force in accordance with 15 *Chapter 3* of *Part 10*.

(3) Notwithstanding the coming into operation of *subsection (1)*, where immediately before the coming into operation Rásaíocht Con Éireann holds a totalisator licence in accordance with section 20 of the Act of 1958 as it stood immediately before such coming into operation, that Act as it stood immediately before such coming into 20 operation and any regulations made under that Act shall, for so long as that totalisator licence remains in force, continue to apply in respect of that licence.

Amendment of section 1 of Street and House to House Collections Act 1962

263. Section 1 of the Street and House to House Collections Act 1962 is amended in the definition of "collection" by the substitution of "collecting money in the course of 25 providing a relevant gambling activity for a charitable or philanthropic purpose (within the meaning of the *Gambling Regulation Act 2024*) where the gambling licence for a charitable or philanthropic purpose specifies that the gambling activity concerned may be provided in the manner specified in section 114(2)(b)(ii) of that Act or collecting money in the course of providing a lottery for a charitable or philanthropic purpose in 30 accordance with section 89 of that Act" for "collecting money for a lottery (including a sweepstake) declared by the Gaming and Lotteries Act 1956, not to be unlawful or to which that Act does not apply".

Amendment of section 8 of Pawnbrokers Act 1964

264. Section 8(3)(e) of the Pawnbrokers Act 1964 is amended— 35

(a) in subparagraph (i), by the substitution of "a betting licence issued under *Part 5* of the *Gambling Regulation Act 2024*" for "a bookmaker's licence issued under the Betting Act 1931", and

(b) in subparagraph (iii), by the substitution of "a gaming licence issued under *Part 5* of the *Gambling Regulation Act 2024*" for "a gaming licence issued under the 40 Gaming and Lotteries Act 1956".

Amendments to Act of 1994

265. (1) The Act of 1994 is amended—

(a) in section 2(1)—

(i) by the insertion of the following definitions:

" '*Act of 2024'* means the *Gambling Regulation Act 2024*; 5

'betting licence' has the same meaning as it has in the *Act of 2024*;

'in-person betting licence' has the same meaning as it has in the *Act of 2024*;

'in-person and remote betting licence' has the same meaning as it has in the *Act of 2024*; 10

'pool betting' has the same meaning as it has in the *Act of 2024*;",

(ii) by the substitution of the following definition for the definition of "licensed bookmaker":

" 'licensed bookmaker' means a licensee (within the meaning of the *Act of 2024*) of an in-person betting licence or an in-person and remote 15 betting licence for the time being in force under the *Act of 2024* where that licence authorises the licensee to act as a bookmaker (within the meaning of *section 3(2)* of the *Act of 2024*);",

and

(iii) by the substitution of the following definition for the definition of 20 "totalisator licence":

" 'totalisator licence' means a betting licence to the extent that the licence authorises the licensee (within the meaning of the *Act of 2024*) of that licence to provide pool betting for an event, a series of events or a class of events;", 25

(b) in section 10(2), by the substitution of the following paragraph for paragraph (k):

"(k) subject to the *Act of 2024*, the control of the operations of on-course authorised bookmakers;",

(c) by the substitution of the following section for section 34:

"34. The Authority or, with the consent of the Authority, a company of the 30 Authority may—

(a) apply for and hold a totalisator licence, and

(b) provide pool betting pursuant to the licence in accordance with the *Act of 2024* and, where the pool betting is provided from one or more premises specified in the licence under *section 114(2)* or 35 *115(3)* of that Act, provide the pool betting in such place or places on the premises as it thinks fit.",

(d) in section 35, by the substitution of "an in-person betting licence or an in-person and remote betting licence that authorises the licensee of the licence to act as a

bookmaker (within the meaning of *section 3(2)* of the *Act of 2024*)" for "a bookmakers licence (within the meaning of the Betting Act 1931)",

(e) in section 48(6), by the substitution of "Subject to the *Act of 2024*, the Authority may attach to a permit granted under this section such terms and conditions" for "The Authority may attach to a permit granted under this section such terms and conditions", and

(f) in section 53—

(i) in subsection (1)—

(I) by the substitution of "Subject to the *Act of 2024* and this section, the Authority may, by regulations, provide" for "Subject to this section, the Authority may, by regulations, provide",

(II) in paragraph (b), by the substitution of the following subparagraph for subparagraph (i):

"(i) the relevant betting activities that may be made available, and",

and

(III) in paragraph (e), by the substitution of the following subparagraph for subparagraph (i):

"(i) the relevant betting activities that may be made available at betting offices,",

(ii) by the insertion of the following subsection after subsection (1):

"(1A) The Authority shall consult with the Gambling Regulatory Authority of Ireland before making regulations providing for any matter referred to in paragraphs (b) to (e) of subsection (1).",

(iii) in subsection (2), by the substitution of the following paragraph for paragraph (a):

"(a) on any day and during such hours that are not prescribed under *section 176(1)* of the *Act of 2024* as days or hours, or both, during which a licensee (within the meaning of the *Act of 2024*) of an in-person gambling licence may not open a premises in respect of which the licence is held, and",

and

(iv) by the insertion of the following subsection after subsection (4):

"(5) In this section, 'relevant betting activity' has the same meaning as it has in the *Act of 2024*.".

(2) Notwithstanding the coming into operation of *subsection (1)*, the Act of 1994 as it stood immediately before such coming into operation shall continue to apply in respect of the holder of a bookmaker's licence that is in force in accordance with *Chapter 3* of *Part 10*.

(3) Notwithstanding the coming into operation of *subsection (1)*, where immediately before such coming into operation Horse Racing Ireland or a company or subsidiary

of Horse Racing Ireland holds a totalisator licence in accordance with section 34 of the Act of 1994 as it stood immediately before such coming into operation, that Act as it stood immediately before such coming into operation and any regulations made under that Act shall, for so long as that totalisator licence remains in force, continue to apply in respect of that licence. 5

Amendment of Consumer Credit Act 1995

266. The Consumer Credit Act 1995 is amended—

(a) in section 2(1), to insert the following definition:

" '*Act of 2024'* means the *Gambling Regulation Act 2024*;"

(b) in section 93(10)(c)— 10

(i) in subparagraph (i), by the substitution of "a betting licence issued under *Part 5* of the *Act of 2024*" for "a bookmaker's licence issued under the Betting Act 1931", and

(ii) in subparagraph (iii), by the substitution of "a gaming licence issued under *Part 5* of the *Act of 2024*" for "a gaming licence issued under the Gaming and Lotteries Act 1956", 15

(c) in section 116(9)(c)—

(i) in subparagraph (i), by the substitution of "a betting licence issued under *Part 5* of the *Act of 2024*" for "a bookmaker's licence issued under the Betting Act 1931", and 20

(ii) in subparagraph (iii), by the substitution of "a gaming licence issued under *Part 5* of the *Act of 2024*" for "a gaming licence issued under the Gaming and Lotteries Act 1956",

(d) in section 116(11)(c)—

(i) in subparagraph (i), by the substitution of "a betting licence issued under *Part 5* of the *Act of 2024*" for "a bookmaker's licence issued under the Betting Act 1931", and 25

(ii) in subparagraph (iii), by the substitution of "a gaming licence issued under *Part 5* of the *Act of 2024*" for "a gaming licence issued under the Gaming and Lotteries Act 1956", 30

and

(e) in section 144(9)(c)—

(i) in subparagraph (i), by the substitution of "a betting licence issued under *Part 5* of the *Act of 2024*" for "a bookmaker's licence issued under the Betting Act 1931", and 35

(ii) in subparagraph (iii), by the substitution of "a gaming licence issued under *Part 5* of the *Act of 2024*" for "a gaming licence issued under the Gaming and Lotteries Act 1956".

Amendment of Act of 2001

267. The Act of 2001 is amended by the substitution of the following section for section 17:

"Betting licence issued under *Gambling Regulation Act 2024* to HRI, Rásaíocht Con Éireann or subsidiary

17. (1) Where HRI, Rásaíocht Con Éireann or a subsidiary of HRI is a licensee of a betting licence under the *Act of 2024* and the licence authorises the body or subsidiary concerned to provide pool betting, that body or subsidiary, or where the licensee is Rásaíocht Con Éireann, a subsidiary authorised under section 18B(1)(b) of the Act of 1958, may, as such licensee or as such subsidiary so authorised— 5 10

(a) provide pool betting from a premises in respect of which another licensee of an in-person gambling licence may provide a relevant betting activity, or

(b) enter into a contract or an arrangement with a person in a jurisdiction outside the State who provides pool betting on horse or greyhound racing in accordance with the law of that jurisdiction, which allows either party to the contract or arrangement to accept bets from members of the public and engage in pool betting on their behalf where the pool betting is being operated by the other party to the contract or arrangement in the other jurisdiction. 15 20

(2) In this section—

" '*Act of 2024*' means the *Gambling Regulation Act 2024*;

'bet' has the same meaning as it has in the *Act of 2024*;

'betting licence' has the same meaning as it has in the *Act of 2024*;

'in-person gambling licence' has the same meaning as it has in the *Act of 2024*; 25

'licensee' has the same meaning as it has in the *Act of 2024*;

'pool betting' has the same meaning as it has in the *Act of 2024*;

'relevant betting activity' has the same meaning as it has in the *Act of 2024*.". 30

Amendment of Local Government Act 2001

268. The Local Government Act 2001 is amended—

(a) in Part 2 of Schedule 12, by the deletion of "Gaming and Lotteries Acts 1956 to 2003", and

(b) in Part 1 of Schedule 14A, by the deletion of the words at reference number 43. 35

Amendment of section 2 of Criminal Justice (Public Order) Act 2003

269. Section 2 of the Criminal Justice (Public Order) Act 2003 is amended in paragraph (c) of the definition of "licensed premises" by the substitution of the following:

"(c) premises in respect of which an in-person gaming licence or an in-person and remote gaming licence (both within the meaning of the *Gambling Regulation Act 2024*) is held,".

Amendment of section 93 of Charities Act 2009

270. (1) Section 93(a)(ii) of the Charities Act 2009 is amended by the substitution of the following paragraph for paragraph (b) in the definition of "exempt activity": 5

"(b) collecting money in the course of providing a relevant gambling activity for a charitable or philanthropic purpose (within the meaning of the *Gambling Regulation Act 2024*) where the gambling licence for a charitable or philanthropic purpose specifies that the gambling activity concerned may be provided in the manner specified in *section 120(3)(b)(ii)* of that Act or collecting money in the course of providing a lottery for a charitable or philanthropic purpose in accordance with *section 92* of that Act;". 10

(2) *Subsection (1)* shall come into operation on the coming into operation of *section 10*, in so far as it relates to the Act of 1956. 15

SCHEDULE 1

Section 2

RELEVANT OFFENCE

1. Murder or manslaughter.

2. An offence under—

(1) this Act,

(2) section 48 of the Offences against the Person Act 1861,

(3) section 1 or 2 of the Punishment of Incest Act 1908,

(4) the Act of 1931,

(5) the Act of 1956,

(6) section 43 of the Finance Act 1975,

(7) the Misuse of Drugs Act 1977,

(8) section 2, 3 or 4 of the Criminal Law (Rape) (Amendment) Act 1990,

(9) the Criminal Damage Act 1991,

(10) section 6, 7, 7A or 9 of the Criminal Law (Sexual Offences) Act 1993,

(11) the Non-Fatal Offences against the Person Act 1997,

(12) section 1078 of Act of 1997,

(13) section 3, 4, 4A, 5, 5A or 6 of Child Trafficking and Pornography Act 1998,

(14) the Criminal Justice (Theft and Fraud Offences) Act 2001,

(15) section 2, 3, 3A or 4 of the Criminal Law (Sexual Offences) Act 2006,

(16) section 65 of the Consumer Protection Act 2007,

(17) section 4, 5 or 6 of the Criminal Law (Human Trafficking) Act 2008,

(18) the Act of 2010,

(19) section 2, 3 or 4 of the Criminal Justice (Female Genital Mutilation) Act 2012,

(20) sections 286, 389, 406, 876, 877 or 878 of the Act of 2014 or under that Act by a person while acting as a director (within the meaning of section 2(1) of that Act),

(21) section 3, 4, 5, 6, 7, 8, 21, 22 or 45 of the Criminal Law (Sexual Offences) Act 2017,

(22) section 39 of the Domestic Violence Act 2018,

(23) the Criminal Justice (Corruption Offences) Act 2018,

(24) section 2, 3 or 4 of the Harassment, Harmful Communications and Related Offences Act 2020,

(25) the Counterfeiting Act 2021,

(26) any enactment where the offence involves dishonesty,

(27) any enactment where the offence relates to excise duty on betting,

(28) an offence under the law of a place (other than the State)—

(a) consisting of an act or omission, that, if committed in the State, would constitute the offence of murder or manslaughter or an offence referred to in any of *subparagraphs (1)* to *(27)*, or 5

(b) relating to the conduct of gambling activities.

SCHEDULE 2

Section 10

Part 1

Acts Repealed

1. Gaming Act 1744.
2. Betting Act 1853.
3. Section 17(2) of the Licensing Act 1872.
4. Section 1 of the Betting and Loans (Infants) Act 1892.
5. The Act of 1929.
6. The Act of 1931.
7. The Act of 1956.
8. Section 22(5) of the Finance (Miscellaneous Provisions) Act 1956.
9. Section 40(5) and (6) of the Act of 1958.
10. Section 43 of the Act of 1975.
11. Section 24(1)(d) of the Fire Services Act 1981.
12. Section 98 of the Central Bank Act 1989.
13. Section 4(4) of the Netting of Financial Contracts Act 1995.
14. Section 25(1)(g) and (h), section 109, section 109A to 109E of the Act of 2010.
15. Section 50 of the Act of 2013.

Part 2

Statutory Instruments Revoked

1. The following statutory instruments made under section 3 of the Act of 1929:
   (a) Totalisator Act, 1929 Totalisator Licence (S.I. No. 250 of 1989);
   (b) Totalisator Act, 1929 Totalisator Licence (S.I. No. 25 of 1993);
   (c) Totalisator Act, 1929 Totalisator Licence (S.I. No. 21 of 1994);
   (d) Totalisator Act, 1929 Totalisator Licence (S.I. No. 411 of 1998).
2. The following statutory instruments made under section 6 of the Act of 1929:
   (a) Totalisator (Greyhound Race Track) Regulations 1971 (S.I. No. 58 of 1971);
   (b) Totalisator (Greyhound Race Track) (Amendment) Regulations 1989 (S.I. No. 232 of 1989);
   (c) Totalisator (Horse Racing) Regulations 2002 (S.I. No. 72 of 2002);

(d) Totalisator (Horse Racing) (Amendment) Regulations 2012 (S.I. No. 524 of 2012).

3. Betting Act (District Court and Garda Síochána) Regulations 1926 (S.I. No. 49 of 1926).

4. The following statutory instruments made under the Act of 1931: 5

   (a) Betting Act (Revenue Forms) Regulations 1931 (S.I. No. 80 of 1931);

   (b) Betting Act (District Court and Garda Síochána) Regulations 1931 (S.I. No. 81 of 1931);

   (c) Betting Act (Revenue Forms) Regulations 1954 (S.I. No. 246 of 1954);

   (d) Betting Act (Revenue Forms) Regulations 1988 (S.I. No. 300 of 1988); 10

   (e) Betting Act (Revenue Forms) Regulations 1999 (S.I. No. 225 of 1999);

   (f) Betting Act (Revenue forms) Regulations 2007 (S.I. No. 618 of 2007).

5. The following statutory instruments made under the Act of 1956:

   (a) Periodical Lotteries Regulations 1961 (S.I. No. 212 of 1961);

   (b) Periodical Lotteries Regulations 1966 (S.I. No. 32 of 1966). 15

6. The following statutory instruments made under the National Lottery Act 1986:

   (a) Lottery Prizes Regulations 1987 (S.I. No. 72 of 1987);

   (b) Lottery Prizes Regulations 2002 (S.I. No. 29 of 2002).

7. The European Communities (Financial Instruments Analogous to Prize Bonds) Regulations 2008 (S.I. No. 419 of 2008). 20

8. Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (Section 25) (Prescribed Class of Designated Person) Regulations 2018 (S.I. 487 of 2018).

9. Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (Section 109B) (Certificate of Fitness) Regulations 2022 (S.I. 272 of 2022).

SCHEDULE 3

Section 82

MAXIMUM RELEVANT PAYMENT AND MAXIMUM WINNINGS

Maximum relevant payment and maximum winnings		
Description **(1)**	**Maximum relevant payment** **(2)**	**Maximum winnings** **(3)**
Relevant game	€10	€3,000
Relevant lottery (other than once-off lottery and bingo) Ticket for bingo Book of tickets for bingo	€10 €10 €30	€5,000 per week
Relevant lottery (once-off lottery other than once-off bingo) Ticket for once-off bingo Book of tickets for once-off bingo	€10 €10 €30	€360,000
Gambling licence for charitable or philanthropic purpose	lottery: no maximum game: no maximum pool betting: no maximum	lottery: €30,000 per week game: €3,000 per game
Gambling licence for charitable or philanthropic purpose: once-off activity	lottery: no maximum game: no maximum pool betting: no maximum	lottery: €360,000 game: €360,000 pool betting: no maximum

An Bille um Rialáil Cearrbhachais, 2022

BILLE

(mar a leasaíodh i gCoiste)

dá ngairtear

Acht do dhéanamh socrú maidir le comhlacht a bhunú ar a dtabharfar Údarás Rialála Cearrbhachais na hÉireann nó, sa Bhéarla, the Gambling Regulatory Authority of Ireland, chun gealltóireacht, cearrbhachas, crannchuir áirithe agus díol nó soláthar táirgí nó seirbhísí a bhaineann le cearrbhachas a cheadúnú agus a rialáil; do dhéanamh socrú maidir le maoiniú an Údaráis sin trí mhuirear a fhorchur ar cheadúnaithe; do dhéanamh socrú maidir le clár de dhaoine a shealbhaíonn ceadúnais chearrbhachais sa Stát agus Clár Náisiúnta Eisiaimh Cearrbhachais a bhunú agus a chothabháil; do dhéanamh socrú maidir le Ciste Tionchair Shóisialta a bhunú chun taighde ar chearrbhachas éigníoch agus iomarcach a mhaoiniú, chun cur le feasacht ar chearrbhachas den sórt sin, agus chun deireadh a chur leis nó é a laghdú, i measc nithe eile; do dhéanamh socrú maidir le ranníocaíochtaí leis an gCiste ag ceadúnaithe áirithe; do dhéanamh socrú maidir le hoibleagáidí a fhorchur ar na ceadúnaithe sin, lena n-áirítear oibleagáidí a bhaineann le fógraíocht, cur chun cinn agus urraíocht, chun daoine a ghlacann páirt i gcearrbhachas a chosaint; do dhéanamh socrú maidir le toirmeasc a chur le leanaí do ghlacadh páirt i gcearrbhachas nó a bheith fostaithe sa tionscal cearrbhachais; do dhéanamh socrú, chun a chinntiú go ndéanfar coinníollacha a ghabhann le ceadúnais chearrbhachais agus oibleagáidí a fhorchuirtear ar cheadúnaithe a chomhlíonadh, maidir le bearta um chomhlíonadh agus bearta forfheidhmiúcháin; agus, chun na gcríoch sin agus chun críoch eile, d'aisghairm Acht na Suimitheoirí, 1929, an Achta um Gheall-Chur, 1931, an Achta um Chearrbhachas agus Crannchuir, 1956, do chúlghairm ionstraimí reachtúla áirithe agus do dhéanamh socrú maidir le leasú iarmhartach a dhéanamh ar achtacháin áirithe eile; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

ATHCHLÓ RIARACHÁIN

Bille Dála arna leasú i gCoiste ag Seanad Éireann,

3 *Deireadh Fómhair,* 2022

Gambling Regulation Bill 2022

BILL

(as amended in Committee)

entitled

An Act to provide for the establishment of a body to be known as *Údarás Rialála Cearrbhachais na hÉireann* or, in the English language, the Gambling Regulatory Authority of Ireland for the purposes of licensing and regulating betting, gaming, certain lotteries and the sale or supply of products or services related to gambling; to provide for the funding of that Authority by means of imposition of a charge on licensees; to provide for the establishment and maintenance of a register of persons who hold gambling licences in the State and a National Gambling Exclusion Register; to provide for the establishment of a Social Impact Fund to, among other matters, finance research into, raise awareness of, and eliminate or reduce, compulsive and excessive gambling; to provide for contributions to the Fund by certain licensees; to provide for the imposition of obligations on those licensees including obligations relating to advertising, inducements and sponsorship for the purposes of safeguarding persons participating in gambling; to provide for the prohibition of children participating in gambling or being employed in the gambling industry; to provide, for the purposes of ensuring conditions attached to gambling licences and obligations imposed on licensees are complied with, for compliance and enforcement measures; and for those and other purposes to repeal the Gaming Act 1744, the Betting Act 1853, the Totalisator Act 1929, the Betting Act 1931, the Gaming and Lotteries Act 1956 and certain provisions of certain other Acts, to revoke certain statutory instruments and to provide for the consequential amendment of certain other enactments; to provide for transitional arrangements; to amend the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 for the purpose of giving further effect to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing; and to provide for related matters.

ADMINISTRATIVE REPRINT

Dáil Bill as amended in Committee by Seanad Éireann,

3*rd October,* 2022

This administrative reprint incorporates amendments made at Committee Stage by Seanad Éireann. It has been produced for ease of reference only, given that amendments made by Seanad Éireann to a Bill initiated in Dáil Éireann cannot have legislative effect unless agreed to by Dáil Éireann.