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*Number 7 of 2015*

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**Betting (Amendment) Act 2015**

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ACTS REFERRED TO

Betting Act 1853 (16 & 17 Vict., c.119)

Betting Act 1931 (No. 27)

Betting Acts 1931 and 1994

Companies Acts

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (No. 6)

Criminal Justice (Mutual Assistance) Act 2008 (No. 7)

Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)

Finance (No. 2) Act 2013 (No. 41)

Finance Act 2002 (No. 5)

Finance Act 2008 (No. 3)

Finance Act 2011 (No. 6)

Gaming and Lotteries Acts 1956 to 2013

Inland Revenue Regulation Act 1890 (53 & 54 Vict., c.21)

Irish Horseracing Industry Act 1994 (No. 18)

Taxes Consolidation Act 1997 (No. 39)





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Number 7 of 2015

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## **BETTING (AMENDMENT) ACT 2015**

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An Act to make provision in relation to the licensing of bookmaking activities and, in particular, in relation to the conduct of bookmaking and bookmaking related operations by electronic means; for that and other purposes to amend the Betting Act 1931; to amend the Finance Act 2002; and to provide for matters connected therewith.

[15th March, 2015]

**Be it enacted by the Oireachtas as follows:**

### **Definition**

1. In this Act “Principal Act” means the Betting Act 1931.

### **Amendment of section 1 of Principal Act**

2. Section 1 of the Principal Act is amended by—

- (a) the substitution of the following definition for the definition of “licensed bookmaker”:

“ ‘licensed bookmaker’ means a person who is the holder of a bookmaker’s licence;”,

- (b) the substitution of the following definition for the definition of “registered premises”:

“ ‘registered premises’ means premises for the time being registered in the register of bookmaking offices;”,

and

- (c) the insertion of the following definitions:

“ ‘bookmaker’ means a person, who in the course of business, takes bets, sets odds and undertakes to pay out on winning bets;

‘bookmaker’s licence’ means a licence issued—

- (a) under subsection (3) of section 7 (inserted by *section 13* of the *Betting (Amendment) Act 2015*), or

- (b) in accordance with section 7A (inserted by subsection (2) of section

64 of the Irish Horseracing Industry Act 1994);

‘certificate of personal fitness’ has the meaning assigned to it by the following:

- (a) section 4 (inserted by *section 7* of the *Betting (Amendment) Act 2015*);
- (b) section 5 (inserted by *section 8* of the *Betting (Amendment) Act 2015*); and
- (c) section 5A (inserted by *section 9* of the *Betting (Amendment) Act 2015*);

‘licensed remote betting intermediary’ means a person who is the holder of a remote betting intermediary’s licence;

‘licensed remote bookmaker’ means a person who is the holder of a remote bookmaker’s licence;

‘register of bookmaking offices’ means the register referred to in section 8;

‘relevant consideration’ shall be construed in accordance with section 6 (inserted by *section 12* of the *Betting (Amendment) Act 2015*);

‘relevant officer’ means, in relation to a body corporate—

- (a) a person who exercises control (within the meaning of section 11 or 432 of the Taxes Consolidation Act 1997) in relation to the body,
- (b) a member (including the chairperson) of the body, or the board or board of directors of the body, or any other person acting in such capacity, or
- (c) the managing director or chief executive officer of the body, or any other person acting in such capacity;

‘remote betting intermediary’ means a person who, in the course of business, provides facilities that enable persons to make bets with other persons (other than the first-mentioned person) by remote means;

‘remote betting intermediary’s licence’ means a licence issued under section 7C (inserted by *section 14* of the *Betting (Amendment) Act 2015*);

‘remote bookmaker’ means a person who carries on the business of bookmaker by remote means;

‘remote bookmaker’s licence’ means a licence issued under section 7B (inserted by *section 14* of the *Betting (Amendment) Act 2015*);

‘remote bookmaking operation’ means the business or activities of a remote betting intermediary or remote bookmaker;

‘remote means’ means, in relation to a communication, any electronic means, and includes—

- (a) the internet,
- (b) telephone, and
- (c) telegraphy (whether or not wireless telegraphy);”.

### **Residence of body corporate or unincorporated body of persons**

3. The Principal Act is amended by the insertion of the following section:

“1A. For the purpose of this Act, a company within the meaning of the Companies Acts 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.”.

### **Prohibitions**

4. The Principal Act is amended by the substitution of the following section for section 2:

- “2. (1) (a) A person (other than a licensed bookmaker) who, other than by remote means, carries on business, or acts, as a bookmaker shall be guilty of an offence.
- (b) Subject to subsection (6) of section 7 (inserted by *section 13* of the *Betting (Amendment) Act 2015*), a person (other than a licensed remote bookmaker) who carries on business, or acts, as a remote bookmaker from a place in the State shall be guilty of an offence.
  - (c) A person (other than a licensed remote betting intermediary) who carries on business, or acts, as a remote betting intermediary from a place in the State shall be guilty of an offence.
- (2) A person (other than a licensed remote bookmaker) who carries on the business of, or acts as, a remote bookmaker from a place outside the State shall not communicate or attempt to communicate with a person in the State by remote means for the purpose of the making of a bet or bets with the first-mentioned person.
- (3) A person (other than a licensed remote betting intermediary) who carries on the business of, or acts as, a remote betting intermediary from a place outside the State shall not communicate or attempt to communicate with a person in the State by remote means for the purpose of the making of a bet or bets by the second-mentioned person with any person (other than the first-mentioned person).
- (4) If a person contravenes subsection (2) or (3), the Revenue Commissioners shall cause to be served on him a notice specifying the contravention concerned and requiring him to take such measures as are specified in the notice within such period as may be so specified for the purpose of securing that he ceases to contravene that subsection.

- (5) A person who contravenes a requirement in a notice under subsection (4) shall be guilty of an offence.
- (6) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a class A fine, or
  - (b) on conviction on indictment, to a fine not exceeding €150,000 or imprisonment for a term not exceeding 5 years or both.
- (7) Where a person, after having been convicted of an offence under this section, commits a further offence under this section, paragraph (b) of subsection (6) shall apply subject to the modification that the words ‘a fine not exceeding €300,000’ shall be substituted for the words ‘a fine not exceeding €150,000’.
- (8) Summary proceedings for an offence under this section may be brought and prosecuted by the Revenue Commissioners.
- (9) For the purposes of this section, a person communicates with another person if—
  - (a) the communication is directed to the other person personally,
  - (b) the communication is directed to persons belonging to a class of persons of which the other person is one, and is capable of being received and responded to by the person in the State, or
  - (c) the communication is directed to persons generally (whether in the State or both in the State and outside the State) and is capable of being received and responded to by a person in the State.”.

### **False representations**

5. The Principal Act is amended by the insertion of the following section:

- “2A. (1) (a) A person (other than a licensed bookmaker) who holds himself out, or represents himself, as being a licensed bookmaker shall be guilty of an offence.
- (b) A person (other than a licensed remote bookmaker) who holds himself out, or represents himself, as being a licensed remote bookmaker shall be guilty of an offence.
  - (c) A person (other than a licensed remote betting intermediary) who holds himself out, or represents himself, as being a licensed remote betting intermediary shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall—
  - (a) be liable, on summary conviction, to a class A fine, or
  - (b) subject to subsection (3), be liable, on conviction on indictment, to a fine not exceeding €100,000.

- (3) Where a person, after having been convicted of an offence under this section, commits a further offence under this section, paragraph (b) of subsection (2) shall apply subject to the modification that the words ‘a fine not exceeding €250,000’ shall be substituted for the words ‘a fine not exceeding €100,000’.”.

### **Prosecution *in absentia***

6. The Principal Act is amended by the insertion of the following section:

“**2B.** (1) Where, at any stage of proceedings to which this section applies, a person fails, without reasonable excuse, to appear before the court before which the proceedings are for the time being taking place, the court may do any thing or make any order that it would be entitled to do or make had the person so appeared.

(2) Where, by virtue of a person’s failure to appear in proceedings to which this section applies, the person does not enter a plea (whether before the District Court or the trial judge), the trial of the person may proceed as though he had entered a plea of not guilty.

(3) This section applies to proceedings for an offence under this Act against a person upon whom a document in respect of those proceedings is served—

(a) in accordance with subsection (1) of section 81 of the Act of 2008,

(b) otherwise than by post, pursuant to a request referred to in subsection (2) of that section, or

(c) in accordance with an arrangement to which subsection (4) of that section applies.

(4) In this section—

‘Act of 2008’ means the Criminal Justice (Mutual Assistance) Act 2008;

‘document’ means a document—

(a) to which subsection (1) of section 80 of the Act of 2008 applies, and

(b) that requires a person to appear as a defendant in proceedings for an offence.”.

### **Issue of certificates of personal fitness to certain persons ordinarily resident in State**

7. The Principal Act is amended by the substitution of the following section for section 4:

“**4.** (1) Upon compliance with subsection (3), an individual who ordinarily resides in the State may apply for a certificate (in this Act referred to as a ‘certificate of personal fitness’) that he is a fit and proper person

- to hold a bookmaker's licence—
- (a) to the Superintendent of the Garda Síochána for the district in which he ordinarily resides, or
  - (b) in a case where the individual carries on or proposes to carry on the business of bookmaker from a particular premises, to the Superintendent of the Garda Síochána for the district in which the premises is located or is proposed to be located.
- (2) Upon compliance with subsection (3), an individual who ordinarily resides in the State may apply for a certificate (in this Act referred to as a 'certificate of personal fitness') that he is a fit and proper person to be a relevant officer of a body corporate that holds a bookmaker's licence—
- (a) to the Superintendent of the Garda Síochána for the district in which the body corporate is ordinarily resident, or
  - (b) in a case where the body corporate carries on or proposes to carry on the business of bookmaker from a particular premises, to the Superintendent of the Garda Síochána for the district in which the premises is located or is proposed to be located.
- (3) An individual (including a relevant officer of a body corporate) intending to apply for a certificate of personal fitness under this section shall, not later than 14 days and not earlier than one month before making the application, publish, in two daily newspapers circulating in the State, a notice in such form as may be specified by the Minister for Justice and Equality of his intention to make the application.
- (4) An application for a certificate of personal fitness under this section shall be in such form as may be specified by the Minister for Justice and Equality.
- (5) The applicant for a certificate of personal fitness shall provide the Superintendent of the Garda Síochána to whom the application concerned is made with all such information (including information relating to the applicant's financial circumstances) as that Superintendent may reasonably require for the purposes of the performance of his functions under this section.
- (6) A Superintendent of the Garda Síochána to whom an application for a certificate of personal fitness is duly made under this section shall, not later than 56 days after receiving the application, either—
- (a) grant the application and issue a certificate of personal fitness to the applicant, or
  - (b) refuse the application.
- (7) A Superintendent of the Garda Síochána shall not refuse an application

for a certificate of personal fitness under this section unless—

- (a) he is satisfied that by reason of the financial circumstances of, or the existence of a relevant consideration in relation to, the applicant for the certificate, the applicant is not a fit and proper person to hold a bookmaker's licence or to be a relevant officer of a body corporate that holds a bookmaker's licence, or
  - (b) the applicant fails or refuses to comply with a requirement to which subsection (5) applies.
- (8) A certificate of personal fitness under this section shall be in such form as may be specified by the Minister for Justice and Equality.
- (9) An individual who, in applying for a certificate of personal fitness under this section, knowingly makes a statement or provides information to a Superintendent of the Garda Síochána that is false or misleading in a material respect shall be guilty of an offence and shall be liable—
- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both, or
  - (b) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.
- (10) A Superintendent of the Garda Síochána shall, as soon as may be after making a decision in relation to an application for a certificate of personal fitness, notify the Revenue Commissioners in writing of that decision.”.

#### **Issue of certificates of personal fitness to certain persons resident outside State**

8. The Principal Act is amended by the substitution of the following section for section 5:

- “5. (1) Upon compliance with subsection (2), an individual who ordinarily resides outside the State may apply to the Minister for Justice and Equality for a certificate (in this Act also referred to as a ‘certificate of personal fitness’) that the individual is a fit and proper person to hold a bookmaker's licence, or to be a relevant officer of a body corporate that holds such a licence, as the case may be.
- (2) An individual intending to apply for a certificate of personal fitness under this section shall, not later than 14 days and not earlier than one month, before making the application, publish in two daily newspapers circulating in the State a notice in such form as may be prescribed of his intention to make the application.
- (3) An application for a certificate of personal fitness under this section shall be in such form as may be specified by the Minister for Justice and Equality.
- (4) An applicant for a certificate of personal fitness under this section

shall provide the Minister for Justice and Equality with all such information (including information relating to the applicant's financial circumstances) as that Minister of the Government may reasonably require for the purposes of the performance of his functions under this section.

- (5) Upon consideration of an application under this section, the Minister for Justice and Equality shall, not later than 56 days after receiving the application, either—
  - (a) grant the application and issue a certificate of personal fitness to the applicant, or
  - (b) refuse the application.
- (6) The Minister for Justice and Equality shall not refuse an application for a certificate of personal fitness under this section unless—
  - (a) he is satisfied that by reason of the financial circumstances of, or the existence of a relevant consideration in relation to, the applicant for the certificate, the applicant is not a fit and proper person to hold a bookmaker's licence or to be a relevant officer of a body corporate that holds such a licence, or
  - (b) the applicant fails or refuses to comply with a requirement to which subsection (4) applies.
- (7) A certificate of personal fitness under this section shall be in such form as may be specified by the Minister for Justice and Equality.
- (8) An individual who, in applying for a certificate of personal fitness under this section, knowingly makes a statement or provides information to the Minister for Justice and Equality that is false or misleading in a material respect shall be guilty of an offence and shall be liable—
  - (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both, or
  - (b) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.
- (9) The Minister for Justice and Equality shall, as soon as may be after making a decision in relation to an application for a certificate of personal fitness, notify the Revenue Commissioners in writing of that decision.”.

#### **Issue of certificates of personal fitness to other persons**

9. The Principal Act is amended by the insertion of the following section:

“5A. (1) Upon compliance with subsection (2), an individual (whether resident in the State or outside the State) may apply to the Minister for Justice

and Equality for a certificate (in this Act also referred to as a 'certificate of personal fitness') that the individual is a fit and proper person to hold a remote bookmaker's licence or a remote betting intermediary's licence or to be a relevant officer of a body corporate that holds such a licence.

- (2) An individual intending to apply for a certificate of personal fitness under this section shall, not later than 14 days and not earlier than one month, before making the application, publish in two daily newspapers circulating in the State a notice in such form as may be prescribed of his intention to make the application.
- (3) An application for a certificate of personal fitness under this section shall be in such form as may be specified by the Minister for Justice and Equality.
- (4) An applicant for a certificate of personal fitness under this section shall provide the Minister for Justice and Equality with all such information (including information relating to the applicant's financial circumstances) as that Minister of the Government may reasonably require for the purposes of the performance of his functions under this section.
- (5) Upon consideration of an application under this section, the Minister for Justice and Equality shall, not later than 56 days after receiving the application, either—
  - (a) grant the application and issue a certificate of personal fitness to the applicant, or
  - (b) refuse the application.
- (6) The Minister for Justice and Equality shall not refuse an application for a certificate of personal fitness under this section unless—
  - (a) he is satisfied that by reason of the financial circumstances of, or the existence of a relevant consideration in relation to, the applicant for the certificate, the applicant is not a fit and proper person to hold a remote bookmaker's licence or a remote betting intermediary's licence or to be a relevant officer of a body corporate that holds such a licence, or
  - (b) the applicant fails or refuses to comply with a requirement to which subsection (4) applies.
- (7) A certificate of personal fitness under this section shall be in such form as may be specified by the Minister for Justice and Equality.
- (8) An individual who, in applying for a certificate of personal fitness under this section, knowingly makes a statement or provides information to the Minister for Justice and Equality that is false or misleading in a material respect shall be guilty of an offence and shall

be liable—

- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both, or
  - (b) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.
- (9) The Minister for Justice and Equality shall, as soon as may be after making a decision in relation to an application for a certificate of personal fitness, notify the Revenue Commissioners in writing of that decision.”.

### **Duration of certificate of personal fitness**

**10.** The Principal Act is amended by the insertion of the following section:

**“5B.** (1) Subject to subsection (2) and section 5C (inserted by *section 11* of the *Betting (Amendment) Act 2015*), a certificate of personal fitness shall remain in force—

- (a) until the expiration of 21 days after the date on which the certificate was issued, or
  - (b) upon the expiration of any licence issued under section 7, 7B or 7C where, in the determination of the application for that licence, the Revenue Commissioners were satisfied that, the applicant was a qualified person within the meaning of that section by reason, in whole or in part, of the issue of that certificate.
- (2) If, before the expiration of a certificate of personal fitness issued under section 4, 5 or 5A, the individual to whom it was issued makes an application under that section for a new certificate of personal fitness, the first-mentioned certificate of personal fitness shall remain in force—
- (a) until the issue (other than in accordance with a direction under paragraph (b) of subsection (5) of section 13) of the new certificate of personal fitness,
  - (b) in circumstances where the application is refused by the Superintendent of the Garda Síochána concerned or the Minister for Justice and Equality and the individual does not make a request referred to in subsection (1) of section 13, until the expiration of the period within which the request may be made,
  - (c) in circumstances where the application is refused by the Superintendent of the Garda Síochána concerned or the Minister for Justice and Equality and the individual makes a request referred to in subsection (1) of section 13 but does not bring an appeal under that section, until the expiration of the period specified in subsection (3) of that section, or

- (d) in circumstances where the application is refused by the Superintendent of the Garda Síochána concerned or the Minister for Justice and Equality and the individual appeals the refusal in accordance with subsection (3) of section 13, until—
  - (i) the District Court affirms the refusal in accordance with that section, or
  - (ii) the issue of a new certificate of personal fitness pursuant to a direction of the District Court under paragraph (b) of subsection (5) of that section.”.

### **Revocation of certificate of personal fitness**

11. The Principal Act is amended by the insertion of the following section:

“5C. (1) The Minister for Justice and Equality may revoke a certificate of personal fitness issued under section 4, 5 or 5A where he is satisfied that—

- (a) by reason of the financial circumstances of, or the existence of a relevant consideration in relation to, the holder of the certificate, the holder of the certificate is not a fit and proper person to hold a bookmaker’s licence, a remote bookmaker’s licence or a remote betting intermediary’s licence, as the case may be, or to be a relevant officer of a body corporate that holds such a licence, or
  - (b) the holder of the certificate provided information to the Minister or a Superintendent of the Garda Síochána when making an application for that certificate that was false or misleading in a material respect.
- (2) A revocation under this section shall take effect—
- (a) in circumstances where the individual does not make a request under subsection (1) of section 13A, upon the expiration of the period within which that request may be made,
  - (b) in circumstances where the individual makes a request under subsection (1) of section 13A but does not bring an appeal under that section, upon the expiration of the period specified in subsection (2) of that section,
  - (c) in circumstances where the individual brings an appeal under section 13A and the District Court affirms the revocation in accordance with subsection (4) of that section, upon the making of the decision by the District Court to so affirm the revocation.
- (3) Where, in accordance with this section, the Minister for Justice and Equality revokes a certificate of personal fitness he shall, as soon as may be thereafter, inform the Revenue Commissioners of that revocation.”.

**Grounds for refusal or revocation of certificate of personal fitness**

12. The Principal Act is amended by the substitution of the following section for section 6:

“6. (1) For the purposes of this Act, a relevant consideration exists, in relation to an applicant for a certificate of personal fitness, if—

- (a) the applicant, or a body corporate of which the applicant is a relevant officer, stands convicted of an offence under—
  - (i) this Act,
  - (ii) an Act relating to excise duty on betting,
  - (iii) the Gaming and Lotteries Acts 1956 to 2013,
  - (iv) section 1078 of the Taxes Consolidation Act 1997,
  - (v) the Criminal Justice (Theft and Fraud Offences) Act 2001, or
  - (vi) the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010,
- (b) the applicant, or a body corporate of which the applicant is a relevant officer, stands convicted of an offence under the law of a place (other than the State)—
  - (i) consisting of an act or omission that, if committed in the State, would constitute an offence referred to in paragraph (a), or
  - (ii) relating to the conduct of gambling,
- (c) any body corporate of which the applicant was at any time a relevant officer stands convicted of an offence referred to in paragraph (a) or (b) and committed that offence while the applicant was such relevant officer,
- (d) a body corporate that has been dissolved, and of which the applicant was at any time a relevant officer, stood convicted of an offence referred to in paragraph (a) or (b) immediately before the body corporate’s dissolution and was so convicted while the applicant was such relevant officer,
- (e) a licence or certificate of personal fitness under this Act previously held by the applicant, or a body corporate of which the applicant was a relevant officer, was revoked,
- (f) the applicant was previously refused a certificate of personal fitness and either—
  - (i) the applicant did not appeal the refusal, or
  - (ii) on appeal to the District Court, the refusal was affirmed,
- (g) a certificate of personal fitness formerly held by the applicant was revoked and either—

- (i) the applicant did not appeal the revocation, or
  - (ii) on appeal to the District Court, the revocation was affirmed,
- (h) in the case of an applicant who holds or formerly held a bookmaker's licence, the applicant—
- (i) unreasonably refuses or refused to pay sums due to persons who won bets made with the applicant, or
  - (ii) conducted the business of bookmaking in a disorderly manner or in such a manner as to cause or encourage persons to congregate and loiter in or outside the premises where the business was conducted or had permitted persons to loiter in those premises,
- (i) in the case of an applicant who holds or formerly held a remote bookmaker's licence, the applicant unreasonably refuses or refused to pay sums due to persons who won bets made with the applicant,
- (j) in the case of an applicant who holds or formerly held a remote betting intermediary's licence, the applicant unreasonably refuses or refused to pay sums due to persons who won bets made by means of facilities provided by the applicant,
- (k) any body corporate that holds or formerly held a bookmaker's licence—
- (i) unreasonably refused to pay sums due to persons who won bets made with the body corporate, or
  - (ii) conducted the business of bookmaking in a disorderly manner or in such a manner as to cause or encourage persons to congregate and loiter in or outside the premises where the business was conducted or had permitted persons to loiter in those premises,
- while the applicant was a relevant officer of the body corporate,
- (l) any body corporate that holds or formerly held a remote bookmaker's licence unreasonably refused to pay sums due to persons who won bets made with the body corporate while the applicant was a relevant officer of the body corporate,
- (m) any body corporate that holds or formerly held a remote betting intermediary's licence, unreasonably refused to pay sums due to persons who won bets made by means of facilities provided by the body corporate while the applicant was a relevant officer of the body corporate,
- (n) the applicant is the holder of a pawnbroker's licence or is a registered moneylender, or is a relevant officer of a body corporate that holds a pawnbroker's licence or is a registered moneylender,
- (o) the applicant is not a fit and proper person for the purposes of Chapter 9 of Part 4 of the Criminal Justice (Money Laundering and

Terrorist Financing) Act 2010.

- (2) References in this section to applicant or applicant for a certificate of personal fitness shall be construed as including references to holder of a certificate of personal fitness.”.

### **Bookmaker’s licence**

13. The Principal Act is amended by the substitution of the following section for section 7:

“7. (1) A qualified person may apply to the Revenue Commissioners for a licence authorising the person to carry on the business of, and act as, a bookmaker.

(2) An application under this section shall—

- (a) be in such form, and made in such manner, as may be specified by the Revenue Commissioners,
  - (b) specify the name of the applicant and the address at which he ordinarily resides and the address of his principal office or place of business,
  - (c) in circumstances where the applicant proposes to carry on the business concerned under a trading name, specify that trading name,
  - (d) specify a date (being either the first day of December next following the date of the making of the application or a day that is not more than 21 days after the date of the making of the application, whichever occurs sooner) from which he wishes the bookmaker’s licence to have effect,
  - (e) the address of the premises (if any) at which he proposes to carry on the business of bookmaker,
  - (f) in the case of an applicant who is an individual, be accompanied by the certificate of personal fitness issued to him in the period of 21 days preceding the application, and
  - (g) in the case of an applicant that is a body corporate, be accompanied by a list of the names of the relevant officers of the body corporate and the certificate of personal fitness issued in respect of each such relevant officer in the period of 21 days preceding the application.
- (3) Upon receipt of an application in accordance with this section and payment—
- (a) to the Revenue Commissioners of the excise duty payable in respect of a bookmaker’s licence, or
  - (b) in circumstances where the applicant exercises the option under section 66C of the Finance Act 2002, to the Revenue Commissioners of the first instalment referred to in that section,

and subject to subsection (4), the Revenue Commissioners shall issue to the applicant a bookmaker's licence.

- (4) The Revenue Commissioners shall not issue a bookmaker's licence unless—
  - (a) they are satisfied that the applicant is a qualified person, and
  - (b) for the purposes of the issue of such a licence, a tax clearance certificate has been issued in accordance with the Taxes Consolidation Act 1997—
    - (i) to the applicant, or
    - (ii) in circumstances where the applicant is a body corporate, to the applicant and to each relevant officer of the applicant.
- (5) A bookmaker's licence shall—
  - (a) state the name and place of residence, or the principal office or place of business, of the person to whom it is issued, and
  - (b) specify the date from which the licence shall have effect.
- (6) A bookmaker's licence (including a bookmaker's licence to which subsection (9) applies) shall, in respect of any year to which the licence relates, authorise that licensed bookmaker to accept bets by remote means (in addition to authorising the licensed bookmaker concerned to carry on the business of, and act as, a bookmaker), provided that the value of all such bets during the year concerned does not exceed the lower of the following:
  - (a) €250,000; or
  - (b) 10 per cent of the licensed bookmaker's turnover in that year derived from his bookmaking operations carried on pursuant to the bookmaker's licence concerned.
- (7) Subject to any order of the District Court under section 16 (inserted by *section 23* of the *Betting (Amendment) Act 2015*), a bookmaker's licence shall—
  - (a) remain in force until the licence final day next falling after the date from which that licence has effect, or
  - (b) where the applicant for that licence exercises the option under section 66C of the Finance Act 2002 but fails to pay the excise duty payable under section 65 of that Act on or before the date specified in subsection (1)(b)(ii)(I) of the said section 66C, remain in force until 30 November next following the grant of the licence.
- (8) This section shall not operate to affect the issue of a licence under section 7A.
- (9) A bookmaker's licence in force on the day immediately preceding the

commencement of *section 13* of the *Betting (Amendment) Act 2015* (except where that day falls on the 30th day of November of the year concerned) shall remain in force until the 30th day of November next following such commencement.

(10) In this section—

‘bookmaking operation’ means the business or activities of a bookmaker;

‘licence final day’ means, in relation to a bookmaker’s licence—

- (a) the 30th day of November next falling after the year immediately following the year in which this section comes into operation, and
- (b) the 30th day of November falling at the end of each period of 24 months following the licence final day immediately preceding the said period;

‘qualified person’ means, in relation to an application under this section—

- (a) an individual to whom a certificate of personal fitness was issued under section 4 or 5 not earlier than 21 days before the making of the application, or
- (b) a body corporate, each of the relevant officers of which has been issued with a certificate of personal fitness under section 4 or 5 not earlier than 21 days before the making of the application.”.

#### **Remote bookmaker’s licence and remote betting intermediary’s licence**

14. The Principal Act is amended by the insertion of the following sections:

##### **“Remote bookmaker’s licence**

- 7B.** (1) A qualified person may apply to the Revenue Commissioners for a licence authorising the person to carry on the business of, and act as, a remote bookmaker.
- (2) An application under this section shall—
- (a) be in such form and made in such manner as may be specified by the Revenue Commissioners,
  - (b) specify the name of the applicant and the address at which he ordinarily resides and the address of his principal office or place of business,
  - (c) in circumstances where the applicant proposes to carry on the business concerned under a trading name, specify that trading name,
  - (d) specify the applicant’s e-mail address,

- (e) specify a date (being either the first day of July next following the date of the making of the application or a day that is not more than 21 days after the date of the making of the application, whichever occurs sooner) from which he wishes the remote bookmaker's licence to have effect,
  - (f) in the case of an applicant who is an individual, be accompanied by the certificate of personal fitness issued to him in the period of 21 days preceding the application, and
  - (g) in the case of an applicant that is a body corporate, be accompanied by a list of the names of the relevant officers of the body corporate and the certificate of personal fitness issued in respect of each such relevant officer in the period of 21 days preceding the application.
- (3) Upon receipt of an application in accordance with this section and payment—
- (a) to the Revenue Commissioners of the excise duty payable in respect of a remote bookmaker's licence, or
  - (b) in circumstances where the applicant exercises the option under section 66C of the Finance Act 2002, to the Revenue Commissioners of the first instalment referred to in that section,
- and subject to subsection (4), the Revenue Commissioners shall issue to the applicant a remote bookmaker's licence.
- (4) The Revenue Commissioners shall not issue a remote bookmaker's licence unless—
- (a) they are satisfied that the applicant is a qualified person, and
  - (b) for the purposes of the issue of such a licence, a tax clearance certificate has been issued in accordance with the Taxes Consolidation Act 1997—
    - (i) to the applicant, or
    - (ii) in circumstances where the applicant is a body corporate, to the applicant and to each relevant officer of the applicant.
- (5) A remote bookmaker's licence shall—
- (a) state the name and place of residence, or the principal office or place of business, of the person to whom it is issued, and
  - (b) specify the date from which the licence shall have effect.
- (6) Subject to any order of the District Court under section 16 (inserted by *section 23 of the Betting (Amendment) Act 2015*), a remote bookmaker's licence shall—
- (a) remain in force until the licence final day next falling after the date from which that licence has effect, or

- (b) where the applicant for that licence exercises the option under section 66C of the Finance Act 2002 but fails to pay the excise duty payable under section 66A of that Act on or before the date specified in subsection (1)(b)(ii)(I) of the said section 66C, remain in force until 30 June next following the grant of the licence.
- (7) This section shall not operate to affect the issue of a licence under section 7A.
- (8) In this section—
- ‘licence final day’ means, in relation to a remote bookmaker’s licence—
- (a) the 30th day of June next falling after the year immediately following the year in which this section comes into operation, and
- (b) the 30th day of June falling at the end of each period of 24 months following the licence final day immediately preceding the said period;
- ‘qualified person’ means, in relation to an application under this section—
- (a) an individual to whom a certificate of personal fitness was issued under section 5A not earlier than 21 days before the making of the application, or
- (b) a body corporate, each of the relevant officers of which have been issued with a certificate of personal fitness under section 5A not earlier than 21 days before the making of the application.

**Remote betting intermediary’s licence**

- 7C.** (1) A qualified person may apply to the Revenue Commissioners for a licence authorising the person to carry on the business of, or act as, a remote betting intermediary.
- (2) An application under this section shall—
- (a) be in such form and made in such manner as may be specified by the Revenue Commissioners,
- (b) specify the name of the applicant and the address at which he ordinarily resides and the address of his principal office or place of business,
- (c) in circumstances where the applicant proposes to carry on the business concerned under a trading name, specify that trading name,
- (d) specify the applicant’s e-mail address,
- (e) specify a date (being either the first day of July next following the date of the making of the application or a day that is not more than

21 days after the date of the making of the application, whichever occurs sooner) from which he wishes the remote betting intermediary's licence to have effect,

- (f) in the case of an applicant who is an individual, be accompanied by the certificate of personal fitness issued to him in the period of 21 days preceding the application, and
  - (g) in the case of an applicant that is a body corporate, be accompanied by a list of the names of the relevant officers of the body corporate and the certificate of personal fitness issued in respect of each such relevant officer in the period of 21 days preceding the application.
- (3) Upon receipt of an application in accordance with this section and payment—
- (a) to the Revenue Commissioners of the excise duty payable in respect of a remote betting intermediary's licence, or
  - (b) in circumstances where the applicant exercises the option under section 66C of the Finance Act 2002, to the Revenue Commissioners of the first instalment referred to in that section,
- and subject to subsection (4), the Revenue Commissioners shall issue to the applicant a remote betting intermediary's licence.
- (4) The Revenue Commissioners shall not issue a remote betting intermediary's licence unless—
- (a) they are satisfied that the applicant is a qualified person, and
  - (b) for the purposes of the issue of such a licence, a tax clearance certificate has been issued in accordance with the Taxes Consolidation Act 1997—
    - (i) to the applicant, or
    - (ii) in circumstances where the applicant is a body corporate, to the applicant and to each relevant officer of the applicant.
- (5) A remote betting intermediary's licence shall—
- (a) state the name and place of residence, or the principal office or place of business, of the person to whom it is issued, and
  - (b) specify the date from which the licence shall have effect.
- (6) Subject to any order of the District Court under section 16 (inserted by section 23 of the *Betting (Amendment) Act 2015*), a betting intermediary's licence shall—
- (a) remain in force until the licence final day next falling after the date from which that licence has effect, or
  - (b) where the applicant for that licence exercises the option under

section 66C of the Finance Act 2002 but fails to pay the excise duty payable under section 66B of that Act on or before the date specified in subsection (1)(b)(ii)(I) of the said section 66C, remain in force until 30 June next following the grant of the licence.

(7) This section shall not operate to affect the issue of a licence under section 7A.

(8) In this section—

‘licence final day’ means, in relation to a remote betting intermediary’s licence—

- (a) the 30th day of June next falling after the year immediately following the year in which this section comes into operation, and
- (b) the 30th day of June falling at the end of each period of 24 months following the licence final day immediately preceding the said period;

‘qualified person’ means, in relation to an application under this section—

- (a) an individual to whom a certificate of personal fitness was issued under section 5A not earlier than 21 days before the making of the application, or
- (b) a body corporate, each of the relevant officers of which has been issued with a certificate of personal fitness under section 5A not earlier than 21 days before the making of the application.”.

#### **Obligation to notify Garda Síochána or Minister for Justice and Equality of certain matters**

15. The Principal Act is amended by the insertion of the following section:

**“7D.** (1) An individual shall, when making an application for a certificate of personal fitness, notify the Superintendent of the Garda Síochána concerned or the Minister for Justice and Equality, as may be appropriate, in writing of—

- (a) any offence referred to in paragraph (a) of subsection (1) of section 6 (inserted by *section 12* of the *Betting (Amendment) Act 2015*) of which he, or a body corporate of which he is a relevant officer, has been convicted, or
- (b) any offence of which he, or a body corporate of which he is a relevant officer, has been convicted in a place other than the State consisting of an act or omission that, if done or omitted to be done in the State, would, under the law of the State, constitute an offence referred to in the said paragraph (a).

(2) An individual to whom a certificate of personal fitness has been issued

shall notify the Minister for Justice and Equality in writing of—

- (a) any offence referred to in paragraph (a) of subsection (1) of section 6 of which he has been convicted, or
  - (b) any offence of which he has been convicted under the law of a place other than the State consisting of an act or omission that, if done or omitted to be done in the State, would, under the law of the State, constitute an offence referred to in the said paragraph (a).
- (3) A body corporate that is the holder of a licence under this Act shall notify the Minister for Justice and Equality in writing of—
- (a) any offence referred to in paragraph (a) of subsection (1) of section 6 of which the body corporate, or a relevant officer of the body corporate, has been convicted, or
  - (b) any offence of which the body corporate, or a relevant officer of the body corporate, has been convicted under the law of a place other than the State consisting of an act or omission that, if done or omitted to be done in the State, would, under the law of the State, constitute an offence under the said paragraph (a).
- (4) A body corporate that is the holder of a licence under this Act shall notify the Minister for Justice and Equality in writing of any change in the name or address of any relevant officer of the body corporate.
- (5) A notification under subsection (2) or (3) shall be given not later than 7 days after the conviction concerned.
- (6) A notification under subsection (4) shall be given not later than 7 days after the change concerned.
- (7) A person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable—
- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both, or
  - (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.
- (8) A body corporate that contravenes subsection (4) shall be guilty of an offence and shall be liable—
- (a) on summary conviction to a class A fine,
  - (b) on conviction on indictment, to a fine not exceeding €50,000.”.

#### **Change in relevant officer of body corporate**

**16.** The Principal Act is amended by the insertion of the following section:

“7E. (1) Where a person is appointed to be a relevant officer of a body corporate that is the holder of a licence under this Act, that body

corporate shall cause the person to make an application under this Act, not later than one month after his appointment, for such certificate of personal fitness as would be required by the relevant officer were he to make an application for a licence of the type concerned.

- (2) A body corporate that contravenes subsection (1) shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine.”.

#### **Amendment of section 8 of Principal Act**

17. Section 8 of the Principal Act is amended by the insertion of the following subsection:

- “(3) The Revenue Commissioners shall cause the register of bookmaking offices to be published on the internet or in such other manner as they consider appropriate.”.

#### **Register of Licensed Bookmakers**

18. The Principal Act is amended by the insertion of the following section:

- “8A. (1) The Revenue Commissioners shall establish and maintain a register (to be known, and in this Act referred to, as the ‘Register of Licensed Bookmakers’) of all licenced bookmakers.
- (2) The Revenue Commissioners shall enter the following particulars in the Register of Licensed Bookmakers:
- (a) the name and trading name (if different) of each licensed bookmaker;
  - (b) the address at which each licensed bookmaker ordinarily resides or the address of his principal office or place of business;
  - (c) the address of the registered premises (if any) at which the licensed bookmaker carries on the business of bookmaker;
  - (d) in the case of a licensed bookmaker that is a body corporate, the names of the relevant officers of the body corporate;
  - (e) such other particulars as may be prescribed.
- (3) If a bookmaker’s licence is revoked, the Revenue Commissioners shall remove all entries in relation to the licensed bookmaker concerned from the Register of Licensed Bookmakers.
- (4) The Revenue Commissioners shall cause the Register of Licensed Bookmakers to be published on the internet or in such other manner as they consider appropriate.”.

#### **Register of Remote Bookmaking Operations**

19. The Principal Act is amended by the insertion of the following section:

- “8B. (1) The Revenue Commissioners shall establish and maintain a register (to

be known, and in this Act referred to, as the ‘Register of Remote Bookmaking Operations’) of all remote bookmakers’ licences and remote betting intermediaries’ licences issued under this Act.

- (2) The Revenue Commissioners shall, in relation to a remote bookmaker’s licence or remote betting intermediary’s licence, enter the following particulars in the Register of Remote Bookmaking Operations:
  - (a) the name and trading name (if different) of the holder of the remote bookmaker’s licence or remote betting intermediary’s licence, as the case may be;
  - (b) the address at which the holder of the remote bookmaker’s licence or remote betting intermediary’s licence, as the case may be, ordinarily resides or the address of his principal office or place of business;
  - (c) in the case of a remote bookmaker’s licence or remote betting intermediary’s licence held by a body corporate, the names of the relevant officers of the body corporate;
  - (d) such other particulars as may be prescribed.
- (3) If a remote bookmaker’s licence or remote betting intermediary’s licence is revoked, the Revenue Commissioners shall remove all entries in relation to that licence from the Register of Remote Bookmaking Operations.
- (4) The Revenue Commissioners shall cause the Register of Remote Bookmaking Operations to be published on the internet or in such other manner as they consider appropriate.”.

**Appeal from refusal of certificate of personal fitness or certificate of suitability of premises**

**20.** The Principal Act is amended by the substitution of the following section for section 13:

- “13.** (1) If the Minister for Justice and Equality or a Superintendent of the Garda Síochána refuses an application for a certificate of personal fitness, that Minister of the Government or the Superintendent of the Garda Síochána, as the case may be, shall, on the request in writing of the applicant for the certificate made not later than 14 days after the refusal, give the applicant a statement in writing of the reasons for the refusal.
- (2) If a Superintendent of the Garda Síochána refuses an application for a certificate of suitability of premises, he shall, on the request in writing of the applicant for the certificate made not later than 14 days after the refusal, give the applicant a statement in writing of the reasons for the refusal.

- (3) A person to whom a certificate of personal fitness or a certificate of suitability of premises has been refused may, not later than 14 days after receiving a statement in writing under subsection (1) or (2), appeal the refusal to the District Court.
- (4) A person who brings an appeal under this section shall, in such manner and within such period as may be prescribed—
  - (a) give notice of the appeal to the Revenue Commissioners, and
  - (b) give such notice—
    - (i) in the case of a refusal referred to in subsection (1), to the Minister for Justice and Equality or the Superintendent of the Garda Síochána concerned, as the case may be, and
    - (ii) in the case of a refusal referred to in subsection (2), to the Superintendent of the Garda Síochána concerned.
- (5) The District Court may, upon an appeal under this section, either—
  - (a) affirm the refusal, or
  - (b) grant the appeal and direct—
    - (i) in the case of an appeal against a refusal referred to in subsection (1), the Minister for Justice and Equality or the Superintendent of the Garda Síochána concerned, as the case may be, to issue a certificate of personal fitness to the appellant, or
    - (ii) in the case of an appeal against a refusal referred to in subsection (2), the Superintendent of the Garda Síochána concerned to issue a certificate of suitability of premises to the appellant.
- (6) The Minister for Justice and Equality or the Superintendent of the Garda Síochána concerned, as may be appropriate, shall comply with a direction of the District Court under this section not later than 3 days after the giving of the direction.
- (7) Section 27 of the Inland Revenue Regulation Act 1890 shall apply to proceedings under this section as it applies to proceedings relating to inland revenue.
- (8) The respondent in an appeal under this section shall not be entitled to advance as a reason for opposing an appeal under this section a reason not specified in a statement of the reasons for a refusal given to the appellant pursuant to a request under subsection (1) or (2).
- (9) If the District Court affirms a refusal under paragraph (a) of subsection (5), it may also make an order requiring the appellant to pay the costs incurred by the respondent in defending the appeal and may determine the amount of such costs.

- (10) There shall be no appeal to the Circuit Court from a decision of the District Court under this section.
- (11) An appeal under this section by a person not ordinarily resident in the State shall be brought before a judge of the District Court assigned to the Dublin Metropolitan District.
- (12) (a) A Superintendent of the Garda Síochána shall, as soon as may be after the making of a decision by the District Court in relation to an appeal against a refusal by him to issue a certificate of personal fitness or a certificate of suitability of premises, notify the Revenue Commissioners in writing of that decision.  
  
(b) The Minister for Justice and Equality shall, as soon as may be after the making of a decision by the District Court in relation to an appeal against a refusal by that Minister of the Government to issue a certificate of personal fitness, notify the Revenue Commissioners in writing of that decision.”.

#### **Appeal from revocation of certificate of personal fitness**

**21.** The Principal Act is amended by the insertion of the following section:

- “**13A.**(1) If the Minister for Justice and Equality revokes a certificate of personal fitness under section 5C, he shall, on the request in writing of the person to whom the certificate was issued made not later than 14 days after the revocation, give the person a statement in writing of the reasons for the revocation.
- (2) A person whose certificate of personal fitness has been revoked under section 5C may, not later than 14 days after receiving a statement in writing under subsection (1), appeal the revocation to the District Court.
  - (3) A person who brings an appeal under this section shall give notice of the appeal to the Revenue Commissioners and the Minister for Justice and Equality in such manner and within such period as may be prescribed.
  - (4) The District Court may, upon an appeal under this section, either—
    - (a) affirm the revocation, or
    - (b) grant the appeal.
  - (5) Section 27 of the Inland Revenue Regulation Act 1890 shall apply to proceedings under this section as it applies to proceedings relating to inland revenue.
  - (6) The respondent in an appeal under this section shall not be entitled to advance as a reason for opposing an appeal under this section a reason not specified in a statement of the reasons for a revocation given to the appellant pursuant to a request under subsection (1).

- (7) If the District Court affirms a revocation under paragraph (a) of subsection (4), it may also make an order requiring the appellant to pay the costs incurred by the respondent in defending the appeal and may determine the amount of such costs.
- (8) There shall be no appeal to the Circuit Court from a decision of the District Court under this section.
- (9) An appeal under this section by a person not ordinarily resident in the State shall be brought before a judge of the District Court assigned to the Dublin Metropolitan District.
- (10) The Minister for Justice and Equality shall, as soon as may be after the making of a decision by the District Court in relation to an appeal against a revocation by that Minister of the Government of a certificate of personal fitness, notify the Revenue Commissioners in writing of that decision.”.

**Extension of licence under this Act**

22. Section 14 of the Principal Act is amended by—

- (a) the substitution of the following subsection for subsection (1):

“(1) The Revenue Commissioners may extend the operation of a licence under this Act for the appropriate period where, before the expiration of a certificate of personal fitness issued—

- (a) to the holder of the licence, or

- (b) in case the holder of the licence is a body corporate, to any relevant officer of the body corporate,

under section 4, 5 or 5A, and by reason, in part, of which the holder of the licence was issued the licence, the holder of the licence or the relevant officer, as the case may be, makes an application under that section for a new certificate of personal fitness and a new certificate of personal fitness is not issued or is not likely to be issued earlier than 7 days before the day on which the licence would, but for the exercise of the power conferred by this subsection, expire.”,

and

- (b) the insertion of the following subsection:

“(3) In this section ‘appropriate period’ means the period commencing on the day on which the licence concerned would, but for the exercise of the power conferred by subsection (1), expire and ending—

- (a) on the expiration of the period of 7 days after the issue of the new certificate of personal fitness applied for,

- (b) in circumstances where the application for a new certificate of personal fitness is refused by the Superintendent of the Garda

Síochána concerned or the Minister for Justice and Equality and the individual does not make a request referred to in subsection (1) of section 13, on the expiration of the period within which the request may be made,

- (c) in circumstances where the application for a new certificate of personal fitness is refused by the Superintendent of the Garda Síochána concerned or the Minister for Justice and Equality and the individual makes a request referred to in subsection (1) of section 13 but does not bring an appeal under that section, on the expiration of the period specified in subsection (3) of that section, or
- (d) in circumstances where the application for a new certificate of personal fitness is refused by the Superintendent of the Garda Síochána concerned or the Minister for Justice and Equality and the individual appeals the refusal in accordance with subsection (3) of section 13, on—
  - (i) the affirmation by the District Court of the refusal in accordance with that section, or
  - (ii) the expiration of the period of 7 days after the issue of a new certificate of personal fitness pursuant to a direction of the District Court under paragraph (b) of subsection (5) of that section.”.

### **Revocation of licences by District Court**

23. The Principal Act is amended by the substitution of the following section for section 16:

- “16. (1) The Minister for Justice and Equality may apply to the District Court for an order under this section if—
- (a) the holder of a licence under this Act is convicted of an offence referred to in paragraph (a) of subsection (1) of section 6,
  - (b) the holder of a licence under this Act is an individual and he has ceased to be the holder of a certificate of personal fitness that he is a fit and proper person to hold the licence concerned, by reason of the revocation of such a certificate in accordance with section 5C,
  - (c) in a case where the holder of a licence under this Act is a body corporate—
    - (i) a relevant officer of the body corporate is not the holder of a certificate of personal fitness that he is a fit and proper person to be a relevant officer of a body corporate that holds the licence concerned, by reason of his failing to make, or the refusal of, an application for such a certificate in accordance with section 7, 7B or 7C, or

- (ii) a relevant officer of the body corporate has ceased to be the holder of a certificate of personal fitness that he is a fit and proper person to be a relevant officer of a body corporate that holds the licence concerned, by reason of the revocation of such a certificate in accordance with section 5C.
- (2) The Minister for Justice and Equality may apply to the District Court for an order under this section if he believes that—
  - (a) in applying for a certificate of personal fitness, the holder of a licence under this Act or a relevant officer of the holder of such a licence, as the case may be, made a statement or provided information that was false or misleading in a material respect, or
  - (b) the holder of a licence under this Act has contravened section 7D, 7E or 23.
- (3) An application under this section for reasons referred to in subparagraph (i) of paragraph (c) of subsection (1) shall—
  - (a) in circumstances where the individual does not make a request under subsection (1) of section 13, not be made until the expiration of the period within which that request may be made,
  - (b) in circumstances where the individual makes a request under subsection (1) of section 13 but does not bring an appeal under that section, not be made until the expiration of the period specified in subsection (3) of that section, or
  - (c) in circumstances where the individual brings an appeal under section 13 and the District Court affirms the refusal in accordance with subsection (5) of that section, not be made until the making of the decision by the District Court to so affirm the refusal.
- (4) An application under this section for reasons referred to in paragraph (b), or subparagraph (ii) of paragraph (c), of subsection (1) shall—
  - (a) in circumstances where the individual or relevant officer does not make a request under subsection (1) of section 13A, not be made until the expiration of the period within which that request may be made,
  - (b) in circumstances where the individual or relevant officer makes a request under subsection (1) of section 13A but does not bring an appeal under that section, not be made until the expiration of the period specified in subsection (2) of that section, or
  - (c) in circumstances where the individual or relevant officer brings an appeal under section 13A and the District Court affirms the revocation in accordance with subsection (4) of that section, not be made until the making of the decision by the District Court to so affirm the revocation.

- (5) The Minister for Justice and Equality shall, before making an application under this section, serve a notice on the holder of the licence concerned—
- (a) specifying, as appropriate—
    - (i) the offence of which the holder of the licence stands convicted,
    - (ii) the statement made or information provided in the application for a certificate of personal fitness that he believes to have been false or misleading in a material respect, or
    - (iii) the provision that he believes has been contravened by the holder of the licence, and the nature of the contravention,
  - (b) stating that that Minister of the Government proposes to make an application to the District Court under this section, and
  - (c) stating that the holder of the licence may, within such period (being not shorter than 7 days after the service of the notice) as is specified in the notice, make a statement in writing to that Minister of the Government in relation to the matter.
- (6) The Minister for Justice and Equality shall, before making an application under this section, consider any statement made by the holder of the licence concerned consequent upon the receipt by the holder of the licence of a notice under subsection (5).
- (7) The District Court may, upon the hearing of an application under this section, make an order revoking a licence issued under this Act, if—
- (a) the holder of the licence stands convicted of an offence under subsection (1) of section 6,
  - (b) in a case where the holder of the licence is an individual, that individual has ceased to be the holder of a certificate of personal fitness that he is a fit and proper person to hold such a licence, by reason of the revocation of such a certificate in accordance with section 5C,
  - (c) in a case where the holder of the licence is a body corporate, a relevant officer of the body corporate is not the holder of a certificate of personal fitness that he is a fit and proper person to be a relevant officer of a body corporate that holds such a licence, by reason of his failing to make an application, or the refusal of an application, for such a certificate under section 7, 7B or 7C,
  - (d) in a case where the holder of the licence is a body corporate, a relevant officer of the body corporate has ceased to be the holder of a certificate of personal fitness that he is a fit and proper person to be a relevant officer of a body corporate that holds such a licence, by reason of the revocation of such a certificate in accordance with section 5C, or

- (e) it is satisfied that—
  - (i) the holder of the licence or a relevant officer of the holder of the licence, as the case may be, made a statement or provided information that was false or misleading in a material respect when applying for a certificate of personal fitness, or
  - (ii) the holder of the licence has contravened section 7D, 7E or 23.
- (8) An application under this section shall be made to a judge of the District Court assigned to the Dublin Metropolitan District.
- (9) The Minister for Justice and Equality shall, as soon as may be after the making of a decision by the District Court in relation to an application under this section, notify the Revenue Commissioners in writing of that decision.”.

**Amendment of section 19 of Principal Act**

**24.** Section 19 of the Principal Act is amended—

- (a) in subsection (4), by the substitution of “Betting Act 1853” for “Betting Houses Act 1853”,
- (b) by the substitution of the following subsection for subsection (5):
  - “(5) A person shall be guilty of an offence if, in contravention of subsections (2) or (3), he—
    - (a) carries on any trade, profession or business (other than bookmaking) in registered premises, or
    - (b) permits the use of any such premises for the purpose of carrying on any trade, profession or business (other than bookmaking).”.

and

- (c) by the insertion of the following subsection:
  - “(6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a class B fine or imprisonment for a term not exceeding 3 months or both.”.

**Amendment of section 23 of Principal Act**

**25.** Section 23 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “bookmaker, remote bookmaker or remote betting intermediary” for “licensed bookmaker”,
- (b) in subsection (2), by the deletion of the words “and officers of An Post or Bord Telecom Éireann entering such premises in the course of their duty as such officers”,
- (c) by the substitution of the following subsection for subsection (3):

- “(3) A person who contravenes this section shall be guilty of an offence and shall be liable—
- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both, or
  - (b) on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.”
- (d) by the insertion of the following subsection:
- “(5) In this section ‘betting transaction’ includes—
- (a) any act done in the course of business by a remote betting intermediary that facilitates the making of a bet by or on behalf of another person, and
  - (b) the creation of a betting account.”.

#### **Amendment of section 29 of Principal Act**

**26.** Section 29 of the Principal Act is amended—

- (a) in subsection (1), by the deletion of the words “and officers of An Post or Bord Telecom Éireann entering such premises in the course of their duty as such officers”, and
- (b) in subsection (2), by—
  - (i) the substitution of “class E fine” for “fine not exceeding €60”, and
  - (ii) the substitution of “class D fine” for “fine not exceeding €125”.

#### **Offence of false statement of age**

**27.** The Principal Act is amended by the substitution of the following section for section 31:

- “**31.** (1) A person who has not attained the age of 18 years shall be guilty of an offence if he represents himself to have attained that age with the intention of inducing a licensed bookmaker to accept a bet or enter into a betting transaction.
- (2) A person who has not attained the age of 18 years shall be guilty of an offence if he represents himself to have attained that age with the intention of inducing the owner or occupier of a registered premises to permit the person to enter, or remain on, the premises.
- (3) A person who has not attained the age of 18 years shall be guilty of an offence if he represents himself to have attained that age with the intention of inducing a remote bookmaker or a remote betting intermediary to—
- (a) accept a bet from the person,
  - (b) permit the person to create an account with the remote bookmaker

or remote betting intermediary, as the case may be, or

- (c) otherwise effect a transaction consisting of the making of a bet by the person, or assist the person to effect a transaction consisting of the making of a bet with any person, by remote means.
- (4) A person who contravenes this section shall be guilty of an offence and shall be liable, on summary conviction, to a class E fine.”.

**Orders against unlicensed bookmakers, remote bookmakers or remote betting intermediaries**

**28.** The Principal Act is amended by the insertion of the following section:

**“Unlawful conduct**

**32A.** (1) A person shall not provide any service or facility to a person who contravenes section 2 that—

- (a) will enable the second-mentioned person to have access to or use any internet address or any internet domain (or any particular facility within such domain) for the purpose of the carrying on by the second-mentioned person of a remote bookmaking operation, or
  - (b) will enable any other person to have access from the State to any internet address, internet domain or particular facility within such domain for the purpose of that other person’s entering into any transaction (including the making of a bet) with the second-mentioned person in connection with a remote bookmaking operation.
- (2) A person shall not advertise, or cause to be advertised, a remote bookmaking operation carried on by a person who contravenes section 2.
- (3) A person shall not sell or cause to be sold by retail, or otherwise supply or cause to be supplied, to a member of the public a product that bears—
- (a) the name of a person who contravenes section 2, or
  - (b) any trade description, designation, trademark, emblem, marketing image or logo owned or used by any person in connection with a remote bookmaking operation carried on by a person referred to in paragraph (a).

**Compliance notice**

**32B.** (1) Where the Revenue Commissioners are satisfied that a person has contravened section 32A, the Revenue Commissioners may serve a notice (in this Act referred to as a ‘compliance notice’) on that person.

- (2) A compliance notice shall—
  - (a) state the grounds for the Revenue Commissioners’ being satisfied

- that there has been a contravention referred to in subsection (1),
- (b) for the purpose of ensuring compliance by the person concerned with section 32A, require the person to do or refrain from doing such act or acts as is, or are, specified in the notice by such date as is so specified, and
  - (c) contain information regarding the bringing of an appeal under subsection (5) against the notice, including the manner in which an appeal shall be brought.
- (3) A compliance notice shall not specify a date in accordance with paragraph (b) of subsection (2) that falls on or before the date by which an appeal under subsection (5) shall be brought.
  - (4) The Revenue Commissioners may—
    - (a) withdraw a compliance notice at any time, as they consider appropriate, or
    - (b) where no appeal is brought under this section, specify a date extending the period specified in the notice for the purposes of subsection (2)(b), and notify the person in writing accordingly.
  - (5) A person may appeal a compliance notice served on him or her under this section to the District Court.
  - (6) An appeal under this section shall be brought in the prescribed manner not later than 14 days after the service of the compliance notice concerned.
  - (7) The Revenue Commissioners and the appellant concerned shall be entitled to be heard and to adduce evidence at the hearing of an appeal under this section.
  - (8) The District Court shall, upon an appeal under this section, do one of the following:
    - (a) affirm the compliance notice concerned;
    - (b) direct the Revenue Commissioners to withdraw the compliance notice concerned.
  - (9) The Revenue Commissioners shall comply with a direction under subsection (8).
  - (10) A person who fails to comply with a compliance notice by the specified date shall be guilty of an offence and shall be liable—
    - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both, or
    - (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.

- (11) This section shall not operate to prevent or restrict—
- (a) the entitlement of any person to bring proceedings for the purpose of securing compliance with this Act by a person, or
  - (b) the bringing or prosecuting of any proceedings for an offence under this Act.
- (12) In this section ‘specified date’ means, in relation to a compliance notice—
- (a) the date specified in the notice in accordance with paragraph (b) of subsection (2), where no appeal against the notice is brought under this section, or
  - (b) the day falling immediately after the expiration of the period of 7 days from the date on which the District Court so affirms the notice, where an appeal against the notice is brought under subsection (5) and the District Court affirms the notice in accordance with paragraph (a) of subsection (8).”.

### **Service of documents**

**29.** The Principal Act is amended by the insertion of the following section:

“**32C.** 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:

- (a) by delivering it to the person;
- (b) 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;
- (c) 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; or
- (d) in a case in which an e-mail address for service has been furnished, to that e-mail address.”.

### **Offences by bodies corporate**

**30.** The Principal Act is amended by the insertion of the following section:

“**32D.** Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty

of the first-mentioned offence.”.

### **Administrative cooperation**

**31.** The Principal Act is amended by the insertion of the following section:

“**32E.** (1) (a) The Revenue Commissioners shall inform the Minister for Justice and Equality of any offence under section 1078 of the Taxes Consolidation Act 1997 of which an applicant for a certificate of personal fitness stands convicted, upon receiving a request in writing in that behalf from that Minister of the Government.

(b) The Revenue Commissioners shall inform a Superintendent of the Garda Síochána to whom an application under section 4 is made of any offence under section 1078 of the Taxes Consolidation Act 1997 of which the person making the application stands convicted, upon receiving a request in writing in that behalf from that Superintendent.

(c) The Garda Síochána shall provide the Minister for Justice and Equality with all such information as that Minister of the Government may reasonably require for the purposes of the performance by him of functions under this Act, upon receiving a request in writing in that behalf from that Minister of the Government.

(2) The Minister for Justice and Equality may enter into an arrangement with a foreign statutory body whereby—

(a) the Minister for Justice and Equality agrees to furnish to the foreign statutory body information in his possession that is required by the foreign statutory body for the purposes of the performance by it of functions under the law of a place other than the State that are the same as or similar to the functions performed by the Minister for Justice and Equality under this Act, and

(b) the foreign statutory body agrees to furnish to the Minister for Justice and Equality information in its possession that is required by the Minister for Justice and Equality for the purposes of the performance by him of functions under this Act.

(3) The Minister for Justice and Equality shall not furnish any information to a foreign statutory body pursuant to an arrangement to which this section applies unless it requires of, and obtains from, that body an undertaking in writing by it that it will—

(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 Minister for Justice and Equality or the Revenue Commissioners under this Act, and

- (b) comply with the other terms specified in that requirement.
- (4) The Minister for Justice and Equality may give an undertaking to a foreign statutory body that he will comply with any terms specified in a requirement made of him by the body relating to the use or disclosure by him of that information where compliance with the requirement is a condition imposed by the body for furnishing information to him pursuant to an arrangement to which this section applies.
- (5) An arrangement under this section shall not operate to require the Minister for Justice and Equality to provide information to a foreign statutory body if the disclosure of that information by the Minister for Justice and Equality is prohibited by law.
- (6) In this section ‘foreign statutory body’ 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 Minister for Justice and Equality or the Revenue Commissioners under this Act or any other enactment.”.

### **Regulations**

**32.** Section 35 of the Principal Act is amended by the insertion of the following subsection:

- “(3) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House sits after the order or regulation is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.

### **Amendment of Chapter 1 of Part 2 of Finance Act 2002**

**33.** (1) Section 64 of the Finance Act 2002 is amended by—

- (a) the substitution of the following definition for the definition of “remote betting intermediary” (inserted by subparagraph (i) of paragraph (a) of subsection (1) of section 54 of the Finance (No. 2) Act 2013):
- “ ‘remote betting intermediary’ means a person who is the holder of a remote betting intermediary’s licence;”,
- (b) the insertion of the following definition:
- “ ‘remote betting intermediary’s licence’ has the same meaning as it has in the Betting Act 1931 (amended by the *Betting (Amendment) Act 2015*);”,
- (c) the substitution of the following definition for the definition of “remote bookmaker” (inserted by subparagraph (ii) of paragraph (a) of subsection (1) of section 54 of the Finance (No. 2) Act 2013):

“ ‘remote bookmaker’ means a person who is the holder of a remote bookmaker’s licence;”,

(d) the insertion of the following definition:

“ ‘remote bookmaker’s licence’ has the same meaning as it has in the Betting Act 1931 (amended by the *Betting (Amendment) Act 2015*);”,

(e) the deletion of the definition of “remote means” (inserted by subparagraph (iii) of paragraph (a) of subsection (1) of section 54 of the Finance (No. 2) Act 2013).

(2) Section 66 of the Finance Act 2002 is amended—

(a) in subsection (3), by the substitution of “relevant period” for “year” in each place that it occurs, and

(b) the substitution of the following subsection for subsection (4):

“(4) In this section ‘relevant period’ means, in relation to a registration or renewal of registration of a premises in the register, the period from such registration to the registration final day within the meaning of section 12 (amended by *section 34* of the *Betting (Amendment) Act 2015*) of the Betting Act 1931 next falling after the date of that registration or renewal of registration.”.

(3) Section 66A (inserted by paragraph (d) of subsection (1) of section 49 of the Finance Act 2011) of the Finance Act 2002 is amended, in subsection (1), by the substitution of the following paragraph for paragraph (a):

“(a) for and upon every remote bookmaker’s licence, an excise duty of €10,000, and”.

(4) Section 66B (inserted by paragraph (d) of subsection (1) of section 49 of the Finance Act 2011) of the Finance Act 2002 is amended, in subsection (1), by the substitution of the following paragraph for paragraph (a):

“(a) for and upon every remote betting intermediary’s licence, an excise duty of €10,000, and”.

(5) Section 78 of the Finance Act 2002 is amended, in subparagraph (i) of paragraph (b) of subsection (5), by the substitution of “the registration final day within the meaning of section 12 (amended by *section 34* of the *Betting (Amendment) Act 2015*) of the Betting Act 1931 next falling” for “the 30<sup>th</sup> day of November next”.

(6) The Finance Act 2002 is amended by the insertion of the following section:

**“Provision of information to Revenue Commissioners**

**70A.** A person shall, when furnishing a return to the Revenue Commissioners in accordance with section 70, provide the Revenue Commissioners with such other information (if any) as they may reasonably require for the purposes of the performance by them of their functions under this Chapter in relation to that person.”.

**Amendment of section 12 of Principal Act**

**34.** Section 12 of the Principal Act is amended—

(a) in subsection (1), by—

- (i) the substitution of “such form as they may specify” for “the prescribed form”, and
- (ii) the substitution of “such form as the Revenue Commissioners shall determine” for “the prescribed form”,

(b) the substitution of the following subsection for subsection (2):

“(2) Subject to sections 15 and 17 of this Act and section 78 (amended by section 77 of the Finance Act 2008) of the Finance Act 2002, a premises registered in the register of bookmaking offices shall continue to be so registered until the registration final day next falling after the date on which it was so registered.”,

(c) the substitution of the following subsection for subsection (3):

“(3) Subject to sections 15 and 17 of this Act and section 78 (amended by section 77 of the Finance Act 2008) of the Finance Act 2002, each renewal of the registration of a premises in the register of bookmaking offices shall take effect from the expiration of the registration or the last renewal of the registration, as the case may be, of the premises in that register, and the premises shall continue to be so registered until the registration final day next falling after such renewal.”,

and

(d) the insertion of the following subsection:

“(5) In this section ‘registration final day’ means, in relation to the registration of a premises in the register of bookmaking offices—

- (a) the 30th day of November next falling after the year immediately following the year in which *section 34 of the Betting (Amendment) Act 2015* comes into operation, and
- (b) the 30th day of November falling at the end of each period of 24 months following the registration final day immediately preceding the said period.”.

**Amendment of section 15 of Principal Act**

**35.** Section 15 of the Principal Act is amended by—

(a) the deletion of subsections (1) and (4), and

(b) the deletion, in subsection (3), of—

- (i) the words “a bookmaker’s licence is revoked by a court under this section or”,

- (ii) the words “such revocation or”,
- (iii) the words “(as the case may be)”,
- (iv) the words “record such revocation or”, and
- (v) the words “, as the case may require”.

**Amendment of section 26 of Principal Act**

36. Section 26 of the Principal Act is amended, in subsection (2), by—

- (a) the insertion of the words “or any member of the Garda Síochána” after the words “Any officer of customs and excise”, and
- (b) the substitution of “officer or member” for “officer” in each place that it occurs.

**Repeal of section 32 of Principal Act**

37. Section 32 of the Principal Act is repealed.

**Tax clearance certificate in relation to licence under Act**

38. Section 1094 of the Taxes Consolidation Act 1997 is amended, in the definition of “licence” in subsection (1), by the substitution of the following paragraph for paragraph (c):

“(c) section 7(3), 7B(3) or 7C(3) of the Betting Act 1931.”.

**Amendment of section 54 of Finance (No. 2) Act 2013**

39. Section 54 of the Finance (No. 2) Act 2013 is amended, in subsection (2), by—

- (a) the deletion of clause (II) of subparagraph (ii) of paragraph (b), and
- (b) the deletion of subparagraph (iii) of that paragraph.

**Short title, collective citation and commencement**

40. (1) This Act may be cited as the Betting (Amendment) Act 2015.

- (2) This Act and the Betting Acts 1931 and 1994 may be cited as the Betting Acts 1931 to 2015.
- (3) This Act (other than *section 39*) shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.