



**AN BILLE GEALLTÓIREACHTA (LEASÚ), 2013
BETTING (AMENDMENT) BILL 2013**

EXPLANATORY MEMORANDUM

General

The Bill is designed to provide a regulatory system for remote bookmakers and betting intermediaries (betting exchanges) offering betting services in Ireland, regardless of location. It provides for a fair and equal treatment of all bookmakers and betting exchanges, including bodies corporate, offering services in Ireland and will bring into the licensing and taxation regime all remote bookmakers and betting intermediaries (betting exchanges). The new licensing system for remote operators will serve the important public interest in preventing crime and protecting consumers against fraud and will ensure that all businesses offering betting services from Ireland or to persons in Ireland are regulated appropriately. The Bill amends, for that purpose, the Betting Act of 1931, which contains the existing provisions governing licensing of bookmakers.

Detailed Provisions

Section 1 states that the Principal Act is the Betting Act 1931.

Section 2 makes a number of amendments to certain definitions of the Betting Act 1931 and inserts new definitions to allow for the regulation of remote operations.

Section 3 sets out the issue of residency of a body corporate.

Section 4 replaces Section 2 of the Betting Act 1931 and provides that it is an offence to act as a bookmaker, a remote bookmaker or remote betting intermediary without a licence. In addition, the section sets out the penalties for such an offence on summary conviction and on indictment. It also provides for what measures may be taken by the Minister for Justice and Equality and the Revenue Commissioners.

Section 5 inserts a new Section 2(A) into the Principal Act dealing with the false representation as a licenced bookmaker, remote bookmaker or betting intermediary and provides for penalties associated with such offences.

Section 6 inserts a new Section 2 B in the Principal Act allowing for the continuation of proceedings in the absence of the person charged.

Section 7 replaces Section 4 of the Principal Act. This section sets out the application process for a certificate of personal fitness for a bookmakers' licence for a person ordinarily resident in the state. The application is made to the Superintendent of the Garda Siochana for the district where the person resides or for the district where the bookmakers' premises is located. The section also provides a time line for the issue of such certificates, the basis for refusing a certificate and penalties for making or providing false or misleading statements or information in the course of an application for a certificate.

Section 8 replaces Section 5 of the Principal Act. This section sets out the application process for a certificate of personal fitness for a person resident outside the state to the Minister for Justice and Equality. The section also provides a time line for the issue of such certificates, the basis for refusing a certificate and penalties for making or providing false or misleading statements or information in the course of an application for a certificate.

Section 9 inserts a new Section 5A into the Principal Act which sets out the application process to the Minister for Justice and Equality for a certificate of personal fitness to hold a remote bookmakers' licence or a remote betting intermediaries' licence. This section also provides a time line for the issue of such certificates, the basis for refusing a certificate and penalties for making or providing false or misleading statements or information in the course of an application for a certificate.

Section 10 inserts a new Section 5B into the Principal Act and deals with the timelines surrounding the issue of a certificate of personal fitness and, in particular, the length of time such a certificate remains in force.

Section 11 amends the Principal Act by inserting Section 5C and sets out the basis on which a certificate of personal fitness may be revoked by the Minister for Justice and Equality.

Section 12 amends the Principal Act by substituting Section 6 setting out the grounds for refusal or revocation of a certificate of personal fitness. This includes, inter alia, where the applicant or company is convicted of an offence under the acts dealing with excise duty on bets or other specified legislation, unreasonably refusing to pay out on successful bets, conducting the business of a Bookmaker in a disorderly manner.

Section 13 amends the Principal Act by substituting Section 7. This section deals with the issue by the Revenue Commissioners of a Bookmakers licence, the period of validity of which will be up to two years. The section sets out the requirements of the applicant, including a Certificate of Fitness and a Tax Clearance Certificate, the payment of excise duty to the Revenue Commissioners. The bookmakers' licence also allows the holder not only to carry on the business of bookmaker but also to accept bets by remote means up to a certain value.

Section 14 inserts new Section 7B and 7C into the Principal Act. This provides for the issue of remote bookmakers' and remote betting intermediary licences. As with the issue of a bookmakers' licence, the requirements of the applicant are set out and include a Certificate of Fitness and a Tax Clearance Certificate, the payment of excise duty to the Revenue Commissioners.

Section 15 inserts a new Section 7D into the Principal Act. This section places obligations on an individual and a body corporate licence applicant or holder (i) to notify the Garda Síochána or the Minister for Justice and Equality of relevant convictions, (ii) to notify the Minister for Justice and Equality of a change of name of the relevant officer in a body corporate. The section includes the time within which notification should take place and the penalties involved for failing to do so.

Section 16 inserts a new Section 7E into the Principal Act and provides that when a relevant officer is appointed to a body corporate, that person must apply within one month for a certificate of personal fitness. The section also provides that it is an offence to fail to do so and sets out the penalty for such an offence.

Section 17 amends Section 8 of the Principal Act and provides that the Revenue Commissioners will publish the register of bookmaking offices on the internet or in such other form as they consider appropriate.

Section 18 inserts a new Section 8A into the Principal Act. This provides for the establishment, maintenance and publication of a Register of Licenced Bookmakers by the Revenue Commissioners and stipulates the details to be included. It also provides for the removal from the Register where a licence is revoked.

Section 19 inserts a new Section 8B into the Principal Act. This provides for the establishment, maintenance and publication of a Register of Remote Bookmaking Operations of all remote bookmakers licences and remote betting intermediary licences by the Revenue Commissioners and stipulates the details to be included. It also provides for the removal from the Register where a licence is revoked.

Section 20 amends the Principal Act by substituting Section 13. This section deals with the appeals procedures following the refusal to grant a certificate of personal fitness or a certificate of suitability of premises.

Section 21 inserts Section 13A into the Principal Act. This provides for an appeal to the District Court where a certificate of personal fitness has been revoked by the Minister for Justice and Equality.

Section 22 amends Section 14 of the Principal Act by substituting subsection (1). This provides for the extension of the operation of a licence in certain circumstances where a new certificate of personal fitness has not issued, or has been refused, or is subject to appeal.

Section 23 amends the Principal Act by substituting Section 16. This section deals with the revocation of licences by the District Court on application of the Minister for Justice and Equality. The District Court, on making an order to revoke a licence, may also make orders around the banking arrangements, advertising, sponsorship and access to internet sites be blocked.

Section 24 amends parts of Section 19 of the Principal Act dealing with the use of premises and makes it an offence to use the premises for purposes other than bookmaking.

Section 25 replaces Section 21 the Principal Act and extends the opening hours for registered bookmakers' premises from 7 a.m. to 10 p.m. It also provides for the penalties where these opening hours are contravened.

Section 26 amends Section 23 of the Principal Act by extending the protection of minors to the remote sector. The section extends the prohibition of betting for persons under the age of 18 to the remote sector and provides for the imposition of penalties on the operator on summary conviction and indictment where these prohibitions are contravened.

Section 27 amends Section 29 of the Principal Act dealing with persons under 18 years on the premises.

Section 28 replaces Section 31 of the Principal Act and extends the offence of making a false statement of age by a person under 18 years of age to the remote sector.

Section 29 inserts Section 32A into the Principal Act and provides for the application by the Minister for Justice and Equality to the District Court to make orders where Sections 2, 2A and 23 have been breached. This is designed to offer a means of enforcing compliance with a licence requirement and includes, inter alia, an order that credit institutions do not transact business in relation to certain accounts used in the conduct of bookmaking and remote bookmaking, a prohibition of advertising and sponsorship, and requires telecommunications service providers to block access to certain internet sites.

Section 30 inserts Section 32B into the Principal Act and provides the means by which a notice or other document may be served under the Act.

Section 31 inserts Section 32C into the Principal Act and provides that where an offence has been committed by a body corporate with the consent of an individual, that individual is also guilty of an offence and is liable to be proceeded against.

Section 32 inserts Section 32D into the Principal Act and provides that specific information may be provided to the Minister for Justice and Equality by the Revenue Commissioners and the Garda Síochána to allow him to carry out his functions under the Act. The Section also allows the Minister for Justice and Equality to enter into administration co-operation arrangements with foreign statutory bodies.

Section 33 amends Section 35 of the Principal Act by inserting a section providing for the annulment of regulations made under the Act by the Oireachtas.

Section 34 amends definitions provided for in Section 64 of the Finance Act 2002 as amended by Section 49 of the Finance Act 2011 and technical amendments to Section 66A and 66B of the Finance Act 2002.

Sections 35, 36 and 37 provide for technical amendments to Sections 12, 15 and 26 of the Principal Act.

Section 38 provides for the short title, collective citation and commencement of the Act.

*Department of Finance,
July, 2013*