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**An Bille um Chearrbhachas agus Crannchuir (Leasú), 2019**  
**Gaming and Lotteries (Amendment) Bill 2019**

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*Mar a ritheadh ag Dáil Éireann*

*As passed by Dáil Éireann*

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ACTS REFERRED TO

Betting (Amendment) Act 2015 (No. 7)

Betting Act 1931 (No. 27)

Finance Act 1975 (No. 6)

Gaming and Lotteries Act 1956 (No. 2)

Gaming and Lotteries Acts 1956 and 1970

Totalisator Act 1929 (No. 22)





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**AN BILLE UM CHEARRBHACHAS AGUS CRANNCHUIR (LEASÚ), 2019  
GAMING AND LOTTERIES (AMENDMENT) BILL 2019**

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# **Bill**

*entitled*

An Act to amend the Gaming and Lotteries Act 1956 and the Betting Act 1931; and to provide for related matters. 5

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

## **Definition**

1. In this Act “Principal Act” means the Gaming and Lotteries Act 1956.

## **Amendment of section 2 of Principal Act**

2. Section 2 of the Principal Act is amended by the insertion of the following definitions: 10

“ ‘gaming machine’ has the same meaning as it has in the Finance Act 1975;

‘gaming permit’ has the meaning assigned to it by section 9A (inserted by section 4 of the *Gaming and Lotteries (Amendment) Act 2019*); 15

‘lottery permit’ has the meaning assigned to it by section 27B (inserted by section 11 of the *Gaming and Lotteries (Amendment) Act 2019*);

‘prescribed’ means prescribed by regulations made by the Minister;

‘relevant officer’ has the same meaning as it has in the Betting Act 1931;”. 20

## **Prohibition of gaming without permit or licence**

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

“4. (1) A person shall not promote gaming unless he or she is, or is the employee or agent acting as such of, a person who is the holder of a gaming permit or a gaming licence that is for the time being in force and the gaming is in accordance with the permit or licence. 25

(2) A person who contravenes this section shall be guilty of an offence.”.

## Gaming permits

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

- “9A. (1) Subject to the provisions of this section, a person may apply to the superintendent of the Garda Síochána for the district in which the premises to which the application relates is situated for a permit (in this Act referred to as ‘a gaming permit’) authorising the person to engage in gaming at that premises in accordance with this Act. 5
- (2) An application for a gaming permit shall—
- (a) be in such form as may be specified by the Minister,
  - (b) be accompanied by the prescribed fee, and 10
  - (c) be made to the superintendent of the Garda Síochána concerned not less than 60 days before the first day on which it is intended to promote the gaming to which the application relates.
- (3) A person who applies for a gaming permit under this section shall provide the superintendent of the Garda Síochána to whom the application concerned is made with all such information as he or she may request for the purpose of the performance of his or her functions under this section and if the person fails to comply with this subsection, the superintendent may refuse to grant the person the permit. 15 20
- (4) A superintendent of the Garda Síochána to whom an application for a gaming permit is made under this section shall, not later than 28 days after receiving the application, either—
- (a) grant the application and issue a gaming permit to the applicant in such form and specifying such matters as the Minister may determine, or 25
  - (b) refuse the application.
- (5) In considering an application under this section, the superintendent of the Garda Síochána shall have regard to the following:
- (a) the character of the applicant, or in the case of a body corporate, of the persons exercising control and management thereof; 30
  - (b) the number of gaming permits already issued in the locality;
  - (c) the suitability of the premises or place proposed to be used;
  - (d) the kind of gaming proposed to be carried on, including whether the gaming is for a charitable or philanthropic purpose. 35
- (6) A gaming permit shall not be issued to a person—
- (a) for any kind of gaming in which by reason of the nature of the game, the chances of all the players, including the banker, are not equal,



- (b) to promote gaming for charitable or philanthropic purposes on the same day or in the same place as gaming being promoted other than for charitable or philanthropic purposes, or
  - (c) to promote gaming by means of a gaming machine.
- (7) A gaming permit, if not previously revoked or suspended under section 46 (inserted by *section 19* of the *Gaming and Lotteries (Amendment) Act 2019*), shall continue in force for such period not exceeding 12 months as may be specified in the permit and shall then expire. 5
- (8) A person who holds a gaming permit shall not transfer that permit to any other person and any such purported transfer shall be void and of no effect. 10
- (9) (a) A person who holds a gaming permit shall not accept a stake from a person under the age of 18 years.
- (b) A person who contravenes paragraph (a) shall be guilty of an offence. 15
- (c) Where a person is charged with an offence under this subsection it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of 18 years. 20
- (10) A gaming permit shall indicate whether the gaming authorised by the permit is for a charitable or philanthropic purposes or for the benefit of the holder of the permit and shall specify the kind of gaming so authorised.
- (11) The following conditions shall attach to a gaming permit and shall be expressed in the permit: 25
- (a) the stake in each game shall not be more than €10 for each player;
  - (b) no player may win more than the value of €3,000 in each game whether that game is conducted in a single or multiple event;
  - (c) if more than one of the same game is conducted at the same time, the total value of the prizes shall not be more than €3,000; 30
  - (d) no stake shall be hazarded by the players with the holder of the gaming permit other than a charge for the right to take part in the game;
  - (e) the conditions referred to in paragraphs (a) and (b) and the name of the intended beneficiary shall be prominently displayed at the normal means of access to the premises proposed to be used; 35
  - (f) the hours during which gaming may be carried on.
- (12) A person who holds a gaming permit shall comply with the conditions of the permit. 40

- (13) A person who contravenes subsection (12) shall be guilty of an offence.
- (14) The Minister may by regulations vary the amounts specified in subsection (11).
- (15) Before making regulations under this section the Minister shall have regard to the following: 5
- (a) the number of gaming permits and licences in force under this Act at that time;
  - (b) the potential impact of any such variation on gaming generally;
  - (c) the impact of gaming on society in general. 10
- (16) Every superintendent of the Garda Síochána shall keep a register of all gaming permits—
- (a) issued by him or her under this section, and
  - (b) any such permits revoked or suspended under section 46 (inserted by *section 19 of the Gaming and Lotteries (Amendment) Act 2019*). 15
- (17) Every register maintained under this section shall be open for inspection at all reasonable times by members of the public.
- (18) A person to whom a gaming permit has been refused under this section may appeal the refusal to a judge of the District Court assigned to the District Court district in which the premises to which the application relates is situated.”. 20

### **Gaming licences**

5. The Principal Act is amended by the substitution of the following section for section 14:

- “14. (1) The following conditions shall attach to a gaming licence: 25
- (a) the stake in each game shall not be more than €5 for each player;
  - (b) no player may win more than €500 in each game.
- (2) The Minister may by regulations vary the amounts specified in subsection (1).
- (3) Before making regulations under this section the Minister shall have regard to the following: 30
- (a) the number of gaming permits and licences in force under this Act at that time;
  - (b) the potential impact of any such variation on gaming generally;
  - (c) the impact of gaming on society in general.
- (4) (a) A person who holds a gaming licence shall not accept a stake from a person under the age of 18 years. 35

- (b) A person who contravenes paragraph (a) shall be guilty of an offence.
- (c) Where a person is charged with an offence under this subsection it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of 18 years.” 5

**Amendment of section 15 of Principal Act**

6. Section 15 of the Principal Act is amended by:

- (a) the deletion of subsection (3), and 10
- (b) the substitution of the following subsection for subsection (4):
  - “(4) The Court may attach to the certificate conditions limiting the hours during which gaming may be carried on, restricting the kinds of gaming, and the extent to which particular kinds of gaming, may be carried on.”. 15

**Register of Gaming Licences**

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

- “19A. (1) The Revenue Commissioners shall establish and maintain a register to be known, and in this Act referred to, as the ‘Register of Gaming Licences’ of the gaming licences issued by it under this Act. 20
- (2) The Revenue Commissioners may amend an entry in or delete an entry from the Register of Gaming Licences.
- (3) The Revenue Commissioners shall enter the following particulars in the Register of Gaming Licences:
  - (a) the name and trading name (if different) of each licensee; 25
  - (b) the address at which each licensee ordinarily resides or the address of his or her principal office or place of business;
  - (c) the address of the premises (if any) at which the licensee carries on gaming;
  - (d) in the case of a licensee that is a body corporate, the name of the relevant officers of the body corporate; 30
  - (e) such other particulars as may be specified by the Minister for Finance.
- (4) The Revenue Commissioners shall cause the Register of Gaming Licences to be published on the internet or in such other manner as they consider appropriate.”. 35

### **Prohibition of lotteries without permit or licence**

8. The Principal Act is amended by the substitution of the following section for section 26:

“26. (1) Subject to the provisions of this Act, a person shall not promote a lottery unless he or she is, or is the employee or agent acting as such of, a person who is the holder of a lottery permit or a lottery licence that is for the time being in force and the lottery is conducted in accordance with the permit or licence. 5

(2) A person who contravenes this section shall be guilty of an offence.”.

### **Lotteries held for charitable or philanthropic purposes not requiring permit or licence**

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

“26A. Section 26 shall not apply to a lottery where—

(a) the total value of the prizes is not more than €1,000,

(b) the price of each ticket is not more than €5,

(c) the maximum number of tickets sold is not more than 1,500,

(d) the lottery is conducted for the benefit of a charitable or philanthropic purpose, and 15

(e) the promoter of the lottery derives no personal profit from the lottery and has not conducted a lottery in accordance with this section during the preceding 3 months.”.

### **Lotteries held in conjunction with certain events**

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

“27A. (1) Section 26 shall not apply to a lottery where it is conducted in conjunction with the selling or marketing of a particular product where—

(a) the total value of the prizes is not more than €2,500, and 25

(b) there is no charge for taking part in the lottery other than the purchase of the product concerned (if such is required) and there is no additional charge for the redemption of a prize.

(2) In this section—

‘marketing’ means any form of commercial communication that is intended to increase or has the effect of increasing, the recognition, appeal or consumption of a particular product; 30

‘sell’ means sell by retail or wholesale and includes—

(a) offer or expose for sale,

(b) invite the making by a person of an offer to purchase, 35

(c) distribute free of charge, and

(d) supply for any of these purposes (whether or not for profit).”.

## Lottery permits

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

- “27B. (1) Subject to the provisions of this Act, a person may apply to the superintendent of the Garda Síochána for the district in which he or she ordinarily resides for a permit (in this Act referred to as ‘a lottery permit’) authorising the person to promote a lottery in accordance with this section. 5
- (2) An application for a lottery permit shall—
- (a) be in such form as may be specified by the Minister, 10
- (b) be accompanied by the prescribed fee, and
- (c) be made to the superintendent of the Garda Síochána concerned not less than 60 days before the first day on which it is intended to promote a lottery to which the application relates.
- (3) A person who applies for a lottery permit under this section shall provide the superintendent of the Garda Síochána to whom the application concerned is made with all such information as he or she may request for the purpose of the performance of his or her functions under this section and if the person fails to comply with this subsection, the superintendent may refuse to grant the person the permit. 15 20
- (4) A superintendent of the Garda Síochána to whom an application for a lottery permit is made under this section shall, not later than 28 days after receiving the application, either—
- (a) grant the application and issue a lottery permit to the applicant in such form and specifying such matters as the Minister may determine, or 25
- (b) refuse the application.
- (5) In considering an application under this section for a lottery permit, the superintendent of the Garda Síochána concerned shall have regard to the following: 30
- (a) the character of the applicant, or in the case of a body corporate, of the persons exercising control and management thereof;
- (b) the number of lottery permits already issued in the locality;
- (c) the suitability of the premises (if any) proposed to be used. 35
- (6) A lottery permit, if not previously revoked or suspended under section 46 (inserted by *section 19 of the Gaming and Lotteries (Amendment) Act 2019*) shall continue in force for such period not exceeding 12 months as may be specified in the permit and shall then expire.

- (7) A lottery under this section may be promoted for the benefit of the holder of the permit or for a charitable or philanthropic purpose.
- (8) A person who holds a lottery permit shall not transfer that permit to any other person and any such purported transfer shall be void and of no effect. 5
- (9) (a) A person who holds a lottery permit shall not accept a stake from a person under the age of 18 years.
- (b) A person who contravenes paragraph (a) shall be guilty of an offence.
- (c) Where a person is charged with an offence under this subsection it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of 18 years. 10
- (10) The following conditions shall attach to a lottery permit: 15
- (a) the value of each prize shall be stated on every ticket or coupon or, where the lottery is conducted in a premises, such information shall be prominently displayed at the normal means of access to the premises proposed to be used;
- (b) the price of each ticket shall not be more than €10; 20
- (c) the total value of the prizes in a lottery shall not be more than €5,000 or where more than one lottery is held in any week the total value shall not be more than €5,000;
- (d) not more than 5 per cent of the total proceeds shall be retained by the holder of a lottery permit when the lottery is held for the benefit of a charitable organisation. 25
- (11) A person who holds a lottery permit shall comply with the conditions of the permit.
- (12) A person who contravenes subsection (11) shall be guilty of an offence. 30
- (13) The Minister may by regulations vary the amounts specified in subsection (10).
- (14) Before making regulations under this section, the Minister shall have regard to the following:
- (a) the number of lottery permits and licences in force under this Act at that time; 35
- (b) any other lottery conducted in accordance with law;
- (c) charitable or philanthropic giving in society generally.
- (15) Every superintendent of the Garda Síochána shall keep a register of all lottery permits— 40

- (a) issued by him or her under this section, and
  - (b) any such permits revoked or suspended under section 46 (inserted by *section 19 of the Gaming and Lotteries (Amendment) Act 2019*).
- (16) Every register maintained under this section shall be open for inspection at all reasonable times by members of the public. 5
- (17) A person to whom a lottery permit has been refused under this section may appeal the refusal to a judge of the District Court assigned to the District Court district in which the lottery is to be held is situated.”.

### Lottery licences

12. The Principal Act is amended by the substitution of the following section for section 28: 10

- “28. (1) A person may apply to the District Court for a licence (in this Act referred to as ‘a lottery licence’) authorising the person to promote periodical lotteries in accordance with this Act.
- (2) An application for a lottery licence shall—
- (a) be accompanied by the prescribed fee, and 15
  - (b) be made to the court not less than 60 days before the first day on which it is intended to promote a lottery to which the application relates.
- (3) In considering an application under this section for a lottery licence, a judge of the District Court shall have regard to the following: 20
- (a) the character of the applicant;
  - (b) the number of periodical lotteries already in operation in the locality;
  - (c) the purpose of the lottery.
- (4) On the hearing of an application under this section for a lottery licence, the superintendent of the Garda Síochána for the district in which the lottery is to be held and any other person who appears to the court to be interested may appear and adduce evidence in relation to the application. 25
- (5) The District Court shall either: 30
- (a) grant the application and issue the lottery licence; or
  - (b) refuse the application.
- (6) A lottery licence, if not previously revoked or suspended under section 46 (inserted by *section 19 of the Gaming and Lotteries (Amendment) Act 2019*) shall continue in force for such period not exceeding 12 35 months as may be specified in the licence and shall then expire.
- (7) An application under this section to the District Court shall be made to a judge of the District Court assigned to the District Court district in which it is proposed to promote lotteries.

- (8) A person who holds a lottery licence shall not transfer that licence to any other person and any such purported transfer shall be void and of no effect.
- (9) (a) A person who holds a lottery licence shall not accept a stake from a person under the age of 18 years. 5
- (b) A person who contravenes paragraph (a) shall be guilty of an offence.
- (c) Where a person is charged with an offence under this subsection it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have been committed was of or over the age of 18 years. 10
- (10) The following conditions shall attach to a lottery licence:
- (a) the holder of the licence shall derive no personal profit from the lottery; 15
- (b) the value of each prize and the name of the intended beneficiary of the lottery shall be stated on every ticket or coupon or, where the lottery is conducted in a premises, such information shall be prominently displayed at the normal means of access to the premises proposed to be used; 20
- (c) the total value of the prizes—
- (i) if more than one lottery is held in any week, shall be not more than €30,000, and
- (ii) if one lottery is held in any year, shall be not more than €360,000; 25
- (d) not more than 25 per cent of the total proceeds shall be retained by the holder of the licence and utilised for the expenses of promotion, including commission, and any free entry for the lottery shall be deemed to be a payment of commission to the extent of its value;
- (e) not more than 75 per cent of the total proceeds shall be allocated to prizes and not less than 25 per cent shall be allocated to a charitable or philanthropic purpose, 30
- (f) the allocation of the proceeds referred to in paragraphs (d) and (e) shall be made within one month from the date of the holding of the lottery. 35
- (11) A person who holds a lottery licence shall comply with the conditions of the permit.
- (12) A person who contravenes subsection (11) shall be guilty of an offence.
- (13) The Minister may by regulations vary the amounts specified in subsection (10). 40



- (14) Before making any regulations under this section the Minister shall have regard to the following:
- (a) lotteries that are conducted under this Act;
  - (b) any other lottery conducted in accordance with law;
  - (c) charitable or philanthropic giving in society generally. 5
- (15) The district court clerk for a district court area shall keep a register of all lottery licences—
- (a) issued under this section in that district court area, and
  - (b) any such licences revoked or suspended under section 46 (inserted by *section 19* of the *Gaming and Lotteries (Amendment) Act 2019*). 10
- (16) Every register maintained under this section may be maintained electronically and shall be available for inspection at all reasonable times by members of the public.
- (17) A lottery licence in force on the day immediately preceding the commencement of *section 12* of the *Gaming and Lotteries (Amendment) Act 2019* shall remain in force during the period specified in the licence subject to any conditions attached to the licence.”. 15

#### **Prohibition of false statements**

13. Section 30 of the Principal Act is amended by the deletion of the words “and shall on summary conviction thereof be liable to a fine not exceeding one hundred pounds or to imprisonment for term not exceeding three months or to both such fine and imprisonment”. 20

#### **Lottery tickets**

14. The Principal Act is amended by the substitution of the following section for section 33: 25
- “33. (1) Subject to subsection (2), every ticket, coupon, counterfoil and notice relating to a lottery (other than a lottery to which section 26A (inserted by *section 9* of the *Gaming and Lotteries (Amendment) Act 2019*) or 27A (inserted by *section 10* of the *Gaming and Lotteries (Amendment) Act 2019*) applies) under this Act shall— 30
- (a) bear the name and address of the holder of the lottery permit or licence, or
  - (b) if the permit or licence is in the name of more than one person, of one of them, and of the printer, and of the beneficiary or object,
- and shall state whether it is being carried on under a permit or licence 35  
and the superintendent of the Garda Síochána or Court by whom the permit or licence was issued.

- (2) Where the lottery is conducted in a premises, the information referred to in subsection (1) shall be prominently displayed at the normal means of access to the premises proposed to be used.”.

**Amendment of section 37 of Principal Act**

15. Section 37 of the Principal Act is amended— 5
- (a) by the substitution of the following subsection for subsection (1):
- “(1) A member of the Garda Síochána may seize any gaming instrument or gaming machine—
- (a) being a gaming instrument or gaming machine having any device by means of which it can be fraudulently operated or which he or she has reason to believe is being fraudulently operated or used for unlawful gaming, or 10
- (b) which he or she has reason to believe is not being operated in accordance with the conditions of a permit or licence granted under this Act.”, 15
- and
- (b) in subsection (2), by the substitution of “gaming instrument or gaming machine” for “gaming instrument”.

**Amendment of section 41 of Principal Act**

16. Section 41 of the Principal Act is amended by the deletion of the words “and shall be liable on summary conviction to a fine not exceeding twenty-five pounds”. 20

**Amendment of section 42 of Principal Act**

17. Section 42 of the Principal Act is amended by the substitution of “any gaming instrument or gaming machine, being a gaming instrument or gaming machine” for “any gaming instrument, being a gaming instrument”. 25

**Offences**

18. The Principal Act is amended by the substitution of the following section for section 44:
- “44. (1) A person guilty of an offence under section 4, 9A, 14, 26, 27B or 28 shall be liable—
- (a) on summary conviction to a class A fine, or imprisonment for a term not exceeding 6 months or both, or 30
- (b) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.
- (2) A person guilty of an offence under section 30 shall be liable on summary conviction to a class C fine, or imprisonment for term not exceeding 12 months, or both. 35

- (3) A person guilty of an offence under section 41 shall be liable on summary conviction to a class D fine or imprisonment for a term not exceeding 6 months, or both.
- (4) 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 or to be attributable to any neglect on the part 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 or she were guilty of the first-mentioned offence.”.

### **Revocation or suspension of licences and permits**

19. The Principal Act is amended by the substitution of the following section for section 46:

- “46. (1) Where a person who is the holder of a gaming licence or permit or a lottery licence or permit is convicted of an offence under this Act, a superintendent of the Garda Síochána within whose district the place to which the permit or licence relates is situate may apply to the District Court for an order that the licence or permit be revoked or suspended.
- (2) An application under this section shall be made to a judge of the District Court district for the area in which the place to which the permit or licence relates is situate.
- (3) The clerk of the court concerned shall notify the Revenue Commissioners of the making of an order under this section and of its terms.”.

### **Amendment of section 47 of Principal Act**

20. Section 47 of the Principal Act is amended by—

- (a) the substitution of “gaming instrument or gaming machine” for “gaming instrument” in each place that it occurs, and
- (b) the substitution of “section 4” for “section 5”.

### **Amendment of section 48 of Principal Act**

21. Section 48 of the Principal Act is amended by the substitution of “lottery or gaming” for “lottery” in each place that it occurs.

### **Amendment of section 50 of Principal Act**

22. Section 50 of the Principal Act is amended by the substitution of the following subsection for subsection (1)—

- “(1) The Minister may, after consultation with the Commissioner of the Garda Síochána, make regulations providing for the keeping of

accounts and other records in relation to gaming and lotteries and the furnishing of returns and information relating thereto.”.

### Regulations

23. The Principal Act is amended by the insertion of the following section after section 50:

- “50A. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed. 5
- (2) Without prejudice to any provision of this Act, regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 10
- (3) Every regulation made by the Minister 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 regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”. 15

### Repeals and transitional provision

24. (1) Sections 5, 6, 7, 8, 9, 21, 22, 22A, 23, 24, 25, 27, 28A, 29, 31, 34, and 45 of the Principal Act are repealed. 20
- (2) The repeal of section 27 effected by *subsection (1)*, shall not, during the currency of a lottery permit in force immediately before the commencement of this section, apply in relation to the permit or the holder thereof and the carrying on of gaming in accordance with the permit shall be deemed not to be in contravention of section 27B of the Principal Act (inserted by *section 11* of the *Gaming and Lotteries (Amendment) Act 2019*) and section 27 shall continue to apply during such currency in relation to the permit and in relation to the holder thereof. 25

### Amendment of Totalisator Act 1929

25. The Totalisator Act 1929 is amended by the insertion of the following section after section 4: 30
- “4A. (1) Any person working a totalisator shall not accept a stake of money from a person under the age of 18 years.
- (2) 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 35
- (b) on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years or both.

- (3) Where a person is charged with having committed an offence under this section it shall be a good defence to such charge to prove that the person so charged believed and had reasonable cause for believing that the person in respect of whom such offence is alleged to have committed was of or over the age of 18 years.”.

5

### **Amendment of Betting Act 1931**

26. Section 6 (inserted by section 12 of the Betting (Amendment) Act 2015) of the Betting Act 1931 is amended as follows:

(a) by the insertion of the following paragraph after paragraph (d):

“(dd) a body corporate that has been dissolved, and of which the applicant was at any time a relevant officer—

(i) unreasonably refused to pay sums due to persons who won bets made with the body corporate,

(ii) unreasonably refused to refund deposits made by persons who won bets made with the body corporate, in circumstances where the body corporate unreasonably refused to pay sums due to such persons.”.

(b) by the insertion of the following subparagraph after paragraph (h)(ii):

“(iii) unreasonably refuses or refused to refund deposits made by persons who won bets made with the applicant, in circumstances where the applicant unreasonably refuses or refused to pay sums due to such persons.”.

(c) by substituting the following paragraph for paragraph (i):

“(i) in the case of an applicant who holds or formerly held a remote bookmaker’s licence—

(i) the applicant unreasonably refuses or refused to pay sums due to such persons who won bets made with the applicant,

(ii) the applicant unreasonably refuses or refused to refund deposits made by persons who won bets made with the applicant, in circumstances where the applicant unreasonably refuses or refused to pay sums due to such persons.”.

(d) by substituting the following paragraph for paragraph (j):

“(j) in the case of an applicant who holds or formerly held a remote betting intermediary’s licence—

(i) the applicant unreasonably refuses or refused to pay sums due to such persons who won bets made by means of facilities provided by the applicant,

(ii) the applicant unreasonably refuses or refused to refund deposits made by persons who won bets made with the applicant, in

circumstances where the applicant unreasonably refuses or refused to pay sums due to such persons.”.

(e) by the insertion of the following subparagraph after paragraph (k)(ii):

“(iii) unreasonably refuses or refused to refund deposits made by persons who won bets made with the applicant, in circumstances where the applicant unreasonably refuses or refused to pay sums due to such persons.”. 5

(f) by substituting the following paragraph for paragraph (l):

“(l) any body corporate that holds or formerly held a remote bookmaker’s licence— 10

(i) unreasonably refused to pay sums due to such persons who won bets made with the body corporate,

(ii) unreasonably refuses or refused to refund deposits made by persons who won bets made with the body, in circumstances where the body corporate unreasonably refuses or refused to pay sums due to such persons, 15

while the applicant was a relevant officer of the body corporate.”.

(g) by substituting the following paragraph for paragraph (m):

“(m) any body corporate that holds or formerly held a remote betting intermediary’s licence— 20

(i) unreasonably refused to pay sums due to such persons who won bets made with the body corporate,

(ii) unreasonably refuses or refused to refund deposits made by persons who won bets made with the body, in circumstances where the body corporate unreasonably refuses or refused to pay sums due to such persons, 25

while the applicant was a relevant officer of the body corporate.”.

### **Short title, collective citation, construction and commencement**

27. (1) This Act may be cited as the Gaming and Lotteries (Amendment) Act 2019.

(2) The Gaming and Lotteries Acts 1956 and 1970 and this Act may be cited together as the Gaming and Lotteries Acts 1956 to 2019 and shall be construed together as one. 30

(3) This Act shall come into operation on such day or days as the Minister for Justice and Equality 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 different provisions. 35



An Bille um Chearrbhachas agus Crannchuir  
(Leasú), 2019

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# BILLE

*(mar a ritheadh ag Dáil Éireann)*

*dá ngairtear*

Acht do leasú an Achta um Chearrbhachas agus Crannchuir, 1956 agus an Achta um Gheall-Chur, 1931; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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*Ritheadh ag Dáil Éireann,*

*4 Nollaig, 2019*

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Gaming and Lotteries (Amendment) Bill  
2019

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# BILL

*(as passed by Dáil Éireann)*

*entitled*

An Act to amend the Gaming and Lotteries Act 1956 and the Betting Act 1931; and to provide for related matters.

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*Passed by Dáil Éireann,*

*4th December, 2019*

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BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

€3.05

ISBN 978-1-4468-6625-2



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