



An Bille Gealltóireachta (Toirmeasc ar Úsáid Cáirtáí Creidmheasa), 2021
Betting (Prohibition on Use of Credit Cards) Bill 2021

Mar a tionscnaíodh

As initiated



**AN BILLE GEALLTÓIREACHTA (TOIRMEASC AR ÚSÁID CÁRTAÍ
CREIDMHEASA), 2021
BETTING (PROHIBITION ON USE OF CREDIT CARDS) BILL 2021**

Mar a tionscnaíodh

As initiated

CONTENTS

Section

1. Definitions
2. Amendment of section 5C (revocation of certificate of personal fitness) of Principal Act
3. Issue of licence and prohibition on use of credit cards for betting, etc.
4. Amendment of section 16 (revocation of certain licences by Minister for Justice) of Principal Act
5. Short title, commencement and collective citation

ACTS REFERRED TO

Betting (Amendment) Act 2015 (No. 7)

Betting Act 1931 (No. 27)

Betting Acts 1931 to 2015

Consumer Credit Act 1995 (No. 24)



**AN BILLE GEALLTÓIREACHTA (TOIRMEASC AR ÚSÁID CÁRTAÍ
CREIDMHEASA), 2021
BETTING (PROHIBITION ON USE OF CREDIT CARDS) BILL 2021**

Bill

entitled

5

An Act to amend, in the interest of the common good, the Betting Act 1931 so as to prevent the placing of bets or otherwise dealing in bets that involve the use of a credit card, and for that purpose to prohibit the acceptance of such bets or dealing in such bets by providing that no licence shall be issued by the Revenue Commissioners under that Act unless the applicant for the licence has given them an undertaking not to accept bets or otherwise deal in bets that involve the use either directly or indirectly of a credit card, to amend sections 5C and 16 of that Act and to provide for related matters. 10

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act— 15
- “Act of 2015” means the Betting (Amendment) Act 2015;
- “Principal Act” means the Betting Act 1931.

Amendment of section 5C (revocation of certificate of personal fitness) of Principal Act

2. Section 5C (as inserted by the Act of 2015) of the Principal Act is amended in subsection (1)— 20
- (a) in paragraph (a) by the deletion of “or” where it last occurs,
- (b) in paragraph (b) by the substitution of “material respect, or” for “material respect.”, and
- (c) by the insertion of the following after paragraph (b):
- “ (c) the holder of the licence under this Act to which the certificate 25
relates has not complied with an undertaking given to the Revenue
Commissioners under section 7CA in respect of that licence.”.

Issue of licence and prohibition on use of credit cards for betting, etc.

3. The Principal Act (as amended by the Act of 2015) is amended by the insertion of the following after section 7C: 30

- “7CA. (1) A licence to which section 7, 7A, 7B or 7C relates shall not be issued by the Revenue Commissioners to an applicant for such licence unless the application is accompanied by an undertaking given by the applicant in the prescribed form stating that if the licence is issued then, during the period to which that licence remains in force, that applicant as the holder of the licence— 5
- (a) will not accept bets or otherwise deal in bets, as the case may be, placed using a credit card,
 - (b) will not accept bets or otherwise deal in bets, as the case may be, placed by means of an online payment system commonly referred to as an electronic wallet, or any other system to like effect unless, at the time the bet is so accepted or otherwise dealt with, there is a subsisting assurance given in writing by the provider of that system to the holder of the licence issued under section 7, 7A, 7B or 7C as the case may be, that the provider’s system prevents, or there are other controls put in place to prevent, the use either directly or indirectly of a credit card for the purpose of placing or otherwise dealing in bets with that holder, and 10 15
 - (c) will take all reasonable precautions to ensure that the assurance referred to in paragraph (b) is complied with by the provider of the system concerned. 20
- (2) Where, upon the commencement of the *Betting (Prohibition on Use of Credit Cards) Act 2021*—
- (a) the licence final day, within the meaning of section 7, 7B or 7C as appropriate for the licence concerned, that next occurs is more than 3 months after such commencement, or 25
 - (b) in the case of a licence under section 7A, the 30th day of November next occurring is more than 3 months after such commencement, then the holder of that licence concerned, being a bookmaker, remote bookmaker or remote betting intermediary as the case may be, shall, within 3 months after such commencement, submit an undertaking in the prescribed form stating that, during the period to which that licence remains in force, that holder— 30
 - (i) will not accept bets or otherwise deal in bets, as the case may be, placed using a credit card, 35
 - (ii) will not accept bets or otherwise deal in bets, as the case may be, placed by means of an online payment system commonly known as an electronic wallet, or any other system to like effect unless, at the time the bet is so accepted or otherwise dealt with, there is a subsisting assurance given in writing by the provider of that system to the holder of that licence that the provider’s payment system prevents, or there are other controls put in place to prevent, the use either directly or indirectly of a credit card for the purpose of placing or otherwise dealing in bets with that holder, and 40

- (iii) will take all reasonable precautions to ensure that the assurance referred to in paragraph (i) is complied with by the provider of the system concerned.
- (3) (a) Subject to paragraph (b), where the provider of an online payments system, or any other system to like effect, to whom this section relates fails to comply with an assurance given to a person for the purpose of a licence to which subsection (1)(b) or (2)(ii) relates, then that provider shall be guilty of an offence and shall be liable—
 - (i) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both, or
 - (ii) on indictment to a fine or imprisonment for a term not exceeding 2 years or both.
- (b) In proceedings for an offence under this subsection, it shall be a defence for the person charged to show that that person took all reasonable steps and exercised all due diligence to avoid the commission of the offence.
- (4) In this section—
 - ‘credit card’ has the meaning assigned to it by the Consumer Credit Act 1995 and includes a digital version of a credit card;
 - ‘placed’ and ‘placing’, in relation to a bet, includes being placed or placing by remote means.”.

Amendment of section 16 (revocation of certain licences by Minister for Justice) of Principal Act

- 4. Section 16 (as substituted by the Act of 2015) of the Principal Act is amended in subsection (2)—
 - (a) in paragraph (a) by the deletion of “or” where it last occurs,
 - (b) in paragraph (b) by the substitution of “section 7D, 7E or 23, or” for “section 7D, 7E or 23.”, and
 - (c) by the insertion of the following:
 - “(c) the holder of a licence under this Act has not complied with an undertaking given to the Revenue Commissioners under section 7CA in respect of the licence concerned.”.

Short title, commencement and collective citation

- 5. (1) This Act may be cited as the Betting (Prohibition on Use of Credit Cards) Act 2021.
- (2) This Act shall come into operation 3 months after the date of its passing or on such earlier date than the said 3 months as the Minister for Finance may by order appoint.
- (3) This Act and the Betting Acts 1931 to 2015 may be cited as the Betting Acts 1931 to 2021.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú, ar mhaithe le leas an phobail, an Achta um Gheall-Chur, 1931 d'fhonn cosc a chur le geallta a chur, nó le déileáil ar shlí eile i ngeallta, is geallta a bhfuil úsáid cárta creidmheasa i gceist leo agus, chun na críche sin, do thoirmeasc geallta den sórt sin a ghlacadh, nó déileáil i ngeallta den sórt sin trína shocrú nach ndéanfaidh na Coimisinéirí Ioncaim ceadúnas ar bith a eisiúint faoin Acht sin mura mbeidh gealltanais tugtha ag an iarratasóir ar an gceadúnas dóibh nach nglacfaidh sé nó sí le geallta, nó nach ndéileálfadh sé nó sí ar shlí eile i ngeallta, is geallta a bhfuil úsáid cárta creidmheasa, go díreach nó go neamhdhíreach, i gceist leo, do leasú ailt 5C agus 16 den Acht sin agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta Tomás Gúil a thug isteach,
6 Deireadh Fómhair, 2021*

BILL

(as initiated)

entitled

An Act to amend, in the interest of the common good, the Betting Act 1931 so as to prevent the placing of bets or otherwise dealing in bets that involve the use of a credit card, and for that purpose to prohibit the acceptance of such bets or dealing in such bets by providing that no licence shall be issued by the Revenue Commissioners under that Act unless the applicant for the licence has given them an undertaking not to accept bets or otherwise deal in bets that involve the use either directly or indirectly of a credit card, to amend sections 5C and 16 of that Act and to provide for related matters.

*Introduced by Deputy Thomas Gould,
6th October, 2021*

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.
Teil: 046 942 3100
r-phost: publications@opw.ie
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD, KILMAINHAM,
DUBLIN, D08 XAO6.
Tel: 046 942 3100
Email: publications@opw.ie
or through any bookseller.

€1.27

