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**An Bille um Chearrbhachas (Fógraíocht a Thoirmeasc),  
2021**

**Gambling (Prohibition of Advertising) Bill 2021**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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**AN BILLE UM CHEARRBHACHAS (FÓGRAÍOCHT A  
THOIRMEASC), 2021  
GAMBLING (PROHIBITION OF ADVERTISING) BILL 2021**

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**EXPLANATORY MEMORANDUM**

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***Purpose of Bill***

The purpose of this Bill is to prohibit in the public interest the advertising of gambling, subject to some limited exceptions.

***Provisions of Bill***

*Section 1* is the interpretation section and defines some terms used in the Bill.

“Advertisement” means any form of commercial communication with the aim or effect of promoting or recommending the services of a gambling undertaking, whether to the public generally or to a class of members of the public. However, sponsorship does not fall within this definition of advertising, except in relation to the sponsorship of broadcast programmes.

“Gambling” includes any form of gaming or wagering (betting), except for—

- a lottery,
- bingo, or
- amusement machines of the sort that do not pay out prizes other than the chance to play again for free.

*Section 2* provides that the Bill does not apply to advertising in connection with the promotion of a gambling event for charitable or philanthropic purposes, where the event takes place on a once-off rather than an ongoing basis and the promoter of the event derives no personal profit and has not conducted such an event during the preceding 3 months.

*Section 3* deals with all advertising other than on TV or radio. The section provides that a person shall not advertise, or cause to be advertised, gambling. The section creates an exemption for advertising in printed matter that is published for distribution at a horse racecourse or dog racetrack, in connection with the races to take place there on the day of distribution.

A person who contravenes the section is guilty of an offence.

*Section 4* deals with broadcast advertising. The section provides that it is an offence for a broadcaster to broadcast, or for a person to cause a broadcaster to broadcast, an advertisement for gambling.

“Broadcaster” is defined to include both Irish-based stations to which the Broadcasting Act 2009 applies and also non-EU (e.g. British) broadcasters

that carry advertising that is wholly or mostly targeted at an audience in the State.

However, for practical reasons, while the ban on broadcast advertising includes a ban on the sponsorship of broadcast programmes, that prohibition does not extend to programmes carried by a broadcaster outside the State.

*Section 5* of the Bill deals with offences. A person guilty of an offence will be liable—

- on summary conviction in the District Court, to a fine of up to €5,000, or imprisonment for up to 6 months, or both, or
- on conviction on indictment in the Circuit Court, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 3 years, or both.

Provision is made for a fine of up to €2,000 per day for continuing offences.

The section states that it is a defence for the accused to show that he or she made all reasonable efforts to ensure compliance with the provisions of the Bill.

*Section 6* provides in standard form for the short title and commencement of the Bill.

*Senators Mark Wall, Ivana Bacik, Annie Hoey, Rebecca Moynihan, Marie Sherlock, Aibreán, 2021.*