



An Bille um Rialáil Cearrbhachais, 2022
Gambling Regulation Bill 2022

Mar a tionscnaíodh

As initiated



AN BILLE UM RIALÁIL CEARRBHACHAIS, 2022
GAMBLING REGULATION BILL 2022

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AN BILLE UM RIALÁIL CEARRBHACHAIS, 2022
GAMBLING REGULATION BILL 2022

Bill

entitled

An Act to provide for the establishment of a body to be known as *Údarás Rialála Cearrbhachais na hÉireann* or, in the English language, the Gambling Regulatory Authority of Ireland for the purposes of licensing and regulating betting, gaming, certain lotteries and the sale or supply of products or services related to gambling; to provide for the funding of that Authority by means of imposition of a charge on licensees; to provide for the establishment and maintenance of a register of persons who hold gambling licences in the State and a National Gambling Exclusion Register; to provide for the establishment of a Social Impact Fund to, among other matters, finance research into, raise awareness of, and eliminate or reduce, compulsive and excessive gambling; to provide for contributions to the Fund by certain licensees; to provide for the imposition of obligations on those licensees including obligations relating to advertising, promotion and sponsorship for the purposes of safeguarding persons participating in gambling; to provide for the prohibition of children participating in gambling or being employed in the gambling industry; to provide, for the purposes of ensuring conditions attached to gambling licences and obligations imposed on licensees are complied with, for compliance and enforcement measures; and for those and other purposes to repeal the Totalisator Act 1929, the Betting Act 1931, the Gaming and Lotteries Act 1956, to revoke certain statutory instruments and to provide for the consequential amendment of certain other enactments; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Gambling Regulation Act 2022.

- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, and for the repeal or revocation of different provisions of the enactments effected by *section 9*. 5

Interpretation

2. (1) In this Act—

“account-holder” means a person who holds a gambling account;

“Act of 1929” means the Totalisator Act 1929;

“Act of 1931” means the Betting Act 1931; 10

“Act of 1956” means the Gaming and Lotteries Act 1956;

“Act of 1997” means the Taxes Consolidation Act 1997;

“Act of 2010” means the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010;

“Act of 2014” means the Companies Act 2014; 15

“Act of 2018” means the Data Protection Act 2018;

“adjudication officer” has, subject to *section 190(2)*, the meaning assigned to it by *section 207(1)* and a reference to an adjudication officer, other than in *section 60(3)*, includes a reference to the chief adjudication officer;

“advertise” means any form of communication, whether to the public or otherwise, intended to publicise or otherwise market a gambling activity and, without prejudice to the generality of the foregoing, includes communication— 20

(a) by electronic means including by telephone and on the internet,

(b) in a newspaper,

(c) on television, 25

(d) on radio, or

(e) by display of a notice;

“Appeals Board” means a Board appointed under *section 217(4)(b)* to hear an appeal;

“appeals officer” means a member of the Appeals Panel appointed under *section 217(4)(a)* to determine an appeal under *Part 9*; 30

“Appeals Panel” shall be construed in accordance with *section 216*;

“authorised officer” means an authorised officer appointed under *section 176*;

“Authority” has the meaning assigned to it by *section 12(1)*;

“beneficial owner” has the meaning given to it by Article 3 of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015¹ on the prevention of the use of the financial system for the purposes of money laundering or 35

¹ OJ No. L 141, 5.6.2015, p. 73

terrorist financing, amending Regulation (EU) No. 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC;

“bet” means a payment made to participate in betting;

“betting” includes pool betting; 5

“betting licence” means—

(a) an in-person betting licence,

(b) a remote betting licence,

(c) an in-person and remote betting licence, or

(d) a remote betting intermediary licence; 10

“Business to Business gambling licence” has the meaning assigned to it by *section 88*;

“Business to Consumer gambling licence” means a betting licence, a gaming licence or a lottery licence;

“charitable or philanthropic purpose” shall be construed in accordance with *section 87(4)*; 15

“chief adjudication officer” means the adjudication officer appointed by the Minister under *section 207(3)* to be the chief adjudication officer;

“chief executive” has the meaning assigned to it by *section 20(1)*;

“child” means a person under the age of 18 years;

“civil partner” has the same meaning as it has in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010; 20

“cohabitant” means a cohabitant within the meaning of section 172(1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

“committee” means a committee of the Authority established under *section 19*;

“connected person” means, in relation to a person— 25

(a) a connected relative of the person,

(b) a company or other body corporate of which the person is a member or a connected relative of the person, or a nominee of either of them, is a member,

(c) a partnership in which the person or a connected relative of the person is a partner, or 30

(d) an employer of the person or of a connected relative of the person;

“connected relative” means, in relation to a person—

(a) the person’s spouse or the civil partner or cohabitant of the person, or

(b) a parent, brother, sister or child of—

(i) the person, or 35

(ii) the person’s spouse or the civil partner or cohabitant of the person;

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 ² on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);	
“directed investigation” has the meaning assigned to it by <i>section 186(1)</i> ;	5
“director”, in relation to a body corporate, includes—	
(a) a person occupying the position of director, by whatever name called,	
(b) a person who effectively directs or has a material influence over the business of the body corporate,	
(c) a person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act, unless the directors are accustomed so to act by reason only that they do so on advice given by the person in a professional capacity, and	10
(d) where the affairs of the body corporate are managed by its members, any of the members who perform or exercise the functions of such management;	15
“enactment” has the same meaning as it has in the Interpretation Act 2005;	
“gambling” means, whether in-person or by remote means, betting, gaming or participating in a lottery;	
“gambling account” means an account held by a person with a licensee of a remote gambling licence—	20
(a) where money is lodged with that licensee for the purposes of making a relevant payment to the licensee in respect of relevant gambling activities by remote means,	
(b) to enable the person to make relevant payments to the licensee,	
(c) to hold winnings (if any), and	25
(d) that enables the person to view the balance, relevant payments made and winnings received;	
“gambling activity” means—	
(a) providing a betting activity, a game or a lottery, or	
(b) selling or supplying, or offering to sell or supply, a gambling product or a gambling related service;	30
“gambling licence” means—	
(a) a Business to Consumer gambling licence,	
(b) a gambling licence for a charitable or philanthropic purpose, or	
(c) a Business to Business gambling licence;	35
“gambling licence for a charitable or philanthropic purpose” has the meaning assigned to it by <i>section 87(1)</i> ;	

“gambling product” means any machine (including a gaming machine), equipment or software used, constructed or adapted for or in connection with gambling;	
“gambling related service” means any service provided, directly or indirectly, in the course of business which relates to a gambling activity or a gambling product, or is ancillary to a gambling activity or a gambling product and includes providing, for the operation of a gambling activity—	5
(a) odds to licensees,	
(b) online hosting services,	
(c) support and maintenance which is indispensable to its operation,	
(d) risk management services,	10
(e) fraud management services,	
(f) services to implement measures to protect and safeguard players,	
(g) facilities for the holding and managing of customer funds,	
(h) the installation, maintenance or upgrading of software, and	
(i) any other service the Authority prescribes;	15
“game” means a game—	
(a) of skill or chance, or partly of skill and partly of chance, and	
(b) where a participant in the game may, having made a payment, win a prize of money or money’s worth;	
“gaming” means providing a game or participating in a game;	20
“gaming licence” means—	
(a) an in-person gaming licence,	
(b) a remote gaming licence, or	
(c) an in-person and remote gaming licence;	
“gaming machine” has the same meaning as it has in section 43 of the Finance Act 1975;	25
“in-person betting licence” has the meaning assigned to it by <i>section 84(a)</i> ;	
“in-person gambling licence” means a gambling licence which authorises a licensee to provide a relevant gambling activity from a premises in the State;	
“in-person gaming licence” has the meaning assigned to it by <i>section 85(3)(a)</i> ;	30
“in-person lottery licence” has the meaning assigned to it by <i>section 86(3)(a)</i> ;	
“in-person and remote betting licence” has the meaning assigned to it by <i>section 84(c)</i> ;	
“in-person and remote gaming licence” has the meaning assigned to it by <i>section 85(3)(c)</i> ;	35

“in-person and remote lottery licence” has the meaning assigned to it by *section 86(3)(c)*;

“in-person participant” has the meaning assigned to it by *paragraph (a)* of the definition of “participant”;

“internet service provider” means a person who provides an internet access service to subscribers to the service; 5

“licensee” means, subject to *subsection (4)*, a person who is the holder of a gambling licence which is, for the time being, in force;

“local authority” has the same meaning as it has in the Local Government Act 2001;

“lottery” means— 10

(a) a product purchased or an activity engaged in by a person on the payment of money by the person, and

(b) in return for which payment he or she obtains an opportunity to win a prize of money or money’s worth,

and includes bingo, a raffle and an activity involving a guess or estimate of future events the results of which are not yet ascertained or of past events the results of which are not generally known but does not include a lottery operated by— 15

(i) the National Lottery under the National Lottery Act 2013, or

(ii) a political party under Part 9 of the Electoral Reform Act 2022;

“lottery licence” means— 20

(a) an in-person lottery licence,

(b) a remote lottery licence, or

(c) an in-person and remote lottery licence;

“market” means, in relation to a product, a service or a gambling activity, any form of commercial communication that is intended to increase or has the effect of increasing, the recognition, appeal or consumption of the product, service or gambling activity; 25

“Minister” means the Minister for Justice;

“National Gambling Exclusion Register” shall be construed in accordance with *section 44(1)*;

“nominee” means a person named to act as another person’s agent or representative; 30

“notice of non-compliance” has the meaning assigned to it by *section 184(1)*;

“occupier” means, in relation to premises, a person, other than the owner, who is in or is entitled to be in lawful possession of the premises;

“owner” means, in relation to premises, a person who holds the highest freehold or leasehold estate or interest in the premises; 35

“participant” means, other than in *section 18(2)*, a person participating in a relevant gambling activity—

- (a) on a premises in the State where the activity is provided by a licensee on the premises pursuant to an in-person gambling licence (in this Act referred to as an “in-person participant”), and
- (b) by remote means where the activity is provided by a licensee pursuant to a remote gambling licence; 5
- “personal data” has the same meaning as it has in the Data Protection Regulation;
- “pool betting” shall be construed in accordance with *subsection (2)*;
- “prescribe” means prescribe by regulations;
- “provider of an application store service” means a person who provides a service the main purpose of which is to facilitate the download of, or access to, application software at endpoints of the internet; 10
- “providing a betting activity” shall be construed in accordance with *section 3*;
- “providing a game” shall be construed in accordance with *section 4*;
- “providing a lottery” shall be construed in accordance with *section 5*;
- “record” includes any memorandum, book, report, statement, register, plan, chart, map, drawing, specification, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data are held, any form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or copy, in any form, of any of, or any combination of, the foregoing; 15 20
- “register of gambling licensees” shall be construed in accordance with *section 89*;
- “registration number” has the meaning assigned to it by *section 103(1)(b)*;
- “relevant betting activity” means, subject to *subsection (3)*, a betting activity which a licensee is authorised, in accordance with *section 84*, to provide under a betting licence; 25
- “relevant funds” has the meaning assigned to it in *section 130(2)*;
- “relevant gambling activity for a charitable or philanthropic purpose” has, subject to *subsection (3)*, the meaning assigned to it by *section 87(1)*;
- “relevant gambling product or relevant gambling related service” has, subject to *subsection (3)*, the meaning assigned to it by *section 88(a)*; 30
- “relevant gambling activity” means—
- (a) a relevant betting activity,
- (b) a relevant game,
- (c) a relevant lottery, or
- (d) a relevant gambling activity for a charitable or philanthropic purpose; 35
- “relevant game” has, subject to *subsection (3)*, the meaning assigned to it by *section 85(2)*;
- “relevant lottery” has the meaning assigned to it by *section 86(2)*;

“relevant obligation” means—

- (a) a condition attaching to a gambling licence under *Chapter 9 of Part 5* or imposed on a gambling licence under *Part 8*, or
- (b) an obligation (however described) imposed on a licensee under this Act or any regulations made under this Act;

5

“relevant offence” means an offence set out in *Schedule 1*;

“relevant officer” means—

(a) in relation to a body corporate—

- (i) a person who exercises control (within the meaning of section 11 or 432 of the Act of 1997) in relation to the body,
- (ii) a director, manager, secretary or other officer of the body,
- (iii) a member of the board (including the chairperson) of the body,
- (iv) the chief executive officer, managing director or any other person acting in such capacity (by whatever named called) of the body,
- (v) a person who purports to act in a capacity referred to in any of *subparagraphs (ii) to (iv)*,

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and

(b) in relation to a body corporate not established in the State, a person who—

- (i) holds an office or position equivalent to any office or position referred to in *subparagraphs (i) to (iv) of paragraph (a)*, or
- (ii) purports to act in a capacity of a person who holds such an office or position;

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“relevant payment” means—

- (a) a bet,
- (b) a payment made to participate in a game, or
- (c) a payment made to participate in a lottery;

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“remote betting intermediary” means a person (in this definition referred to as an “intermediary”) who, in the course of business, provides a facility that enables another person to make a bet with a person, other than the intermediary, by remote means;

“remote betting intermediary licence” has the meaning assigned to it by *section 84(d)*;

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“remote betting licence” has the meaning assigned to it by *section 84(b)*;

“remote gambling licence” means a gambling licence which authorises a licensee to provide a relevant gambling activity by remote means;

“remote gaming licence” has the meaning assigned to it by *section 85(3)(b)*;

“remote lottery licence” has the meaning assigned to it by *section 86(3)(b)*;

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“remote means” means any means by which a person can participate in gambling otherwise than in-person including by using—

- (a) the internet,
- (b) a telephone, or
- (c) a television;

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“Segregated Customer Account” has the meaning assigned to it by *section 130(1)*;

“special categories of personal data” has the same meaning as it has in the Act of 2018;

“Social Impact Fund” shall be construed in accordance with *section 49*;

“turnover” means a licensee’s total income from gambling less the total amount paid out by the licensee in winnings; 10

“winnings” means the money or money’s worth paid out to a person who wins a bet, a game or in a lottery, as the case may be.

- (2) For the purposes of this Act, betting is pool betting if made on terms that all or part of the winnings are— 15
 - (a) determined by reference to the aggregate of bets paid in respect of an event, and
 - (b) divided among the persons who win the bet on the event.
- (3) A reference in this Act to a relevant betting activity, a relevant game, a relevant lottery, a relevant gambling activity for a charitable or philanthropic purpose or a relevant gambling product or a relevant gambling related service is a reference to such activity, game, lottery, product or service as varied under *section 112, 117 or 123*, or on appeal under *section 217(12)*, as the case may be. 20
- (4) Subject to *subsection (5)*, a reference in the definition of “licensee” to a gambling licence which is, for the time being, in force includes a reference to a licensee of a gambling licence which would, but for a period of suspension imposed under *section 80 or Part 8* in respect of the gambling licence concerned, be in force. 25
- (5) A licensee whose gambling licence is, by virtue of the application of *subsection (4)*, in force (notwithstanding that the licence stands suspended) shall not be a licensee for the purposes of providing a relevant gambling activity during the period of any such suspension. 30

Reference to providing betting activity

- 3. (1) A reference in this Act to a person providing a betting activity shall be taken to be a reference to the person—
 - (a) acting, or offering to act, as a bookmaker,
 - (b) acting, or offering to act, as a remote betting intermediary, 35
 - (c) offering to take a bet,
 - (d) advertising betting, or

(e) causing another person to do any of the activities referred to in *paragraphs (a) to (d)*.

(2) In this section, “bookmaker” means a person who, in the course of business, accepts bets, sets odds and undertakes to pay out on winning bets.

Reference to providing game

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4. A reference in this Act to a person providing a game shall be taken to be a reference to the person—

(a) selling, or offering to sell, a game,

(b) advertising a game, or

(c) causing another person to do any of the activities referred to in *paragraph (a) or (b)*. 10

Reference to providing lottery

5. A reference in this Act to a person providing a lottery shall be taken to be a reference to the person—

(a) selling, or offering to sell, a product or activity referred to in the definition of “lottery”, 15

(b) advertising a lottery, or

(c) causing another person to do any of the activities referred to in *paragraph (a) or (b)*.

Expenses

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6. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Service of documents

7. (1) 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: 25

(a) by electronic means;

(b) by delivering it in person;

(c) 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; 30

(d) 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.

(2) For the purposes of this section, a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act shall be deemed to be 35

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.

Regulations

8. (1) A regulation made under this Act may contain such incidental, supplementary and consequential provisions as the Minister or the Authority, as the case may be, considers necessary or expedient. 5
- (2) The Authority shall furnish a copy of regulations made by it under this Act to the Minister as soon as practicable after the regulations are made.
- (3) The Minister shall cause every regulation made under this Act to 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 the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 10 15

Repeals and revocations

9. (1) The following are repealed:
- (a) the Act of 1929;
 - (b) the Act of 1931;
 - (c) the Act of 1956; 20
 - (d) paragraph (b) of the definition of “transaction” in section 24, paragraph (g) and (h) of section 25(1) and sections 109 to 109E of the Act of 2010.
- (2) Subject to *subsection (3)*, on the coming into operation of *subsection (1)(c)* in so far as that provision relates to section 36 of the Act of 1956, any rule of law by virtue of which contracts by way of gaming or wagering, or debts arising from a wager, may not be legally enforceable is abolished. 25
- (3) Contracts or debts, referred to *subsection (2)*, entered into or incurred, as the case may be, before the coming into operation of *subsection (1)(c)* in so far as that provision relates to section 36 of the Act of 1956, shall not be legally enforceable.
- (4) The following statutory instruments are revoked: 30
- (a) the Totalisator Regulations 1930;
 - (b) the Betting Act (Revenue Forms) Regulations 1931 (S.I. No. 80 of 1931);
 - (c) the Periodical Lotteries Regulations 1961 (S.I. No. 212 of 1961);
 - (d) the Totalisator (Multiple Event) Regulations 1966 (S.I. No. 7 of 1966);
 - (e) the Totalisator (Greyhound Race Track) Regulations 1971 (S.I. No. 58 of 1971); 35
 - (f) the Totalisator (Horse Racing) Regulations 2002 (S.I. No. 72 of 2002).

PART 2

GAMBLING REGULATORY AUTHORITY OF IRELAND

CHAPTER 1

Establishment, functions and governance of Authority

Definition (Chapter 1)

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10. In this Chapter (other than in *sections 19(4)* and *24(4)*) and in *Schedule 2*, “chairperson” means the chairperson of the Authority.

Establishment day

11. The Minister shall by order appoint a day to be the establishment day for the purposes of this Act.

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Establishment of Gambling Regulatory Authority of Ireland

12. (1) On the establishment day there shall stand established a body, to be known as *Údarás Rialála Cearrbhachais na hÉireann* or, in the English language, the Gambling Regulatory Authority of Ireland (in this Act referred to as the “Authority”), to perform the functions conferred on it by this Act.

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- (2) *Schedule 2* shall apply to the Authority.

Membership of Authority

13. (1) The Authority shall comprise 7 members appointed by the Minister from among such persons as are recommended to him or her by the Public Appointments Service in accordance with *section 15* for appointment.

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- (2) The Minister shall appoint one of the members referred to in *subsection (1)* to be the chairperson.

- (3) In appointing the members of the Authority, the Minister shall have regard to the objective of there being no fewer than 3 members who are women and no fewer than 3 members who are men.

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Functions of Authority

14. (1) The general functions of the Authority shall be—

(a) to license, supervise and control gambling activities in the State,

(b) to establish and maintain—

(i) a register of gambling licensees, and

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(ii) a National Gambling Exclusion Register,

(c) to establish, maintain and administer the Social Impact Fund in accordance with *Chapter 4 of Part 2*,

- (d) to establish, or cause to be established, standards for certain gambling products or gambling related services, or both, and to certify those products or services for sale or supply by a licensee of a Business to Business gambling licence in accordance with *Chapter 8 of Part 5*,
 - (e) to impose obligations on licensees and other persons in relation to advertising and branded clothing and merchandise, 5
 - (f) to impose an obligation on licensees and other persons not to employ a child in a gambling activity other than a relevant gambling activity for a charitable or philanthropic purpose,
 - (g) to impose obligations on licensees including, in accordance with *Part 6*, in relation to the protection of children, the promotion and sponsorship of relevant gambling activities, the training of staff, the notification of suspicious gambling patterns (within the meaning of *section 147(1)*) and the maintenance of accounts and records, 10
 - (h) to monitor and enforce compliance by licensees with this Act, 15
 - (i) to take such enforcement measures, in accordance with *Part 8*, as are necessary to enforce relevant obligations,
 - (j) to deal with complaints made to the Authority in accordance with *Part 7*,
 - (k) to take measures to stop prohibited gambling activities in accordance with *Part 4*,
 - (l) to enhance public awareness and disseminate information to the public in respect of the licensing and regulation of gambling activities, 20
 - (m) to be a competent authority for the purposes of the Act of 2010,
 - (n) to enter into information sharing arrangements with persons outside the State performing similar functions to the Authority and to enter into information sharing agreements with persons in the State, 25
 - (o) to engage in research activities in relation to gambling activities,
 - (p) to conduct a review of the operation of this Act from time to time and to report to the Minister on the outcome of the review and, if appropriate, to make recommendations to the Minister following that review, and
 - (q) to report to the Minister on the performance of its functions when requested to do so by the Minister. 30
- (2) The Authority shall have all such powers as are necessary or expedient for the performance of its functions.
- (3) Subject to this Act, the Authority shall be independent in the performance of its functions. 35
- (4) The Authority may require the chief executive to perform functions of the Authority other than functions of the Authority under *Chapter 2 of Part 4* or *Chapter 8 of Part 8*.

Recommendation for appointment of members of Authority

15. (1) The Minister shall, from time to time as required, request the Public Appointments Service to undertake a selection process for the purpose of identifying and recommending to the Minister persons who are suitable for appointment under *section 13(1)* as members of the Authority. 5
- (2) Upon receipt of a request under *subsection (1)*, the Public Appointments Service shall undertake a selection process and, subject to *subsection (3)*, recommend to the Minister, from among persons who participated in the process, those persons whom it is satisfied are suitable for appointment as members of the Authority.
- (3) The Minister shall agree with the Public Appointments Service the selection criteria and procedures that are to apply to the selection process under this section having regard to— 10
- (a) the desirability that the members of the Authority will, among them, possess knowledge of, and experience, qualifications, training or expertise in, the matters specified in *subsection (4)*, 15
- (b) the need, in so far as possible, to achieve the objective that no fewer than 3 members of the Authority are women and no fewer than 3 members are men, and
- (c) the need to ensure that a person recommended to the Minister under *subsection (1)* is a fit and proper person to be a member of the Authority.
- (4) The matters referred to in *subsection (3)(a)* are matters connected with— 20
- (a) legal or compliance functions in a regulated profession or industry,
- (b) gambling activities,
- (c) consumer affairs,
- (d) the pathology and treatment of addiction, with particular reference to gambling addiction, 25
- (e) information and communications technology, and
- (f) financial services, including audit and forensic accounting practice.
- (5) The Public Appointments Service shall provide the Minister with particulars of the relevant knowledge, experience, qualifications, training or expertise of each person whom it recommends under *subsection (2)*. 30
- (6) The Minister may, prior to the establishment day, designate persons, the subject of a recommendation under *subsection (2)*, to be the first members of the Authority and from among those persons so designated, one of their number to be the first chairperson.
- (7) If, immediately before the establishment day, a person stands designated under *subsection (6)*, the person shall, on that day, stand appointed as a member of the Authority or as both such member and the chairperson, as the case may be. 35

Terms and conditions of membership of Authority

16. (1) Subject to *subsections (2) and (3)*, a member of the Authority shall hold office, unless the member sooner dies, resigns, is removed from office or otherwise ceases to hold office in accordance with *Part 3*, for a period of 4 years from the date of his or her appointment. 5
- (2) Such 3 of the first members of the Authority, other than the chairperson, as are determined by the drawing of lots shall hold office for a period of 3 years from the date of their respective appointments as members.
- (3) Subject to *subsection (4)*, a member of the Authority whose term of office expires with the passage of time may be reappointed under *section 13(1)* as a member of the Authority without the need for a further recommendation under *section 15*. 10
- (4) A person who is reappointed as a member of the Authority under *subsection (3)* shall—
- (a) where he or she is one of the 3 first members referred to in *subsection (2)*, not hold office for periods the aggregate of which exceeds 7 years, and 15
- (b) in the case of any other member of the Authority, not hold office for periods the aggregate of which exceeds 8 years.
- (5) A member of the Authority may resign from office by notice in writing addressed to the Minister and the resignation takes effect on the date the Minister receives the notice or, if a date is specified in the notice and the Minister agrees to the date, on that date. 20
- (6) Each member of the Authority—
- (a) shall hold office on a part-time basis and on such other terms (other than the payment of remuneration and allowances for expenses) as the Minister may determine, and 25
- (b) shall be paid by the Authority, out of the resources at its disposal, such remuneration and allowances for expenses (if any) as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.
- (7) Where a member of the Authority dies, resigns, is removed from office or otherwise ceases to hold office in accordance with *Part 3*, the casual vacancy shall be filled in accordance with *section 13(1)* and the person appointed to fill the casual vacancy— 30
- (a) shall hold office for that period of the term of office of the member who occasioned that vacancy that remains unexpired at the date of that person's appointment, and
- (b) may be re-appointed under *subsection (3)* and the period for which he or she held office under *paragraph (a)* shall be taken into account for the purposes of *subsection (4)*. 35

Power to appoint consultants and advisers and enter into contracts

17. (1) The Authority may, as it considers necessary to assist it in the performance of its functions— 40

- (a) enter into contracts or arrangements with any person, and
 - (b) appoint consultants or advisers.
- (2) The Authority may, out of the resources at its disposal, pay to a person, consultant or adviser referred to in *subsection (1)*, such fees (if any) or allowances for expenses (if any) as the Authority may determine. 5
- (3) The appointment of a consultant or adviser shall be for such period and, subject to *subsection (2)*, be on such terms and conditions, as the Authority considers appropriate.

Procedures of Authority

18. (1) The Authority shall hold such and so many meetings as may be necessary for the due performance of its functions, but in each year shall hold not less than one meeting in each period of 3 months. 10
- (2) The Authority may hold or continue a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time.
- (3) The chairperson shall— 15
- (a) fix the date, time and place of the first meeting of the Authority, and
 - (b) at that first meeting, draw lots for the purposes of *section 16(2)*.
- (4) The quorum for a meeting of the Authority shall be 4.
- (5) At a meeting of the Authority—
- (a) the chairperson shall, if present, be the chairperson of the meeting, and 20
 - (b) if and so long as the chairperson is not present or if the office of chairperson is vacant, the members of the Authority who are present shall choose one of their number to act as the chairperson of the meeting.
- (6) Each member of the Authority present at a meeting of the Authority shall have a vote.
- (7) At a meeting of the Authority, a question on which a vote is required shall be determined by a majority of the votes of the members of the Authority present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote. 25
- (8) Subject to this Act, the Authority may determine its own procedures.
- (9) The Authority may act notwithstanding one or more vacancies in its membership. 30

Committees of Authority

19. (1) The Authority may establish one or more committees of the Authority—
- (a) to assist it in the performance of its functions, or
 - (b) to advise it on matters relating to its functions.

- (2) Subject to *subsection (3)*, a committee may consist of such number of members as the Authority considers appropriate and the membership of a committee may be comprised of members of the Authority or members of staff of the Authority, or both.
- (3) Where a committee is established to advise the Authority on matters relating to its functions, membership of the committee may include persons who— 5
 - (a) are not members of, or members of the staff of, the Authority, and
 - (b) have relevant expertise or experience in those matters.
- (4) The chairperson of a committee shall be appointed by the Authority.
- (5) A committee shall, subject to the approval of the Authority, determine its own procedures. 10
- (6) There may be paid by the Authority, out of the resources at its disposal, such allowances for expenses (if any) incurred by the members of a committee, as the Minister may, with the consent of the Minister and the Minister for Public Expenditure and Reform, determine.

Chief executive 15

- 20.** (1) There shall be a chief executive officer of the Authority (in this Act referred to as the “chief executive”).
- (2) The Authority shall request the Public Appointments Service to hold a selection process for the purpose of identifying and recommending a person who it is satisfied is suitable for appointment as chief executive from time to time when the position of chief executive becomes vacant or the Authority anticipates it is to become vacant. 20
 - (3) The Public Appointments Service shall, when requested to do so under *subsection (2)*, hold a selection process and recommend to the Authority such person or persons whom it is satisfied is or are suitable for appointment as chief executive.
 - (4) Subject to *subsections (6) and (7)*, the Authority shall, with the consent of the Minister, from among the persons recommended under *subsection (3)*, appoint a person to be the chief executive. 25
 - (5) Subject to *subsection (7)*, the chief executive shall hold office for such period, not exceeding 5 years from the date of his or her appointment, as the Authority shall determine. 30
 - (6) The Minister may, before the establishment day, designate a person to be appointed the first chief executive of the Authority.
 - (7) Where, immediately before the establishment day, a person stands designated by the Minister under *subsection (6)*, the Authority shall appoint that person to be the first chief executive for such period, not exceeding 5 years from the date of his or her appointment, as the Minister shall determine. 35
 - (8) Subject to *subsection (9)*, a chief executive whose term of office expires with the passage of time shall be eligible for reappointment by the Authority.
 - (9) A person who is reappointed by the Authority in accordance with *subsection (8)* shall not hold office for periods the aggregate of which exceeds 10 years. 40

- (10) The chief executive shall hold office under contract in writing upon and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances for expenses and superannuation) as may be determined, with the consent of the Minister for Public Expenditure and Reform, by—
- (a) in the case of the first chief executive, the Minister, and 5
- (b) in all other cases, the Authority.
- (11) The chief executive shall not hold any other office or employment or carry on any business without the consent of the Authority.
- (12) The chief executive may be removed from office by the Authority, with the consent of the Minister, for stated reasons. 10

Functions of chief executive

21. (1) The chief executive shall—
- (a) carry on, manage and control generally, the administration of the Authority, and
- (b) perform such other functions (if any) as may, subject to *section 14(4)*, be determined by the Authority. 15
- (2) The chief executive shall perform his or her functions subject to such policies as may be determined from time to time by the Authority and shall be responsible to the Authority for the efficient and effective management of the Authority and for the due performance of his or her functions.
- (3) The chief executive may make proposals to the Authority on any matter relating to its functions. 20
- (4) The chief executive shall provide the Authority with such information in respect of the performance of his or her functions as the Authority may require.
- (5) The Authority may designate a member of staff of the Authority to perform the functions of the chief executive in the absence of the chief executive or when the position of chief executive is vacant and the member of staff so designated shall, in such absence or upon such position being vacant, perform those functions. 25

Delegation of functions of chief executive

22. (1) The chief executive may, with the consent of the Authority in writing, delegate any of his or her functions to a member of staff of the Authority and the member of staff shall be accountable to the chief executive for the performance of the functions so delegated. 30
- (2) The chief executive shall be accountable to the Authority for the performance of functions delegated by him or her under *subsection (1)*.
- (3) The chief executive may, with the consent of the Authority in writing, revoke a delegation made by him or her under *subsection (1)*. 35
- (4) In this section, “functions” does not include a function delegated by the Authority to the chief executive subject to a condition that the function shall not be delegated by the chief executive to another person.

Accountability of chief executive to Public Accounts Committee

23. (1) The chief executive shall, whenever required in writing to do so by the Public Accounts Committee, give evidence to that Committee in relation to—
- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account that the Authority is required by this Act to prepare (being a book or record of account that is subject to audit by the Comptroller and Auditor General), 5
 - (b) the economy and efficiency of the Authority in the use of its resources,
 - (c) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and 10
 - (d) any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as that other report relates to a matter specified in *paragraph (a), (b) or (c)*) that is laid before Dáil Éireann. 15
- (2) In giving evidence under this section, the chief executive shall not question or express an opinion on the merits of—
- (a) any policy of the Government or a Minister of the Government, or
 - (b) the objectives of such a policy.
- (3) In this section, “Public Accounts Committee” means the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General. 20

Accountability of chief executive to other Oireachtas Committees

24. (1) Subject to *subsection (2)*, the chief executive shall, whenever required in writing to do so by a Committee, attend before it to give account for the general administration of the Authority. 25
- (2) The chief executive shall not be required to give account before a Committee for any matter which is, has been, or may at a future time be, the subject of proceedings before a court or tribunal in the State. 30
- (3) Where the chief executive is of the opinion that a matter in respect of which he or she is required to give an account before a Committee is a matter to which *subsection (2)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing. 35
- (4) Where the chief executive has informed a Committee of his or her opinion in accordance with *subsection (3)* and the Committee does not withdraw the requirement in writing referred to in *subsection (1)*—
- (a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to withdraw the requirement, apply to the High 40

- Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, or
- (b) the chairperson of the Committee may, on behalf of the Committee, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, 5
- and the High Court shall determine the matter.
- (5) Pending the determination of an application under *subsection (4)*, the chief executive shall not attend before the Committee to give account for the matter the subject of the application.
- (6) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Committee shall withdraw the requirement in writing, but if the High Court determines that *subsection (2)* does not apply, the chief executive shall attend before the Committee and give account for the matter. 10
- (7) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of— 15
- (a) any policy of the Government or a Minister of the Government, or
- (b) the objectives of such a policy.
- (8) In this section, “Committee” means a Committee (other than the Public Accounts Committee referred to in *section 23*, the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas or a subcommittee of such a Committee. 20

Staff of Authority

25. (1) The Authority may, with the consent of the Minister given with the approval of the Minister for Public Expenditure and Reform— 25
- (a) appoint persons to be members of the staff of the Authority, and
- (b) determine the terms and conditions of employment (including terms and conditions relating to remuneration, superannuation and allowances for expenses (if any)) of the persons so appointed.
- (2) Subject to *subsection (3)*, the Authority may second a public sector employee to be a member of staff of the Authority for the duration of the secondment. 30
- (3) A secondment under *subsection (2)* may only be made with the consent of the public sector employee concerned, the employer of that employee and the Minister.
- (4) The Authority may, from time to time, for the purposes of appointing persons to be members of staff of the Authority under *subsection (1)(a)*, request the Public Appointments Service to undertake a competition for the purpose of identifying persons who are suitable for appointment. 35
- (5) The Public Appointments Service shall undertake a competition when requested to do so by the Authority under *subsection (4)*.

- (6) The remuneration, superannuation (where appropriate) and allowances (if any) of the staff of the Authority are payable by the Authority out of funds at the Authority's disposal.
- (7) In this section, "public sector employee" means a person whose emolument is paid, funded or partly funded directly or indirectly by the State. 5

Superannuation

- 26. (1) The Authority may, with the approval of the Minister for Public Expenditure and Reform, make a scheme or schemes for the granting of superannuation benefits to, or in respect of, a person—
 - (a) appointed chief executive, or 10
 - (b) who, on becoming a member of staff of the Authority, is not, or does not become, a member of the Single Public Service Pension Scheme.
- (2) A scheme under this section shall fix the time and conditions of retirement of all persons to, or in respect of whom, superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of persons. 15
- (3) The Authority may, with the approval of the Minister for Public Expenditure and Reform, make a scheme amending a scheme under this section including a scheme under this subsection.
- (4) A scheme under this section shall, if approved by the Minister for Public Expenditure and Reform, be carried out by the Authority in accordance with its terms. 20
- (5) A scheme under this section shall include a provision for appeals from a decision relating to a superannuation benefit under the scheme.
- (6) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable pursuant to a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Public Expenditure and Reform and that Minister's decision shall be final. 25
- (7) No superannuation benefits shall be granted by the Authority to, or in respect of, a person on ceasing to be the chief executive or a member of the staff of the Authority otherwise than— 30
 - (a) in accordance with a scheme or schemes under this section, or
 - (b) with the approval of the Minister for Public Expenditure and Reform.
- (8) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 35
- (9) *Subsection (8)* shall, with all necessary modifications, apply to an amendment to a scheme under this section as it applies to a scheme under this section.
- (10) In this section— 40

“amending”, in relation to a scheme under this section, includes revoking the scheme;

“superannuation benefit” means any pension, gratuity or other allowance payable to, or in respect of, a person ceasing to be the chief executive or a member of the staff of the Authority.

Annual accounts

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27. (1) The Authority shall keep, in such form as may be approved by the Minister with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts (in this section referred to as “annual accounts”) of all money received or expended by it.

(2) Annual accounts shall be submitted by the Authority to the Comptroller and Auditor General for audit not later than 1 April in the year immediately following the financial year to which they relate or on such earlier date as the Minister may specify. 10

(3) The Authority shall, immediately after the audit referred to in *subsection (2)*, present to the Minister a copy of—

(a) the annual accounts, and 15

(b) the report of the Comptroller and Auditor General on those accounts.

(4) The Minister shall cause a copy of the annual accounts and report presented to him or her under *subsection (3)* to be laid before each House of the Oireachtas as soon as practicable after such presentation.

Annual report

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28. (1) The Authority shall, not later than 6 months after the end of each year, make a report (in this section referred to as the “annual report”) to the Minister on the performance of its functions during the preceding year.

(2) Notwithstanding *subsection (1)*, if, but for this subsection, the first annual report under this section would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months after the end of that year. 25

(3) An annual report shall be in such form, and include such information in respect of the performance by the Authority of its functions, as the Authority considers appropriate or as the Minister may direct. 30

(4) The Minister shall, as soon as is practicable after receipt of an annual report, cause a copy of the annual report to be laid before each House of the Oireachtas.

Strategy statement

29. (1) The Authority shall, as soon as practicable after the establishment day and thereafter within the period of 6 months before each third anniversary of the establishment day, prepare and submit to the Minister, a strategy statement for the 3 year period immediately following the year in which the statement is submitted. 35

- (2) The Minister may issue a direction in writing to the Authority in relation to the form and manner in which a strategy statement shall be prepared under *subsection (1)* and the Authority shall comply with the direction.
- (3) The Minister shall, as soon as is practicable after a strategy statement has been submitted to him or her under *subsection (1)*, cause a copy of the statement to be laid before each House of the Oireachtas. 5
- (4) In this section, “strategy statement” means a statement of the key objectives, outputs and related strategies, including the use of its resources, of the Authority.

Codes of practice

- 30. (1) Subject to *subsection (2)*, the Authority may, and at the request of the Minister shall, prepare and adopt a code of practice for any of the purposes specified in *subsection (3)*. 10
- (2) The Authority shall consult with the Minister before adopting a code of practice under *subsection (1)*.
- (3) The purposes referred to in *subsection (1)* are— 15
 - (a) setting standards for the provision of relevant gambling activities, and
 - (b) providing practical guidance to licensees in relation to the application and operation of this Act or any regulations made under it.
- (4) The Authority may publish, in such manner as it considers appropriate, a draft code prepared by it and, where it publishes a draft, shall invite persons to make representations in writing to it in relation to the draft within such period as it specifies in the invitation. 20
- (5) Where the Authority adopts a code of practice under *subsection (1)*, the Authority shall publish the code on its website and specify the date from which the code shall have effect which shall be a date not earlier than 7 days from such publication. 25
- (6) The Authority may, having consulted with the Minister, amend or revoke a code of practice adopted by it under *subsection (1)* and—
 - (a) where it amends a code, shall publish the code as amended on its website and specify the date from which the code as amended shall have effect which shall be a date not earlier than 7 days from such publication, and 30
 - (b) where it revokes a code, shall publish a notice on its website of the fact of such revocation and specify the date from which the code is revoked.
- (7) For the purposes of *subsection (8)*, a code of practice shall be admissible in evidence in proceedings under this Act in respect of an alleged contravention by a licensee of a relevant obligation where at the time the alleged contravention was committed the code— 35
 - (a) was in effect, and
 - (b) provided practical guidance to licensees in relation to the matter which is the subject of that alleged contravention.

- (8) Where it is proved in any proceedings referred to in *subsection (7)* that any act or omission of the licensee alleged to constitute the contravention—
- (a) was a failure to observe a code of practice referred to in that subsection, or
 - (b) was in compliance with that code of practice,
- that failure or compliance, as the case may be, is admissible in evidence. 5
- (9) A document purporting to be a copy, and to be certified by an employee of the Authority to be a true copy, of a code of practice or an extract of a code of practice, shall, unless the contrary is proved, be admitted in evidence in any proceedings and be evidence of the matters specified therein without further proof.

Conduct of research 10

31. The Authority may undertake, commission or collaborate with research projects in relation to gambling or gambling activities, or both, including:
- (a) gambling addiction;
 - (b) turnover generated through such activities;
 - (c) developments in information technology in the provision of such activities; 15
 - (d) policy approaches to the regulation of gambling and gambling activities in jurisdictions outside the State; or
 - (e) developments in forensic accounting practice.

Review of operation of Act and consideration of issues of concern

32. (1) The Authority— 20
- (a) shall monitor and review—
 - (i) the implementation of this Act including the adequacy of the functions assigned to the Authority, and
 - (ii) national and international developments in relation to gambling and gambling activities and international developments in the regulation of gambling and gambling activities, 25

and
 - (b) may consider existing and emerging practices in gambling and gambling activities, whether in relation to gambling or gambling activities generally or a particular type of gambling or gambling activity, for the purposes of identifying issues of concern arising from such practices. 30
- (2) Without prejudice to the generality of *subsection (1)(b)*, for the purposes of that provision, issues of concern may arise in relation to practices, which although in accordance with the law or a code of practice applicable to such practices, the law or code of practice as applied— 35
- (a) is giving rise, or may give rise, to an increase in compulsive or excessive gambling, or

- (b) is detrimental to the public interest.
- (3) The Authority shall, in performing its functions under *subsection (1)*, have regard to research referred to in *section 31* which is relevant to the function concerned.
- (4) A review under *subsection (1)(a)* shall be conducted not later than 5 years after the coming into operation of this section and, thereafter, from time to time as the Authority may determine. 5
- (5) The Authority shall, following a review under *subsection (1)(a)*, prepare a report of the findings of the review and set out such recommendations (if any) relating to the matters set out in that provision as it considers appropriate.
- (6) The Authority shall, where it identifies issues of concern following its consideration of practices under *subsection (1)(b)*, prepare a report in relation to those issues and set out such recommendations (if any) to address those issues as it considers appropriate. 10
- (7) The Authority shall submit a report and recommendations (if any) prepared under *subsection (5)* or *(6)*, as the case may be, to the Minister for his or her consideration.
- (8) The Minister may, having considered a report and any recommendations submitted to him or her under *subsection (7)*, provide his or her views to the Authority on the implementation of any of those recommendations and may identify other actions, arising from his or her consideration of the report and recommendations concerned, for consideration by the Authority. 15
- (9) The Authority shall, within such time as is specified by the Minister, report to the Minister on any implementation measures it takes in respect of recommendations made by it or in respect of actions identified by the Minister for consideration by the Authority under this section. 20

Request from Minister to Authority for report

- 33. The Minister may, from time to time as he or she considers appropriate, request the Authority to make a report to him or her on any matter relating to the functions of the Authority, and the Authority shall comply with the request within the period specified in the request or within such other period as may be agreed by the Minister and the Authority. 25

Information sharing agreements with persons in State 30

- 34. (1) Subject to compliance with the Data Protection Regulation and the Act of 2018, the Authority may enter into an information sharing agreement with a person in the State specified in *subsection (2)* for the purposes of the performance of the functions of the Authority or the person concerned, or both.
- (2) A person referred to in *subsection (1)* means— 35
 - (a) the Corporate Enforcement Authority,
 - (b) the Competition and Consumer Protection Commission,
 - (c) the Companies Registration Office,
 - (d) the Criminal Assets Bureau, or

(e) the Revenue Commissioners.

CHAPTER 2

Funding of Authority and fees

Definitions (Chapter 2)

35. In this Chapter— 5

“operational costs” means the costs and expenses (other than the costs covered by fees payable in accordance with *section 36*, the remuneration referred to in *section 207(4)(b)* and the expenses of a witness referred to in *section 202(9)*) incurred by the Authority, a committee of the Authority, the Appeals Panel, an appeals officer, an Appeals Board and an adjudication officer in the administration of this Act and in the performance of their respective functions under this Act and without prejudice to the generality of the foregoing includes— 10

(a) any obligations arising in respect of remuneration, superannuation and allowances for expenses in relation to—

(i) members of the Authority, a committee of the Authority, the Appeals Panel or an Appeals Board, 15

(ii) members of staff of the Authority,

(iii) appeals officers,

(b) the fees and allowances for expenses payable to a person, consultant or adviser referred to in *section 17(1)*, 20

(c) the cost of premises and equipment, and

(d) fees and costs payable in respect of legal advice, legal representation and litigation;

“relevant financial period” has the meaning assigned to it by *section 39(1)*.

Power to charge fees 25

36. (1) The Authority shall, with the consent of the Minister, prescribe the fees payable—

(a) on making an application for a gambling licence or for renewal of a gambling licence under *Part 5*,

(b) on making an application for certification under *section 119* of a gambling product or a gambling related service, and 30

(c) on the bringing of an appeal to the Appeals Panel under *Part 9*.

(2) Regulations under *subsection (1)* may provide, in respect of the fees referred to in *paragraph (a)* of that subsection, for exemptions from the payment of fees or for the waiver of fees (in whole or in part) by reference to—

(a) different gambling licences, or 35

- (b) the different relevant gambling activity or the different relevant gambling product or relevant gambling related service licensed by the gambling licences concerned.

Advances by Minister to Authority

37. (1) Subject to *subsection (4)*, the Minister shall advance to the Authority, out of moneys provided by the Oireachtas, such amount as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines is necessary to fund the future operational costs of the Authority in accordance with *section 38(1)*. 5
- (2) Subject to *subsections (3) and (4)*, the Minister may, on the receipt of a request from the Authority under *section 38(3)*, advance to the Authority, out of moneys provided by the Oireachtas, such amount as the Minister, with the consent of the Minister for Public Expenditure and Reform, considers appropriate in the circumstances to fund, either in whole or in part, a deficit referred to in that provision. 10
- (3) The Minister shall, in considering whether it is appropriate to fund a deficit, in whole or in part, in accordance with *subsection (2)*, have regard to the ability of the Authority to borrow money or to draw on any reserve it may have in place to meet the deficit. 15
- (4) An advance to the Authority under *subsection (1) or (2)* may be made subject to such conditions (if any) as the Minister, in consultation with the Minister for Public Expenditure and Reform, considers appropriate.

Funding of Authority

38. (1) The Authority shall, from the advances made to it by the Minister under *section 37(1)*, fund the operational costs of the Authority for a period of 3 years from the establishment day. 20
- (2) Subject to *subsection (3)*, the Authority shall, after the 3 years referred to in *subsection (1)*, fund the operational costs for a relevant financial period from the total amount of the charges imposed in accordance with *section 39* for the period concerned. 25
- (3) Where the Authority is unable to meet the operational costs incurred for a relevant financial period from the monies received from charges imposed for that period, the Authority may, for the purposes of meeting any deficit— 30
- (a) request an advance from the Minister under *section 37(2)*,
- (b) exercise, in accordance with *section 41*, its power to borrow, or
- (c) draw on any reserve it may have in place under *subsection (4)*.
- (4) Any money received through the imposition of charges in accordance with *section 39* for a relevant financial period which is not required to cover the operational costs incurred by the Authority for that period may be retained by the Authority for any or all of the following purposes: 35
- (a) to create a reserve to pay future operational costs;
- (b) to offset future charges payable by licensees under that section;

- (c) to create a fund for the purpose of providing refunds in accordance with *subsection (5)*.
- (5) Subject to *subsection (6)*, where a licensee ceases, otherwise than by reason of suspension or revocation of the gambling licence of the licensee or pursuant to a court order under *section 212*, to provide a relevant gambling activity or a relevant gambling product or relevant gambling related service pursuant to the licence during a relevant financial period, he or she may apply to the Authority for a refund, calculated on a *pro rata* basis, of part of the charge paid by the licensee in respect of that licence for the relevant financial period. 5
- (6) A minimum of half of the charge paid by a licensee in respect of the relevant financial period referred to in *subsection (5)* shall be non-refundable. 10

Power to impose charge to fund Authority

39. (1) The Authority shall, from time to time, with the consent of the Minister, prescribe a financial period (in this Chapter referred to as the “relevant financial period”) by reference to which future operational costs incurred during that period shall be estimated. 15
- (2) The Authority shall, for the purposes of funding the operational costs for a relevant financial period, on each occasion when it prescribes a relevant financial period under *subsection (1)*, with the consent of the Minister, determine, having regard to the matters referred to in *subsection (3)*, the charge payable by different licensees in respect of different gambling licences for the relevant financial period concerned. 20
- (3) The matters referred to in *subsection (2)* to which the Authority is to have regard are:
- (a) in relation to each gambling licence held by a licensee, the number and type of relevant gambling activities or relevant gambling products or relevant gambling related services authorised by the licence; 25
 - (b) the duration that a gambling licence remains in force in accordance with *section 104*;
 - (c) where a licensee is already providing relevant gambling activities or relevant gambling products or relevant gambling related services, the turnover from the provision of such activities, products or services, as the case may be; 30
 - (d) where a licensee held a licence or permit under the Act of 1929, the Act of 1931 or the Act of 1956, the turnover from activities conducted pursuant to the licence or permit;
 - (e) where a licensee directs or directed, or is or was the beneficial owner of, a private members’ club at which gambling activities are or were carried on under the Act of 2010, the turnover from the gambling activities concerned; 35
 - (f) where a licensee has not previously held a gambling licence, the estimated turnover from the provision of relevant gambling activities or relevant gambling products or relevant gambling related services, as the case may be;
 - (g) the administrative costs, actual or estimated, incurred by a licensee in providing relevant gambling activities or relevant gambling products or relevant gambling related services, as the case may be. 40

- (4) The Authority may, from time to time, following consultation with the Minister, by regulations provide for exemptions (whether in whole or in part) from the payment of charges by licensees of gambling licences for charitable or philanthropic purposes having regard to—
- (a) whether the licence is granted pursuant to an application under either *section 113* or *115* or pursuant to an application under *section 114* for a once-off activity, or
 - (b) the turnover of those licensees.
- (5) The Authority shall issue a notice in writing to each licensee by whom a charge is payable in accordance with *subsection (2)* setting out—
- (a) the charge payable and the basis for the calculation of that charge,
 - (b) that the charge is payable by the licensee concerned within the period of 30 days of the date of the notice,
 - (c) the form and manner in which payment is to be made,
 - (d) the rate of interest payable on such part of the charge that remains unpaid at the expiration of the 30 days referred to in *paragraph (b)*, and
 - (e) the right of the person to bring an appeal in accordance with *Part 9* against the amount of the charge referred to in *paragraph (a)* and the period within which the appeal may be brought in accordance with that Part.

Power to recover fees and charges

40. The Authority may recover as a simple contract debt in any court of competent jurisdiction, from a person by whom fees or a charge is payable under this Chapter, any amount due and owing to the Authority in respect of fees or a charge imposed in accordance with this Chapter.

Borrowings

41. (1) Subject to *subsection (2)*, the Authority may, with the consent of the Minister and the Minister for Finance, for any purpose arising in connection with the performance of the functions of the Authority, borrow money.
- (2) The Minister and Minister for Finance may give their consent under *subsection (1)* subject to such conditions as they consider appropriate.

Obligation to provide information to Minister and Minister for Public Expenditure and Reform

42. The Authority shall, on being requested in writing to do so by the Minister or the Minister for Public Expenditure and Reform, provide information in writing relating to the funding of the Authority provided for in this Chapter and the information shall be provided in such form and manner, and within such period, as is specified in the request or within such other period as may be agreed between the Authority and the Minister who makes the request.

*National Gambling Exclusion Register***Definitions (Chapter 3)****43.** In this Chapter—

“account-holder” means a person who holds a gambling account with a Business to Consumer licensee; 5

“initial period” has the meaning assigned to it by *section 44(4)(b)*;

“relevant date” has the meaning assigned to it by *section 44(5)(b)*;

“relevant exclusion period” shall be construed in accordance with *section 46*.

National Gambling Exclusion Register

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44. (1) The Authority shall, as soon as is practicable after the coming into operation of this section, cause to be established and maintained, in such form as it considers appropriate, a Register to be known as the National Gambling Exclusion Register.

(2) The National Gambling Exclusion Register shall—

(a) contain information on account-holders who have excluded themselves from participating in a relevant gambling activity or activities by remote means with one or more licensees for a relevant exclusion period, 15

(b) be established and maintained in such a way as to enable such licensees to view, in real time, the information contained in the Register which affects the licensee concerned, and 20

(c) be established and maintained in such a way as to enable an account-holder, referred to in *paragraph (a)*, to view the information contained in the Register which relates to himself or herself.

(3) The Authority may require Business to Consumer licensees who provide a relevant gambling activity by remote means to take such action as it may specify for the purposes of promoting the National Gambling Exclusion Register. 25

(4) An account-holder may make an application to the Authority, in such form as may be specified by it, to be entered in the National Gambling Exclusion Register requesting that he or she—

(a) be excluded from participating in such relevant gambling activity or activities as is or are specified in the application, 30

(b) be so excluded for such period (in this Chapter referred to as the “initial period”), including for an indefinite period, as is specified in the application, and

(c) be so excluded in relation to one or more than one licensee who provides a relevant gambling activity by remote means— 35

(i) with whom the account-holder holds a gambling account, and

- (ii) who provides the relevant gambling activity or activities referred to in *paragraph (a)*.
- (5) The following information shall be entered on the National Gambling Exclusion Register in respect of an account-holder who makes an application under *subsection (4)*: 5
- (a) his or her name and address;
 - (b) the date (in this Chapter referred to as the “relevant date”) from which he or she is excluded from participation, being a date not earlier than one day after the information is entered in the Register;
 - (c) the relevant exclusion period; 10
 - (d) the relevant gambling activity or activities to which the exclusion is to apply;
 - (e) particulars of the licensee or licensees referred to in *subsection (4)(c)*;
 - (f) such other information as the Authority considers appropriate.
- (6) The Authority shall, as soon as practicable after information is entered in the National Gambling Exclusion Register in respect of an account-holder, notify the licensee or licensees referred to in *subsection (4)(c)* in writing of that fact and subject to *subsection (7)*, each licensee so notified shall refund any money in the account-holder’s gambling account with the licensee to the account-holder within 7 days from the date specified in the notice. 15
- (7) Where regulations have been made under *section 159(3)* and the account-holder concerned has more than one gambling account with a licensee, the obligation in *subsection (6)* to refund money shall only apply in respect of the gambling account or accounts which relate to the relevant gambling activity or activities to which the exclusion applies in accordance with *subsection (5)(d)*. 20
- (8) A licensee who fails, on being notified under *subsection (6)*, to refund an account-holder in accordance with that subsection is guilty of an offence and is liable— 25
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 30 years, or both.
- (9) The Authority shall ensure the National Gambling Exclusion Register is kept up to date and is accurate and, for that purpose, the Authority shall make such alterations to the entries in the Register as it considers necessary.
- (10) The Authority shall, as soon as practicable after making an alteration to an entry in the National Gambling Exclusion Register under *subsection (9)*, give notice in writing of that fact to an account-holder in respect of whom an entry has been made in the Register and to which entry the alteration relates unless the alteration was made under that subsection pursuant to a notification received under *subsection (11)*. 35
- (11) An account-holder shall notify the Authority in writing of an error in an entry in the National Gambling Exclusion Register relating to him or her or of a change in 40

circumstances that is likely to have a bearing on the accuracy of an entry as soon as practicable after he or she becomes aware of the error or change in circumstances.

- (12) Every document purporting to be a copy of or an extract from an entry in the National Gambling Exclusion Register and purporting to be certified, either by the chief executive or a member of staff of the Authority authorised in that behalf by the chief executive, to be a true copy of or extract from such entry shall, without proof of the signature of the chief executive or the member of staff concerned, be received in evidence in any legal proceedings and shall, unless the contrary is proved, be deemed to be a true copy of or extract from such entry and shall be evidence of the matters stated in such including in so far as the copy or extract indicates that a person—
- (a) is or is not entered in the Register, or
 - (b) was or was not, at a specified date or during a specified period, entered in the Register.

Obligations of licensee in relation to account-holder on National Gambling Exclusion Register

45. (1) A licensee referred to in *section 44(5)(e)* shall not on or after the relevant date and during the relevant exclusion period—
- (a) provide, to an account-holder, a relevant gambling activity or activities referred to in *section 44(5)(d)*,
 - (b) accept a relevant payment from that account-holder in respect of such relevant gambling activity or activities, or
 - (c) communicate with that account-holder in a manner that invites (or has the effect of inviting) him or her to participate in a relevant gambling activity or activities to which the exclusion applies in accordance with *subsection (5)(d)*.
- (2) A licensee who is unable, other than by reason of a systems failure in the operation of the National Gambling Exclusion Register in real time by the Authority, to view, in real time, the information in the National Gambling Exclusion Register which affects the licensee, shall not do any of the activities referred to in *paragraph (a) to (c) of subsection (1)* during the period the licensee is unable to so view the information.
- (3) Subject to *subsection (4)*, a licensee who contravenes *subsection (1) or (2)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or to imprisonment for a period of 12 months, or both, or
 - (b) on conviction on indictment, to a fine or to imprisonment for a period of 5 years, or both.
- (4) A licensee who is unable, by reason of a systems failure in the operation of the National Gambling Exclusion Register by the Authority, to view, in real time, the information in the National Gambling Exclusion Register which affects the licensee, does not commit an offence under *subsection (3)* where he or she does any of the activities referred to in *paragraph (a) to (c) of subsection (1)* during the period of the systems failure.

Relevant exclusion period

46. (1) The relevant exclusion period shall be—
- (a) the initial period, or
 - (b) the initial period as amended in accordance with this section.
- (2) Where the initial period is for a specific period, the account-holder may, at any time prior to the expiration of that period, apply in writing to the Authority to extend that period for a further specific period or for an indefinite period. 5
- (3) Where the initial period is for an indefinite period, the account-holder may, at any time after the expiration of a period of 12 months from the relevant date, apply in writing to the Authority to limit the duration of that exclusion to such specific period as is specified in the notice. 10
- (4) The Authority shall, as soon as practicable after it receives an application under *subsection (2) or (3)*, and having satisfied itself as to the identity of the account-holder making the application, update the relevant exclusion period in the National Gambling Exclusion Register. 15

Removal of entry in respect of account-holder on National Gambling Exclusion Register

47. (1) An entry in respect of an account-holder on the National Gambling Exclusion Register shall be removed—
- (a) where the relevant exclusion period is a specific period, at the expiration of that period, or 20
 - (b) where the relevant exclusion period is an indefinite period, in accordance with *subsection (3)*.
- (2) An account-holder to whom *subsection (1)(b)* applies may, after the expiration of a period of 12 months from the relevant date, notify the Authority in writing that he or she wishes the Authority to remove the entry relating to him or her from the National Gambling Exclusion Register. 25
- (3) The Authority shall, on receipt of a notification under *subsection (2)* and having satisfied itself as to the identity of the account-holder making the notification, remove the entry relating to that account-holder from the National Gambling Exclusion Register and as soon as practicable after such removal give notice in writing of that fact to the account-holder concerned. 30

Right of self-exclusion by person directly with licensee not affected

48. Nothing in this Chapter shall be taken to affect the right of a person to exclude himself or herself from participating in a relevant gambling activity or activities provided by a licensee by entering into an arrangement (howsoever described) provided by the licensee to enable such exclusion in accordance with the terms of the arrangement. 35

*Social Impact Fund***Establishment of Social Impact Fund**

49. The Authority shall, as soon as practicable after the coming into operation of this section, establish and maintain a fund which shall be known as the Social Impact Fund which shall be managed and controlled by the Authority. 5

Payments out of Social Impact Fund

50. (1) The Authority may, from time to time, make a payment or payments to a person out of the Social Impact Fund of such amount of money as the Authority considers appropriate for any or all of the following purposes: 10
- (a) research, training, community interventions and other initiatives aimed at reducing or eliminating compulsive or excessive gambling and the social impact of compulsive or excessive gambling;
 - (b) public education and awareness-raising measures for the purposes of—
 - (i) highlighting the social impact of compulsive or excessive gambling, or 15
 - (ii) informing the public about the resources available to address compulsive or excessive gambling;
 - (c) the provision of services—
 - (i) for the treatment of participants engaged in compulsive or excessive gambling, and 20
 - (ii) to other persons affected by compulsive or excessive gambling;
 - (d) cooperation with persons outside the State in research and training which will benefit persons in the State by reducing or eliminating compulsive or excessive gambling and the social impact of compulsive or excessive gambling;
 - (e) projects, programmes or initiatives which are compatible with the purposes referred to in *paragraphs (a) to (d)*. 25
- (2) Without prejudice to the generality of *subsection (1)*, the Authority may invite persons to—
- (a) make proposals for the provision of services or engagement in activities referred to in any of *paragraphs (a) to (e)* of *subsection (1)*, and 30
 - (b) apply for a payment from the Social Impact Fund for the provision of such services or engagement in such activities.
- (3) The Authority shall publish an invitation under *subsection (2)* on its website and shall set out, in the invitation concerned—
- (a) the criteria the Authority will use to assess proposals, and 35
 - (b) where a proposal is accepted, the manner in which a payment of money shall be made from the Social Impact Fund.

- (4) A person who receives money from the Social Impact Fund shall keep an account, as required under *section 53*, of the expenditure of that money.
- (5) The Authority may attach a condition to a payment of money made to a person out of the Social Impact Fund and, where it does so, the person concerned shall comply with that condition. 5
- (6) A person who fails to comply with *subsection (4)* or *(5)* is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or to imprisonment for a period of 12 months, or both, or
 - (b) on conviction on indictment, to a fine or to imprisonment for a period of 5 years, or both. 10
- (7) The Authority may by notice in writing request a report in writing from a person who receives money from the Social Impact Fund and the report shall contain such information as may be specified by the Authority concerning the use of that money and relating to compliance with such conditions (if any) as are imposed under *subsection (5)*. 15
- (8) A person shall comply with a request under *subsection (7)* within such period as is specified in the request or within such other period as may be agreed in writing by the Authority and that person.

Payment of expenses of Authority from Social Impact Fund 20

51. The Minister may, from time to time, authorise the payment out of the Social Impact Fund to the Authority of such money as he or she considers necessary for the purpose of defraying, in whole or in part, the expenses incurred by the Authority in connection with the administration of the Fund.

Funding of Social Impact Fund 25

- 52.** (1) A licensee, other than a licensee of a gambling licence for a charitable or philanthropic purpose, shall pay an annual contribution to the Authority in respect of the Social Impact Fund.
- (2) The contribution payable by a licensee to the Social Impact Fund shall be determined by the Authority in accordance with regulations made by the Minister under *subsection (3)*. 30
 - (3) The Minister shall make regulations in relation to the contributions payable by licensees, other than licensees of a gambling licence for a charitable or philanthropic purpose, to the Social Impact Fund and, without prejudice to the generality of the foregoing, such regulations— 35
 - (a) shall provide—
 - (i) the percentage of licensees’ turnover which shall be payable as a contribution, and
 - (ii) the manner in which, and the date by which, contributions shall be made,

and

- (b) may provide for the payment of contributions by licensees by instalment.
- (4) The Authority shall give a licensee liable to pay a contribution a notice in writing specifying—
 - (a) the contribution payable by the licensee to the Social Impact Fund, and 5
 - (b) the manner in which, and the date by which, the contribution is required to be paid to the Authority by the licensee.
- (5) Where a contribution to the Social Impact Fund is payable by a licensee pursuant to a notice under *subsection (4)* and during the year to which the contribution concerned relates, the gambling licence of the licensee is transferred to a person under *section 105*, the person to whom the licence is transferred is liable to pay the contribution concerned for that year only to the extent that the full amount of the contribution has not been paid prior to the transfer. 10
- (6) The Authority may recover as a simple contract debt, in any court of competent jurisdiction, from a person by whom a contribution to the Social Impact Fund is payable, any amount due and owing to the Authority in respect of contributions imposed in accordance with this section. 15

Obligation to keep account of expenditure of money received from Social Impact Fund

- 53. (1) A person in receipt of money from the Social Impact Fund under *section 50* shall keep, in such form and manner as may be approved by the Minister, with the concurrence of the Minister for Public Expenditure and Reform, an account of the expenditure of that money by that person in each financial year in which that money is expended. 20
- (2) Accounts kept pursuant to *subsection (1)* shall be submitted to the Authority not later than 1 March in the year immediately following the financial year to which they relate or on such earlier date as the Authority may specify. 25

Direction of Minister

- 54. (1) The Minister may give a direction in writing to the Authority in relation to the management and control of the Social Impact Fund by the Authority.
- (2) The Authority shall comply with a direction given by the Minister under *subsection (1)*. 30

Accounts: Social Impact Fund

- 55. (1) The Authority shall keep, in such form as may be approved by the Minister with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of all money received in respect of the Social Impact Fund or expended from the Fund. 35
- (2) Accounts referred to in *subsection (1)* shall be submitted by the Authority for audit not later than 1 April in the year immediately following the financial year to which they relate or on such earlier date as the Minister may specify.

- (3) The Authority shall, immediately after the audit referred to in *subsection (2)*, present to the Minister a copy of—
- (a) the accounts, and
 - (b) the report of the Comptroller and Auditor General on those accounts.
- (4) The Minister shall cause copies of the accounts and report presented to him or her under *subsection (3)* to be laid before each House of the Oireachtas as soon as practicable after such presentation. 5

PART 3

PROVISIONS APPLICABLE TO AUTHORITY, APPEALS PANEL AND ADJUDICATION OFFICERS

Definition (*Part 3*) 10

56. In this Part, “relevant office” means the Authority and the Appeals Panel.

Ineligibility to become and disqualification to act as member of relevant office or as adjudication officer

- 57.** (1) A person shall not be eligible for appointment, and shall cease to hold office, as a member of a relevant office, as an adjudication officer or as the chief executive if he or she— 15
- (a) is adjudicated bankrupt,
 - (b) makes a composition or arrangement with his or her creditors,
 - (c) is convicted on indictment of an offence,
 - (d) is convicted of an offence involving fraud or dishonesty, 20
 - (e) has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,
 - (f) is subject, or is deemed to be subject, to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provisions of that Act, 25
 - (g) is a licensee or has a relevant interest in a body corporate which is a licensee,
 - (h) has an interest, equivalent to a relevant interest in a body corporate, in a legal entity which is engaged in gambling activities outside the State, or
 - (i) enters into employment with— 30
 - (i) a licensee or an organisation which represents licensees in the State, or
 - (ii) a person equivalent to a licensee, or an organisation equivalent to an organisation referred to in *subparagraph (i)*, outside the State.

- (2) A person holds a relevant interest in a body corporate which is a licensee for the purposes of *subsection (1)(g)* where the person or a connected person or both the person and the connected person together—
- (a) holds shares or any other proprietary interest in the licensee, where the value of the interest exceeds €5,000, 5
 - (b) holds bonds, debentures, or other like investments, in the licensee, the aggregate value of which exceeds €13,000,
 - (c) holds a directorship or shadow directorship (within the meaning of the Act of 2014) in the licensee,
 - (d) receives gifts or other benefits from the licensee, the aggregate value of which exceeds €650, or 10
 - (e) is a party to an arrangement or agreement (whether enforceable or not) concerning land with the licensee.

Membership of either House of Oireachtas, European Parliament or local authority

58. (1) Where a member of a relevant office, an adjudication officer or the chief executive is— 15
- (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,
 - (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament, or 20
 - (d) is elected or co-opted as a member of a local authority,
- he or she shall thereupon cease to be a member of the relevant office, an adjudication officer or chief executive, as the case may be.
- (2) Where a member of staff of a relevant office is— 25
- (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,
 - (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament, or 30
 - (d) is elected or co-opted as a member of a local authority,
- he or she shall thereupon stand seconded from that employment, and where the member of staff concerned is a person referred to in *section 25(2)*, he or she shall cease to be seconded to be a member of staff of the Authority, and shall not be paid by, or be entitled to receive from, the relevant office concerned, any remuneration or allowances in respect of the period commencing on the nomination, election or co-option, or when he or she is regarded as having been elected, as the case may be. 35
- (3) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,

(b) a member of the European Parliament, or

(c) entitled under the standing orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled as mentioned in *paragraph (a)* or *(c)* or is such a member as mentioned in *paragraph (b)*, be disqualified to act as an adjudication officer, for membership of a relevant office or for employment in any capacity by a relevant office. 5

(4) In this section, “Act of 1997” means the European Parliament Elections Act 1997.

Removal of member of relevant office

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59. (1) The Minister may remove a member of a relevant office if, in the opinion of the Minister, the member has—

(a) without reasonable excuse, failed to discharge the functions of the office,

(b) become incapable through ill-health of effectively performing the functions of the office, 15

(c) committed stated misbehaviour (other than misbehaviour which is the basis for a conviction referred to in *section 57* as a result of which the member is required to cease to hold office in accordance with that provision),

(d) a conflict of interest of such significance that, in the opinion of the Minister, the person should cease to hold the office, or 20

(e) the member’s removal appears to be necessary for the effective performance of the functions of the relevant office.

(2) Where the Minister proposes to remove a member pursuant to *subsection (1)*, he or she shall notify the member in writing of that proposal.

(3) A notification under *subsection (2)* shall include a statement— 25

(a) of the reasons for the proposed removal,

(b) that the member concerned may, within 30 days of the sending of the notification or such other period as the Minister, having regard to the requirements of natural justice, may specify, make representations in such manner as may be specified in the notice to the Minister as to why the member should not be removed from office, and 30

(c) that, where no representations are received within the period specified under *paragraph (b)*, the Minister will, without further notice, proceed with the removal of the member from office in accordance with this section.

(4) In considering whether to remove a member from office, the Minister shall take into account— 35

(a) any representations made pursuant to *subsection (3)(b)*, and

(b) any other matter that the Minister considers relevant for the purpose of his or her decision.

- (5) Where, having taken into account the matters referred to in *subsection (4)*, the Minister decides to remove the member from office, he or she shall notify the member in writing of his or her decision and of the reasons for it.

Non-disclosure of confidential information

- 60.** (1) A person shall not, unless he or she is required or permitted by law or duly authorised in writing by the Authority to do so, disclose confidential information obtained by him or her while performing functions as— 5
- (a) the chief executive, a member or a member of staff of, the Authority, a member of a committee or an authorised officer, or
 - (b) a consultant, advisor or other person who is or was engaged under contract or other arrangement by the Authority under *section 17*. 10
- (2) A person shall not, unless he or she is required or permitted by law or duly authorised in writing by the chairperson of the Appeals Panel to do so, disclose confidential information obtained by him or her while performing functions under this Act as a member of the Appeals Panel, an Appeals Board or as an appeals officer. 15
- (3) A person shall not, unless he or she is required or permitted by law or duly authorised in writing by the chief adjudication officer to do so, disclose confidential information obtained by him or her while performing functions under this Act as an adjudication officer.
- (4) A person who contravenes *subsection (1), (2) or (3)* is guilty of an offence and is liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both. 20
- (5) In this section, “confidential information” includes—
- (a) information that is expressed to be confidential by a relevant office or the chief adjudication officer either as regards particular information or as regards information of a particular class or description, and 25
 - (b) proposals of a commercial nature or tenders submitted to the relevant office or the chief adjudication officer by contractors, consultants or any other person.

False or misleading information, documentation or evidence

- 61.** (1) A person is guilty of an offence where he or she— 30
- (a) provides information or documentation or gives evidence to—
 - (i) a relevant office,
 - (ii) a member of a relevant office, or
 - (iii) an adjudication officer,in the performance of their respective functions, and 35
 - (b) knows, or ought reasonably to know, the information, documentation or evidence, as the case may be, to be false or misleading in a material respect.
- (2) A person guilty of an offence under *subsection (1)* is liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 2 years, or both, or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Restriction of rights and obligations under Data Protection Regulation 5

62. (1) Subject to such regulations (if any) which may be made under *section 63*, the rights and obligations provided for in Articles 12 to 22 (and Article 5 in so far as its provisions correspond to any of the rights and obligations provided for in Articles 12 to 22) and Article 34 of the Data Protection Regulation, in so far as the rights and obligations relate to the processing of personal data by a person or body specified in *subsection (2)*, are restricted— 10

- (a) to the extent necessary and proportionate to enable that person or body to perform his, her or its functions under *Parts 7, 8 and 9*, and
- (b) in relation to personal data received by the Authority under *section 101*, to enable that person or body to perform his, her or its functions under this Act. 15

(2) A person or body referred to in *subsection (1)* means—

- (a) the Authority,
- (b) a member of staff of the Authority,
- (c) an authorised officer,
- (d) an adjudication officer, and 20
- (e) the Appeals Panel, an Appeals Board or an appeals officer.

Regulations for purposes of data protection

63. The Authority may, with the consent of the Minister, for the purposes of this Act, by regulations provide for the following:

- (a) suitable and specific measures, including measures set out in section 36(1) of the Act of 2018, for the processing of personal data and special categories of personal data; 25
- (b) the period during which the rights and obligations referred to in *section 62* may be restricted under that provision;
- (c) the period during which personal data or special categories of personal data may be processed. 30

Amendment of Freedom of Information Act 2014

64. Schedule 1 of the Freedom of Information Act 2014 is amended, in Part 1—

- (a) in paragraph (am)(iv), by the substitution of “entity;” for “entity.”, and
- (b) by the insertion of the following paragraph after paragraph (am): 35

“(an) the Gambling Regulatory Authority of Ireland, a member, a member of staff or an authorised officer, of that Authority, the Appeals Panel, an Appeals Board, an appeals officer and an adjudication officer (all within the meaning of the *Gambling Regulation Act 2022*), in relation to the performance of their respective functions under that Act, save as regards records concerning their respective functions relating to general administration.”. 5

PART 4

PROHIBITIONS AND OFFENCES (GENERAL) 10

CHAPTER 1

Prohibitions: gambling activities and offence of cheating

Prohibition on providing betting activity, game or lottery

65. (1) Subject to *sections 66* and *67*, a person shall not provide, or cause another person to provide, a betting activity unless— 15
- (a) the person is—
 - (i) a licensee of a betting licence and the betting activity is a relevant betting activity, or
 - (ii) a licensee of a gambling licence for a charitable or philanthropic purpose and the betting activity is a relevant gambling activity for a charitable or philanthropic purpose, 20
 - and
 - (b) the betting activity is provided in-person or by remote means in accordance with the gambling licence held by the licensee.
- (2) Subject to *sections 66* and *67*, a person shall not provide, or cause another person to provide, a game unless— 25
- (a) the person is—
 - (i) a licensee of a gaming licence and the game is a relevant game, or
 - (ii) a licensee of a gambling licence for a charitable or philanthropic purpose and the game is a relevant gambling activity for a charitable or philanthropic purpose, 30
 - and
 - (b) the game is provided in-person or by remote means in accordance with the gambling licence held by the licensee.
- (3) Subject to *sections 66* and *67*, a person shall not provide, or cause another person to provide, a lottery unless— 35

- (a) the person is—
 - (i) a licensee of a lottery licence and the lottery is a relevant lottery,
 - (ii) a licensee of a gambling licence for a charitable or philanthropic purpose and the lottery is a relevant gambling activity for a charitable or philanthropic purpose, or 5
 - (iii) exempt, under *Chapter 3 of Part 5*, from the requirement to hold a gambling licence in respect of the lottery concerned,
 and
 - (b) the lottery is provided in-person or by remote means in accordance with the gambling licence held by the licensee. 10
- (4) A person who contravenes *subsection (1), (2) or (3)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 8 years, or both. 15

Employees, servants or agents of licensee providing relevant gambling activity

66. (1) A person may provide a relevant betting activity where he or she is providing such activity in his or her capacity as an employee, servant or agent of a licensee referred to in *section 65(1)(a)(i)*. 20
- (2) A person may provide a betting activity which is a relevant gambling activity for a charitable or philanthropic purpose where he or she is providing such activity in his or her capacity as an employee, servant or agent of a licensee referred to in *section 65(1)(a)(ii)*.
- (3) A person may provide a relevant game where he or she does so in his or her capacity as an employee, servant or agent of a licensee referred to in *section 65(2)(a)(i)*. 25
- (4) A person may provide a game which is a relevant gambling activity for a charitable or philanthropic purpose where he or she does so in his or her capacity as an employee, servant or agent of a licensee referred to in *section 65(2)(a)(ii)*.
- (5) A person may provide a relevant lottery where he or she does so in his or her capacity as an employee, servant or agent of a licensee referred to in *section 65(3)(a)(i)*. 30
- (6) A person may provide a lottery which is a relevant gambling activity for a charitable or philanthropic purpose where he or she does so in his or her capacity as an employee, servant or agent of a licensee referred to in *section 65(3)(a)(ii)*.

Person advertising relevant gambling activity

67. A person, not being a licensee or an employee, servant or agent of a licensee, may advertise— 35

- (a) a betting activity referred to in *section 3(1)(a), (b) or (c)* which is a relevant betting activity, pursuant to a written agreement (howsoever described) with a licensee referred to in *section 65(1)(a)(i)*,
- (b) a betting activity referred to in *section 3(1)(a), (b) or (c)* which is a relevant gambling activity for a charitable or philanthropic purpose, pursuant to a written agreement (howsoever described) with a licensee referred to in *section 65(1)(a)(ii)*, 5
- (c) the sale or offering for sale of a relevant game, pursuant to a written agreement (howsoever described) with a licensee referred to in *section 65(2)(a)(i)*,
- (d) the sale or offering for sale of a game which is a relevant gambling activity for a charitable or philanthropic purpose, pursuant to a written agreement (howsoever described) with a licensee referred to in *section 65(2)(a)(ii)*, 10
- (e) the sale or offering for sale of a relevant lottery, pursuant to a written agreement (howsoever described) with a licensee referred to in *section 65(3)(a)(i)*, or
- (f) the sale or offering for sale of a lottery which is a relevant gambling activity for a charitable or philanthropic purpose, pursuant to a written agreement (howsoever described) with a licensee referred to in *section 65(3)(a)(ii)*. 15

Prohibition on betting intermediaries acting other than by remote means

- 68.** (1) A person (in this subsection referred to as the “intermediary”) shall not provide a facility that enables another person to make a bet with a person, other than the intermediary, where that facility is provided— 20
- (a) in-person, or
 - (b) by remote means unless the intermediary is providing the facility pursuant to a remote betting intermediary licence.
- (2) A person who contravenes *subsection (1)* is guilty of an offence and is liable— 25
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Prohibition on sale or supply of gambling product or gambling related service 30

- 69.** (1) Subject to *subsection (2)* and *section 71*, a person may not sell or supply, directly or indirectly, a gambling product or a gambling related service unless—
- (a) the person is a licensee of a Business to Business gambling licence, and
 - (b) such sale or supply is authorised by that licence in accordance with *section 88*.
- (2) *Subsection (1)* shall not apply in respect of a person to whom *section 120(2)* applies— 35
- (a) during the period referred to in that section, or
 - (b) where the person has made an application referred to in that subsection, during that period and any further period beginning on the expiration of the

first-mentioned period and ending when the Authority notifies the person in writing of its decision to grant or refuse to grant a Business to Business gambling licence under that section.

- (3) A person who contravenes *subsection (1)* is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 5
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Prohibition on purchase of gambling product or gambling related service from unlicensed person 10

- 70. (1) Subject to *subsection (2)*, a licensee shall not purchase a gambling product or a gambling related service from another person unless the other person is a licensee of a Business to Business gambling licence and the product or service concerned is a relevant gambling product or relevant gambling related service, as the case may be.
- (2) *Subsection (1)* shall not apply to a licensee who, on the coming into operation of this section, has entered into a binding contract to purchase a gambling product or a gambling related service from another person. 15
- (3) Subject to *subsection (4)*, a person in the State who is not a licensee shall not purchase a gambling product or a gambling related service from another person whether or not— 20
 - (a) the other person is or is not a licensee of a Business to Business gambling licence authorised to sell or supply the product or service concerned, or
 - (b) the product or service concerned is a relevant gambling product or relevant gambling related service, as the case may be.
- (4) *Subsection (3)* shall not apply to a person in the State who is not a licensee who, on the coming into operation of this section, has entered into a binding contract to purchase a gambling product or a gambling related service from another person. 25
- (5) A person who contravenes *subsection (1)* or (3) is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 30
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Gambling licensees and software for use in gambling

- 71. Subject to, where applicable, the Authority being satisfied of the matters referred to in *section 99(3)(a)* or *(c)*, or both, as the case may be, a licensee of a gambling licence, other than a Business to Business gambling licence, may, without a Business to Business gambling licence, manufacture, adapt, install, maintain or upgrade software for use by the licensee concerned in providing a relevant gambling activity. 35

Prohibition on transfer, assignment or encumbrance of gambling licence

72. Subject to *section 105*, a gambling licence may not be transferred, assigned, mortgaged, charged or otherwise encumbered and any purported transfer, assignment, mortgage, charge or other encumbrance shall be void and of no effect.

Cheating at gambling or gambling activity

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73. (1) A person is guilty of an offence if he or she cheats at—
- (a) gambling, or
 - (b) a gambling activity.
- (2) For the purposes of *subsection (1)*, it is immaterial whether a person who cheats—
- (a) makes a gain, or 10
 - (b) improves his or her chances of making a gain.
- (3) Without prejudice to the generality of *subsection (1)*, cheating may consist of interfering with or manipulating—
- (a) the process by which gambling is conducted or a gambling activity is provided,
 - (b) a gambling product or gambling related service, 15
 - (c) an event to which gambling relates, or
 - (d) the outcome of a gambling activity.
- (4) A person who commits an offence under *subsection (1)* is liable, on conviction on indictment, to a fine or imprisonment not exceeding 5 years, or both.
- (5) The District Court may try summarily a person charged with an offence under this section if— 20
- (a) the Court is of opinion that the facts proved or alleged constitute a minor offence fit to be tried summarily,
 - (b) the person, on being informed by the Court of his or her right to be tried with a jury, does not object to being tried summarily, and 25
 - (c) the Director of Public Prosecutions consents to the person being tried summarily for the offence.
- (6) On conviction by the District Court for an offence tried summarily under *subsection (5)*, the accused is liable to a class A fine or imprisonment for a term not exceeding 12 months, or both. 30

Applications to Court in respect of persons providing gambling activity in contravention of Chapter 1

Application to Court to direct relevant person to cease prohibited gambling activity and related matters 5

74. (1) Where the Authority has reasonable grounds for believing that a person (in this section referred to as a “relevant person”) is providing a gambling activity in contravention of *Chapter 1* (in this section referred to as a “prohibited gambling activity”), the Authority may apply to the Court for either or both of the following:
- (a) an order directing that person to cease providing the prohibited gambling activity; 10
 - (b) one or more of the orders specified in *subsection (2)*.
- (2) The orders referred to in *subsection (1)(b)* are orders directing that:
- (a) an internet service provider or a provider of an application store service, as the case may be, block access to a prohibited gambling activity provided by a relevant person; 15
 - (b) a bank shall not, without leave of the Court, receive any payment into a bank account of a relevant person held with the bank in relation to a prohibited gambling activity;
 - (c) a bank shall not, without leave of the Court, make any payment out of a bank account of a relevant person held with the bank; 20
 - (d) a relevant person shall not, without leave of the Court, dispose of, or direct or facilitate the disposal of, an asset of the relevant person;
 - (e) a relevant person shall not, without leave of the Court, reduce the relevant person’s assets below a specified amount or value;
 - (f) a relevant person shall not, without leave of the Court, remove the relevant person’s assets from the State; 25
 - (g) in relation to a relevant payment made by a person to a relevant person in respect of a prohibited gambling activity, the relevant person refund the relevant payment to the first-mentioned person;
 - (h) a relevant person surrender to the Authority any gambling product used by the relevant person in providing the prohibited gambling activity. 30
- (3) On the hearing of an application under *subsection (1)*, the Court may, where it is satisfied that the relevant person concerned is providing a prohibited gambling activity, make an order directing that the relevant person cease providing the prohibited gambling activity concerned. 35
- (4) Where the prohibited gambling activity which is the subject of an order under *subsection (3)* is advertising a gambling activity, the Court may, at the same time as making an order under that subsection, direct the Authority to publish details of that order on its website.

- (5) On the hearing of an application under *subsection (1)* where an order referred to in *subsection (2)* has been applied for, the Court may make the order concerned:
- (a) in the case of an order referred to in *subsection (2)(a)*, where it is satisfied that the prohibited gambling activity can be accessed online;
 - (b) in the case of an order referred to in *subsection (2)(b)*, where it is satisfied that the payments concerned are made to the relevant person in relation to a prohibited gambling activity; 5
 - (c) in the case of an order referred to in *subsection (2)(c), (d), (e) or (f)*, where it is satisfied that it is necessary for the purpose of the order referred to in *subsection (2)(g)*; 10
 - (d) in the case of an order referred to in *subsection (2)(g)*, where it is satisfied that a person has made a relevant payment to a relevant person in relation to a prohibited gambling activity;
 - (e) in the case of an order referred to in *subsection (2)(h)*, where it is satisfied that the gambling product concerned was used by the relevant person in providing the prohibited gambling activity concerned. 15
- (6) In addition to the orders that may be made under *subsection (5)*, the Court may, on hearing an application under *subsection (1)*, make such other order as it considers appropriate in the circumstances.
- (7) The Court may, for the purpose of an application under *subsection (1)*, make one or more of the following orders directing that: 20
- (a) a bank furnish any information in its possession relating to the financial affairs of a relevant person;
 - (b) in the case of a relevant person who is an individual, the individual swear an affidavit disclosing information relating to assets held in his or her own name or held jointly with third parties; 25
 - (c) in the case of a relevant person that is a body corporate, a relevant officer or a beneficial owner, or both, of the relevant person swear an affidavit disclosing information relating to assets held in the name of the body corporate concerned or jointly with third parties. 30
- (8) Where the Court is satisfied that there is reason to believe that a person holds or has held assets on behalf of a relevant person, the Court may order the first-mentioned person—
- (a) to disclose all information as to such assets in the person’s possession or power to procure, or 35
 - (b) to disclose—
 - (i) all information as to such assets which had been but are no longer in the person’s possession or power to procure, and
 - (ii) the person’s belief as to the present whereabouts of those assets.
- (9) At any time while an order under *paragraph (b), (c), (d) or (e) of subsection (5) or under subsection (6)* is in force, the Court may, on application by a person affected by 40

the order concerned, make such order as the Court considers appropriate, in relation to an asset affected by the order, if satisfied that it is necessary to do so for the purpose of enabling the person—

- (a) to discharge the reasonable living and other necessary expenses, including fees and costs payable in respect of legal advice or legal representation for the purposes of proceedings under this Act, of the person, or any dependent person, or 5
 - (b) to carry on a business, trade, profession or other occupation to which the asset relates.
- (10) The Court may, on application to it by a person to whom an order under *subsection (5)* is directed, discharge such order where it is satisfied that the relevant person is no longer providing a prohibited gambling activity. 10
- (11) The Court may, on application to it by a person affected by an order, other than an order referred to in *subsection (10)*, under this section, discharge such order where it is satisfied that the basis on which the order was made no longer applies and that it is in the interests of justice to do so. 15
- (12) The Court may not require the Authority to give an undertaking as to damages as a condition for the granting of an order under *subsection (3), (5), (6), (7) or (8)*.
- (13) The hearing of an application under this section shall be conducted in public unless the Court directs that due to the existence of special circumstances the proceedings (or part thereof) should be conducted otherwise than in public. 20
- (14) The Authority may make an application under *subsection (1)* for a temporary order on an *ex parte* basis where it considers that there is an urgent need to act, including where the Authority considers that urgent action is required in order to protect the public from the serious consequences of a prohibited gambling activity being provided. 25
- (15) In this section—
- “bank” includes a bank outside of the State;
 - “Court” means the High Court.

CHAPTER 3

30

Provisions related to offences: general

Liability of relevant officers and beneficial owners

75. Where an offence under this Act is committed by a person and the offence is proved to have been committed with the consent or connivance of, or to be attributable to the wilful neglect of, another person who, when the offence was committed, was a relevant officer or a beneficial owner of the first-mentioned person, that person, as well as the first-mentioned person, is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 35

Summary proceedings

76. Summary proceedings for an offence under this Act may be brought and prosecuted by the Authority.

Time limit for offences: summary proceedings

77. Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted at any time within 3 years from the date on which the offence was alleged to have been committed. 5

Jurisdiction

78. (1) Where a person engages in conduct in a place outside the State that would, if it occurred in the State, constitute an offence under this Act, or an offence of inciting, aiding and abetting, or attempting the commission of an offence under this Act, the person is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of that first-mentioned or second-mentioned offence, as the case may be, if any of the following circumstances apply: 10
- (a) the conduct takes place on board an Irish ship, within the meaning of section 9 of the Mercantile Marine Act 1955; 15
 - (b) the conduct takes place on an aircraft registered in the State;
 - (c) the conduct constitutes an offence under the law of that place and the person is—
 - (i) an Irish citizen,
 - (ii) ordinarily resident in the State, or 20
 - (iii) a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act or is another body corporate established under the law of the State.
- (2) Proceedings for an offence under this section may be taken in any place in the State and the offence may, for all incidental purposes, be treated as having been committed in that place. 25
- (3) For the purposes of *subsection (1)(c)(i)*—
- (a) a certificate that is signed by an officer of the Minister for Foreign Affairs and stating that a passport was issued by that Minister of the Government to a person on a specified date, and 30
 - (b) a certificate that is signed by an officer of the Minister and stating that, to the best of the officer's knowledge and belief, the person has not ceased to be an Irish citizen,
- shall be evidence that the person was an Irish citizen on the date on which the offence concerned is alleged to have been committed, unless the contrary is proved. 35
- (4) For the purposes of *subsection (1)(c)*, a certificate—
- (a) purporting to be signed by a lawyer practising in the place where the conduct is alleged to have occurred, and

- (b) stating that such conduct is an offence in that place,
shall be evidence of the matters referred to in that certificate, unless the contrary is proved.
- (5) For the purposes of *subsection (1)*, a certificate purporting to be signed by the Director of Public Prosecutions and stating any of the matters referred to in that subsection shall be evidence of those matters unless the contrary is proved. 5
- (6) A document purporting to be a certificate referred to in *subsection (3), (4) or (5)* is deemed, unless the contrary is proved—
- (a) to be such a certificate, and
- (b) to have been signed by the person purporting to have signed it. 10
- (7) In a case where a certificate referred to in *subsection (4)* is written in a language other than the Irish language or the English language, unless the contrary is proved—
- (a) a document purporting to be a translation of that certificate into the Irish language or the English language, as the case may be, and that is certified as correct by a person appearing to be competent to so certify, is taken— 15
- (i) to be a correct translation of the certificate, and
- (ii) to have been certified by the person purporting to have certified it, and
- (b) the person is taken to be competent to so certify.
- (8) For the purposes of this section— 20
- (a) a person shall be deemed to be ordinarily resident in the State if he or she had his or her principal residence in the State for the period of 12 months immediately preceding the date of the alleged commission of the offence, and
- (b) a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act 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. 25
- (9) Where a person has been acquitted or convicted of an offence in a place other than the State, he or she shall not be proceeded against for an offence under this section consisting of the conduct, or substantially the same conduct, that constituted the offence of which the person has been acquitted or convicted. 30

Costs of prosecution

79. (1) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority the costs and expenses, measured by the court, incurred by the Authority in relation to the investigation, detection and prosecution of the offence. 35

- (2) An order for the payment of costs and expenses under *subsection (1)* is in addition to and not instead of any fine or other penalty the court may impose.

Suspension or revocation of gambling licence on conviction for offence

- 80.** (1) Subject to *subsection (2)*, where a licensee is convicted of an offence under this Act, the court may, after having regard to the nature of the offence and the circumstances in which it was committed, order that a gambling licence held by the licensee to which the conviction relates be— 5
- (a) suspended for a specified period, or
 - (b) revoked.
- (2) Where the court is of the view that, having regard to the matters referred to in *subsection (1)*, the offence is sufficiently serious, it may suspend for a specified period or revoke any other gambling licence, other than the gambling licence referred to in that subsection, held by the licensee. 10
- (3) An order under *subsection (1)* shall not take effect until—
- (a) the time for bringing an appeal against the conviction concerned has expired without any such appeal having been brought, 15
 - (b) any such appeal has been withdrawn, abandoned or struck out, or
 - (c) on any such appeal, the conviction and order are upheld.

PART 5

LICENSING OF GAMBLING ACTIVITIES 20

CHAPTER 1

Preliminary and General

Definitions (Part 5)

- 81.** In this Part—
- “maximum relevant payment and maximum winnings” means— 25
- (a) for each relevant game, the amount of the maximum relevant payment and maximum winnings standing specified in *columns (2) and (3)* respectively opposite the mention of relevant game in *column (1)* of *Schedule 3*,
 - (b) *subject to paragraph (c)*, for each relevant lottery, the amount of the maximum relevant payment and maximum winnings standing specified in *columns (2) and (3)* respectively opposite the mention of relevant lottery in *column (1)* of *Schedule 3*, 30
 - (c) for a relevant lottery provided pursuant to a lottery licence for a once-off lottery, the amount of the maximum relevant payment and maximum winnings standing specified in *columns (2) and (3)* respectively opposite the mention of relevant lottery: once-off activity in *column (1)* of *Schedule 3*, 35

- (d) subject to *paragraph (e)*, for each game or lottery which is a relevant gambling activity for a charitable or philanthropic purpose, the amount of the maximum relevant payment and maximum winnings standing specified in *columns (2) and (3)* respectively opposite the mention of gambling licence for charitable or philanthropic purpose in *column (1)* of *Schedule 3*, or 5
- (e) in the case of a relevant gambling activity for a charitable or philanthropic purpose provided pursuant to a gambling licence for a charitable or philanthropic purpose for a once-off activity, the maximum relevant payment and maximum winnings standing specified for the activity concerned in *columns (2) and (3)* respectively, opposite the mention of gambling licence for a charitable or philanthropic purpose: once-off activity in *column (1)* of *Schedule 3*; 10

“relevant information and documentation” has the meaning assigned to it by *section 94*;

“updated relevant information and documentation” has the meaning assigned to it by *section 100*.

Regulations (Part 5) 15

- 82.** (1) The Authority may by regulations prescribe any of the following:
- (a) information (if any), additional to that set out in this Part, to be submitted with an application for a gambling licence;
 - (b) a form of consent to the processing of personal data and special categories of personal data. 20
- (2) The Authority may, with the consent of the Minister, by regulations vary the amount of a maximum relevant payment specified in *column (2)*, or the amount of maximum winnings specified in *column (3)*, of *Schedule 3* having regard to—
- (a) the number of gaming and lottery licences in force under this Act at the time of making the regulations, 25
 - (b) the impact of gambling activities on society in general, and
 - (c) the potential impact of any variation on gambling activities generally.

CHAPTER 2

Gambling licences and register of gambling licensees

Gambling licences 30

- 83.** Subject to the requirements of this Act, the Authority may issue the following gambling licences:
- (a) in accordance with *Chapter 6*, a Business to Consumer gambling licence;
 - (b) in accordance with *Chapter 7*, a gambling licence for a charitable or philanthropic purpose; 35
 - (c) in accordance with *Chapter 8*, a Business to Business gambling licence.

Betting licences

84. The Authority may issue the following betting licences:

- (a) a licence (in this Act referred to as an “in-person betting licence”) authorising the licensee of the licence to provide betting activities referred to in *paragraphs (a), (c), (d) and (e)* (in so far as that paragraph relates to the activities referred to in *paragraphs (a), (c) and (d)*) of *section 3(1)*—
5
 - (i) from one or more premises in the State where a person attends at the premises to place the bet, and
 - (ii) in the case of pool betting, for an event, a series of events or a class of events;
10
- (b) a licence (in this Act referred to as a “remote betting licence”) authorising the licensee of the licence to provide betting activities referred to in *paragraphs (a), (c), (d) and (e)* (in so far as that paragraph relates to the activities referred to in *paragraphs (a), (c) and (d)*) of *section 3(1)* by remote means, and in the case of pool betting, by remote means for an event, a series of events or a class of events;
15
- (c) a licence (in this Act referred to as an “in-person and remote betting licence”) authorising the licensee of the licence to provide betting activities referred to in *paragraphs (a), (c), (d) and (e)* (in so far as that paragraph relates to the activities referred to in *paragraphs (a), (c) and (d)*) of *section 3(1)*—
20
 - (i) from one or more premises in the State where a person attends at the premises to place a bet,
20
 - (ii) in the case of pool betting, for an event, a series of events or a class of events, and
 - (iii) by remote means, and in the case of pool betting, by remote means for an event, a series of events or a class of events;
25
- (d) a licence (in this Act referred to as a “remote betting intermediary licence”) authorising the licensee of the licence to engage in betting activities referred to in *paragraphs (b), (d) and (e)* (in so far as that paragraph relates to the activities referred to in *paragraphs (b) and (d)*) of *section 3(1)*, other than pool betting.

Gaming licences

85. (1) The Authority shall prescribe, for the purposes of gaming, a list of the games that may, subject to *subsection (2)*, be provided by a licensee pursuant to the gaming licences issued under *subsection (3)*.
30

(2) A gaming licence shall specify, from the games standing prescribed under *subsection (1)*, each game (in this Act referred to as a “relevant game”) a licensee may provide pursuant to the licensee’s gaming licence.
35

(3) The Authority may issue the following gaming licences:

- (a) a licence (in this Act referred to as an “in-person gaming licence”) authorising the licensee of the licence to provide a relevant game or games from a premises in the State to a person who attends at the premises to play the games;
40

- (b) a licence (in this Act referred to as a “remote gaming licence”) authorising the licensee of the licence to provide a relevant game or games by remote means;
- (c) a licence (in this Act referred to as an “in-person and remote gaming licence”) authorising the licensee of the licence to provide a relevant game or games—
 - (i) from a premises in the State to a person who attends at the premises to play the games, and
 - (ii) by remote means.

Lottery licences

- 86.** (1) The Authority shall, for the purposes of issuing lottery licences under this section, prescribe the lottery products and activities that may, subject to *subsection (2)*, be provided by a licensee pursuant to the lottery licences issued under *subsection (3)*. 10
- (2) A lottery licence shall specify, from the lottery products and activities standing prescribed under *subsection (1)*, the lottery activity or product, or both, as the case may be, (in this Act referred to as a “relevant lottery”) which a licensee may provide pursuant to the licensee’s lottery licence. 15
- (3) The Authority may issue the following lottery licences:
- (a) a licence (in this Act referred to as an “in-person lottery licence”) authorising the licensee of the licence to provide a relevant lottery from a premises in the State to a person who attends at the premises to participate in the relevant lottery;
 - (b) a licence (in this Act referred to as a “remote lottery licence”) authorising the licensee of the licence to provide a relevant lottery by remote means; 20
 - (c) a licence (in this Act referred to as an “in-person and remote lottery licence”) authorising the licensee of the licence to provide a relevant lottery—
 - (i) from a premises in the State to a person who attends at the premises to participate in a relevant lottery, and 25
 - (ii) by remote means.

Gambling licence for charitable or philanthropic purpose

- 87.** (1) Subject to *subsections (3) and (4)*, the Authority may issue a licence (in this Act referred to as a “gambling licence for a charitable or philanthropic purpose”), in accordance with *Chapter 7*, authorising the licensee of the licence to provide one or more of the gambling activities (in this Act referred to as a “relevant gambling activity for a charitable or philanthropic purpose”) set out in *subsection (2)* as are specified in the licence concerned. 30
- (2) A relevant gambling activity for a charitable or philanthropic purpose referred to in *subsection (1)* is providing— 35
- (a) a game or games, from among the games standing prescribed under *section 85(1)*,
 - (b) a betting activity, other than a betting activity referred to in *section 3(1)(b)*, and in the case of pool betting, for an event, a series of events or a class of events specified in the licence, or

- (c) a lottery activity or product, or both, as the case may be, from among the lottery products and activities standing prescribed under *section 86(1)*.
- (3) A gambling licence for a charitable or philanthropic purpose may authorise the licensee of the licence to provide a relevant gambling activity for a charitable or philanthropic purpose— 5
- (a) from a premises in the State to a person who attends at the premises to participate in the activity,
 - (b) by remote means, or
 - (c) from a premises in the State to a person who attends the premises to participate in the activity and by remote means. 10
- (4) For the purposes of this Act, each of the following shall be considered to be a charitable or philanthropic purpose:
- (a) the prevention or relief of poverty or economic hardship;
 - (b) the advancement of education;
 - (c) the advancement of religion; 15
 - (d) any other purpose that is of benefit to the community including:
 - (i) the advancement of community welfare including the relief of those in need by reason of age, ill-health, or disability;
 - (ii) the advancement of community development, including rural or urban regeneration; 20
 - (iii) the promotion of civic responsibility or voluntary work;
 - (iv) the promotion of health, including the prevention or relief of sickness, disease or human suffering;
 - (v) the advancement and promotion of sport;
 - (vi) the advancement of conflict resolution or reconciliation; 25
 - (vii) the promotion of religious or racial harmony and harmonious community relations;
 - (viii) the protection of the natural environment;
 - (ix) the advancement of environmental sustainability;
 - (x) the advancement of the efficient and effective use of the property of charitable organisations; 30
 - (xi) the prevention or relief of suffering of animals;
 - (xii) the advancement of the arts, culture, heritage or sciences;
 - (xiii) the integration of those who are disadvantaged, and the promotion of their full participation, in society; or 35
 - (xiv) the advancement of human rights.

Business to Business gambling licences

88. Subject to *section 119*, the Authority may issue a licence (in this Act referred to as a “Business to Business gambling licence”) in accordance with *Chapter 8* authorising the licensee of the licence to—

- (a) sell or supply, directly or indirectly, a gambling product or a gambling related service, or both, specified in the licence (in this Act referred to as a “relevant gambling product or relevant gambling related service”) to another licensee in the State or to a person outside the State, and 5
- (b) advertise a relevant gambling product or relevant gambling related service, which the licensee is entitled to sell or supply in accordance with *paragraph (a)*, for sale or supply to other licensees in the State or to persons outside the State. 10

Register of gambling licensees

89. (1) The Authority shall, as soon as is practicable after the coming into operation of this section, cause to be established and maintained, in such form as it considers appropriate, a register of licensees to be known as the register of gambling licensees. 15

(2) The Authority shall enter the information set out in *subsection (3)* in the register of gambling licensees in respect of each licensee.

(3) Subject to *subsection (5)*, the information referred to in *subsection (2)* is—

- (a) the name of the licensee, the type of gambling licence issued to the licensee, the relevant gambling activity or relevant gambling product or relevant gambling related service specified in the licence and the registration number, 20
- (b) the date a gambling licence issued to the licensee and, in accordance with *section 104*, the duration for which the licence is to remain in force,
- (c) where the licensee trades under a different name to that referred to in *paragraph (a)*, the trading name of the licensee, 25
- (d) where applicable, the name of each relevant officer and each beneficial owner of the licensee,
- (e) where the licensee holds an in-person gambling licence, the address of the premises where the relevant gambling activity may be provided,
- (f) details of any conviction of a licensee or a relevant officer of a licensee for an offence under this Act, 30
- (g) the terms of an advice, caution, warning or reprimand issued to a licensee, under *Chapter 4 of Part 8*, in respect of a contravention of a relevant obligation by the licensee and details of the contravention concerned,
- (h) where the licensee’s gambling licence is subject to a condition imposed under *Part 8*, details of the condition and the contravention in respect of which the condition was imposed, 35
- (i) where the licensee’s gambling licence has been suspended or revoked under this Act, the reason for the suspension or revocation, as the case may be, and in the case of a suspension, the period of operation of such suspension, 40

- (j) subject to *subsection (4)*, details of any decision as to contravention and, where applicable, any administrative sanction which have come into effect in accordance with *section 196*, in respect of a licensee,
- (k) where a court order, directing a licensee to cease providing a relevant gambling activity or a relevant gambling product or gambling related service, is in force under *Part 8* in respect of the licensee, details of the order concerned, and 5
- (l) such other information as the Authority considers appropriate.
- (4) The Authority may, for the purposes of entering information referred to in *subsection (3)(j)* in the register of gambling licensees, redact any particulars which appear to the Authority to— 10
 - (a) be commercially sensitive, or
 - (b) relate to the commission of an offence.
- (5) Subject to compliance with the Data Protection Regulation and the Act of 2018, the Authority may, for the purposes of the performance of its functions, retain, for such period as shall be specified in regulations made under *subsection (6)*, in the register of gambling licensees the following information in respect of a former licensee: 15
 - (a) information referred to in *subsection (3)(f)* relating to any conviction under this Act and any order made under *section 80(2)*;
 - (b) information referred to in *subsection (3)(i)* relating to the revocation or suspension of any gambling licence held by that licensee; 20
 - (c) information referred to in *subsection (3)(j)* relating to any decision as to contravention and any administrative sanction which have come into effect.
- (6) The Authority shall make regulations to provide for the period in respect of which, and the purpose for which, information referred to in *subsection (5)* may be retained.
- (7) The Authority shall— 25
 - (a) make the register of gambling licensees, other than information retained in that register under *subsection (5)*, available, free of charge, for inspection by members of the public at its principal office during normal working hours, and
 - (b) publish that register, other than information retained in that register under *subsection (5)*, on its website. 30
- (8) The Authority shall ensure that the register of gambling licensees is kept up to date and is accurate and, for that purpose, the Authority shall make such alterations to that register as it considers necessary.
- (9) The Authority shall, as soon as is practicable after making an alteration in the register of gambling licensees under *subsection (8)*, give notice in writing of that fact to the licensee to whom the alteration relates unless the alteration was made under that subsection pursuant to a notice received from the licensee under *subsection (10)*. 35
- (10) A licensee shall notify the Authority in writing of an error in an entry in the register of gambling licensees relating to the licensee or of a change in circumstances that is likely to have a bearing on the accuracy of an entry on that register as soon as practicable after he or she becomes aware of the error or change in circumstances. 40

- (11) Every document purporting to be a copy of, or extract from, an entry in the register of gambling licensees and purporting to be certified, either by the chief executive or a member of the staff of the Authority authorised in that behalf by the chief executive, to be a true copy of, or extract from, such entry shall, without proof of the signature of the chief executive or the member of staff concerned, be received in evidence in any legal proceedings and shall, unless the contrary is proved, be deemed to be a true copy of, or extract from, such entry and shall be evidence of the matters stated in such entry. 5
- (12) In this section, “administrative sanction” and “decision as to contravention” have the same meaning as they have in *section 189*. 10

CHAPTER 3

Gambling activities exempt from requirement to hold gambling licence

Certain lotteries held for charitable or philanthropic purpose not requiring gambling licence

90. (1) Subject to *subsection (2)*, a person may provide a lottery, from among the lottery products and activities prescribed under *section 86(1)*, for a charitable or philanthropic purpose without a gambling licence for a charitable or philanthropic purpose where— 15
- (a) the person derives no personal profit from the lottery,
 - (b) the total value of the winnings do not exceed €2,000, 20
 - (c) the minimum payment to participate in the lottery is not more than €5,
 - (d) the maximum number of lottery tickets available for sale is not more than 1,500, and
 - (e) the person has not provided a lottery in accordance with this section within a period of 3 months preceding the first day on which it is intended to invite persons to participate in the lottery concerned. 25
- (2) The Authority may, for the purposes of *subsection (1)*, prescribe—
- (a) an amount greater than €5 for the purposes of *paragraph (c)* of that subsection,
 - (b) a higher number of tickets that may be made available for sale for the purposes of *paragraph (d)* of that subsection, or 30
 - (c) a different period for the purposes of *paragraph (e)* of that subsection.

Certain lotteries held in conjunction with selling or marketing of products not requiring gambling licence

91. (1) A person may provide a lottery, from among the lottery products and activities prescribed under *section 86(1)*, without a lottery licence where— 35
- (a) the lottery is provided in conjunction with the selling or marketing of a product or service,

- (b) no payment is required to participate in the lottery other than, if required, the purchase of the product or service concerned,
 - (c) the total value of the winnings do not exceed €5,000,
 - (d) there is no additional payment required to obtain the winnings, and
 - (e) the winnings are paid out within a period of 6 months from the first date on which persons are invited to participate in the lottery concerned. 5
- (2) The Authority may, for the purposes of *subsection (1)(c)* prescribe an amount that is greater than €5,000.
- (3) In this section—
- “selling” means— 10
- (a) in the case of a product, selling the product by retail or wholesale and includes—
 - (i) offering or exposing the product for sale,
 - (ii) inviting a person to make an offer to purchase the product,
 - (iii) distributing the product free of charge, and
 - (iv) whether or not for profit, supplying the product for a purpose referred to in any of *subparagraphs (i) to (iii)*, 15
- and
- (b) in the case of a service, includes—
 - (i) offering or exposing the service for sale, and
 - (ii) inviting a person to make an offer to purchase the service. 20

CHAPTER 4

Applications for gambling licences: general

Definitions (Chapter 4)

92. In this Chapter—

- “relevant consents” means— 25
- (a) consent in writing to the Authority seeking information from another person for the purposes set out in *section 101(1)*, and
 - (b) if a form of consent to the processing of personal data and special categories of personal data has been prescribed, a signed form of consent or, if no form stands prescribed, consent given in writing to such processing for the purposes set out in that section; 30
- “tax clearance certificate” means a certificate under section 1095 of the Act of 1997.

Public notice of intention to apply for gambling licence

93. (1) A person shall, at least 28 days prior to making an application for a gambling licence or an application for renewal of a gambling licence, publish a notice of the person’s intention to so apply and send a copy of the notice to the Authority.
- (2) A notice under *subsection (1)* shall contain such information, and be published in such places, including in newspapers and on websites, and in such form and manner, as may be specified by the Authority. 5
- (3) The Authority shall, as soon as practicable after receipt of a copy of a notice under *subsection (1)*, publish the notice on its website.

Information and documentation to accompany application for gambling licence: general 10

94. An application for a gambling licence under this Part shall be accompanied by the following information and documentation (in this Part referred to as the “relevant information and documentation”):
- (a) the name of the proposed licensee, the address at which the proposed licensee ordinarily resides and of the principal office or place of business of the proposed licensee and, where the proposed licensee trades, or intends to trade, under a different name, that trading name or proposed trading name; 15
- (b) where applicable, the name of each relevant officer and each beneficial owner of the proposed licensee, the address at which each relevant officer and each beneficial owner ordinarily resides and of the principal office or place of business of each relevant officer and beneficial owner; 20
- (c) the address of the proposed licensee for the purpose of service of notices required to be served by or under this Act;
- (d) such financial information as may be specified by the Authority;
- (e) other than in the case of an application for a lottery licence for a once-off lottery under *section 109* or for a gambling licence for a charitable or philanthropic purpose for a once-off activity under *section 114*, a business plan in such form, and containing such information, as may be specified by the Authority; 25
- (f) a declaration signed by the proposed licensee, or, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, that he or she is a fit and proper person to hold the licence concerned; 30
- (g) where the proposed licensee or, where applicable, a relevant officer or beneficial owner of a proposed licensee, at any time applied for, or held, a licence or permit under the relevant Acts (within the meaning of *section 95*), the information specified in that section; 35
- (h) where the application is for a Business to Consumer gambling licence under *section 108* and the gambling activity sought to be licensed is proposed to be provided from one or more than one premises in the State, the information specified in *section 96*;
- (i) where the application is for a Business to Consumer gambling licence under *section 108* or for a gambling licence for a charitable or philanthropic purpose 40

under *section 113* where it is proposed to provide a gambling activity by remote means, the information and documentation specified in *section 98*;

- (j) a statement in respect of the proposed licensee and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be of any conviction— 5
 - (i) for a relevant offence, and
 - (ii) of a body corporate for a relevant offence where he or she was, at the time of the offence, a relevant officer or beneficial owner of the body corporate;
- (k) a statement in respect of the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, as to whether there are any proceedings pending against him or her for a relevant offence; 10
- (l) a statement in respect of the proposed licensee and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, as to whether there has been— 15
 - (i) any finding, by a regulatory authority, court or tribunal outside the State, made against the proposed licensee, relevant officer or beneficial owner, of a contravention of a legal obligation imposed in a jurisdiction outside the State in respect of the conduct of gambling activities outside the State, and
 - (ii) any sanction (howsoever described) imposed as a result of the finding referred to in *subparagraph (i)*; 20
- (m) a statement in respect of the proposed licensee and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, as to whether there are any proceedings pending against the proposed licensee, relevant officer or beneficial owner, before a regulatory authority, court or tribunal outside the State, in respect of a contravention of a legal obligation imposed in a jurisdiction outside the State in respect of the conduct of gambling activities outside the State; 25
- (n) details of any gambling licence held, or previously held, by the proposed licensee and where applicable, each relevant officer and each beneficial owner of the proposed licensee; 30
- (o) confirmation as to whether the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, under the Pawnbrokers Act 1964—
 - (i) is the holder of a pawnbroker’s licence (within the meaning of that Act), or 35
 - (ii) was refused a pawnbroker’s licence or held a pawnbroker’s licence which was suspended or revoked under that Act and, if so, the grounds for such refusal, suspension or revocation, as the case may be;
- (p) confirmation as to whether the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, under the Consumer Credit Act 1995— 40
 - (i) is the holder of a moneylender’s licence (within the meaning of that Act), or

- (ii) was refused a moneylender’s licence or held a moneylender’s licence that was suspended or revoked under that Act and, if so, the grounds for such refusal, suspension or revocation, as the case may be;
- (q) where applicable, a statement confirming that the proposed licensee, a relevant officer or a beneficial owner of a proposed licensee, is or was a relevant officer of a body corporate to whom *subparagraph (i)* or *(ii)* of *paragraph (o)* or *subparagraph (i)* or *(ii)* of *paragraph (p)* applies or applied; 5
- (r) confirmation as to whether the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, under the Act of 2010— 10
 - (i) was refused an authorisation (within the meaning of section 84 of that Act) or held an authorisation that was revoked under Chapter 9 of Part 4 of that Act and if so, the grounds for such refusal or revocation, as the case may be, or
 - (ii) is or was an individual referred to in section 109A(1) of that Act who was refused a certificate of fitness (within the meaning of that section) under that Act and if so, the grounds for such refusal; 15
- (s) confirmation that the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, is not an undischarged bankrupt; 20
- (t) the relevant consents;
- (u) a tax clearance certificate in force in respect of the proposed licensee and, where applicable, each relevant officer and each beneficial owner of the proposed licensee;
- (v) such supporting documentary and other evidence as the Authority may request to enable it— 25
 - (i) to verify the information contained in the application and the matters referred to in this section, and
 - (ii) to consider the application in accordance with this Part.

Information and documentation to accompany application: applications, licences, permits or certificates under relevant Acts 30

95. (1) In this section, “relevant Acts” means the Act of 1929, the Act of 1931 and the Act of 1956.

(2) The following information is specified for the purposes of *section 94(g)*:

- (a) details of each licence or permit held or previously held under the relevant Acts by the proposed licensee and where applicable, each relevant officer and each beneficial owner of the proposed licensee; 35
- (b) in relation to each licence or permit referred to in *paragraph (a)*, details of any suspension or revocation of such licence or permit and details of any other sanction (howsoever described) imposed, under the relevant Acts or under any 40

other enactment, on the holder of the licence or permit concerned by virtue of being such holder;

- (c) a statement in respect of the proposed licensee, and, where applicable, each relevant officer and each beneficial owner of the proposed licensee, as the case may be, of any refusal of— 5
 - (i) an application for a licence or permit under the relevant Acts and the reasons given for such refusal,
 - (ii) a certificate of personal fitness under the Act of 1931 or revocation of such a certificate under that Act and the reasons given for such refusal or revocation, as the case may be; 10
- (d) where a licence is held under the Act of 1931, a statement confirming whether there are any applications made but not determined under section 16 of that Act for an order that the licence concerned be revoked;
- (e) where a licence or permit is held under the Act of 1956, a statement confirming whether there are any applications made but not determined under section 46 of that Act for an order that the licence or permit concerned be revoked or suspended; 15
- (f) a statement in respect of a proposed licensee, or where applicable, a relevant officer or beneficial owner of the proposed licensee, who holds or held a licence under the Act of 1931 as to whether the holder concerned— 20
 - (i) unreasonably refused to pay sums due to persons who won bets made with that holder, or
 - (ii) unreasonably refused to refund deposits made by persons who won bets made with that holder, in circumstances where that holder unreasonably refused to pay sums due to such persons; 25
- (g) where applicable, a statement confirming that the proposed licensee or a relevant officer or a beneficial owner of a proposed licensee was a relevant officer of a body corporate that holds or held a licence under the Act of 1931 when it—
 - (i) unreasonably refused to pay sums due to persons who won bets made with that holder, or 30
 - (ii) unreasonably refused to refund deposits made by persons who won bets made with that holder, in circumstances where that holder unreasonably refused to pay sums due to such persons.

Information and documentation to accompany application where gambling activity to be provided in-person 35

96. The information and documentation referred to in *section 94(h)* is, in respect of each premises where it is proposed to provide a gambling activity:

- (a) identification of the location of the premises where it is proposed to provide the activity and append such maps and plans, on such scale, as are sufficient to enable clear identification of that location; 40

- (b) documentary evidence that the proposed licensee, or where applicable, a relevant officer or beneficial owner of the proposed licensee, is the owner or occupier of the premises;
- (c) a copy of any planning permissions and fire safety certificates which relate to the premises and such other health and safety documentation which relate to the premises as are specified by the Authority; 5
- (d) details of—
 - (i) the size and layout of the premises, including all entry and exit points,
 - (ii) the lighting provided or to be provided in the premises,
 - (iii) the size and location of the proposed area in the premises where gambling activities are to be conducted and the position of equipment, including games, machines or tables, to be used for gambling in the premises, 10
 - (iv) security measures in place including closed circuit television (or CCTV) systems for both internal and external security,
 - (v) non-gambling areas and features to separate and distinguish such areas from areas where gambling activities will be conducted, and 15
 - (vi) the size and location of external space, signs and lighting;
- (e) confirmation as to whether—
 - (i) a certificate of suitability of premises was refused under the Act of 1931 in respect of the premises and if so, the reasons given for such refusal, 20
 - (ii) a court ever issued a direction under the Act of 1931 that the premises be removed from the register of bookmaking offices (within the meaning of that Act) and if so, the reasons given for such removal, and
 - (iii) the proposed licensee or, where applicable, a relevant officer or beneficial owner of a proposed licensee, has been convicted of an offence in relation to the premises while it was registered in the register of bookmaking offices under the Act of 1931; 25
- (f) such supporting documentation, relating to the matters set out in *paragraphs (a) to (e)*, as the Authority may specify;
- (g) such other information, relating to the premises, as the Authority may specify. 30

Assessment of suitability of premises

97. (1) Where *section 96* applies, the Authority shall, subject to *subsection (2)*, determine whether a premises where it is proposed to provide a gambling activity is suitable for use for that activity having regard to—

- (a) the information and documentation furnished under *section 96*, 35
- (b) whether the premises concerned communicates internally with other premises in which a gambling activity is not being provided,
- (c) the existence, in the vicinity of the premises, of other premises in respect of which an in-person gambling licence is attached, and

- (d) the proximity of the premises to schools.
- (2) The Authority shall, for the purposes of making a determination under *subsection (1)*—
 - (a) consult with the local authority in the local authority area in which the premises concerned are situate, and 5
 - (b) cause an inspection to be conducted of the premises concerned.

Information and documentation to accompany application where gambling activity to be provided by remote means

- 98.** (1) The information and documentation to accompany an application referred to in *section 94(i)* is— 10
- (a) information relating to the location and type of information and communications technology hardware used, or to be used, to provide the gambling activity sought to be licensed,
 - (b) in the case of an application under *section 108* only, information relating to the software to be used to enable the proposed licensee to view, in real time, information on the National Gambling Exclusion Register which would affect the licensee concerned, 15
 - (c) where at the time of making the application concerned, standards are in effect, in accordance with *subsection (2)* or *(3)* of *section 118* in relation to the matters referred to in *subsection (1)(a)(ii)* or *(b)(ii)*, or both, of that section, information as to— 20
 - (i) the software used, or to be used, to provide the activity concerned by remote means,
 - (ii) whether that software has been manufactured or adapted by the proposed licensee or by a third party, and if applicable, identify the third party concerned, and 25
 - (iii) whether the proposed licensee or a third party has installed or will install, maintains or will maintain and upgrades or will upgrade, that software,
 and
 - (d) for the purposes of enabling the Authority to verify information referred to in *paragraphs (a)* to *(c)*, such supporting documentation and other evidence as is specified by the Authority. 30
- (2) The Authority may specify the form and manner in which the information, supporting documentation and other evidence referred to in *subsection (1)* is to be provided.

Assessment of information and documentation provided under *section 98(1)(b)* and *(c)* 35

- 99.** (1) The Authority shall carry out, or arrange for a suitably qualified person to carry out, an assessment of the information referred to in *paragraph (b)* of *section 98(1)*, and the supporting documentation and other evidence furnished with that information in accordance with *paragraph (d)* of that section, for the purpose of satisfying itself that

the software to be used would enable the proposed licensee concerned to view, in real time, information on the National Gambling Exclusion Register which would affect the licensee concerned.

- (2) Where at the time of making an application referred to in *section 94(i)* or at the time of making an application for renewal referred to in *section 100(b)*, standards referred to in *paragraph (c)* of *section 98(1)* are in effect, the Authority shall carry out, or arrange for a suitably qualified person to carry out, an assessment of the information provided under that paragraph, and the supporting documentation and other evidence furnished with that information in accordance with *paragraph (d)* of that section, for the purposes specified in *subsection (3)*. 5 10
- (3) The purposes referred to in *subsection (2)* are to enable the Authority to satisfy itself—
- (a) where the software used or to be used has been manufactured or adapted by the proposed licensee, that the software meets any standards in effect in accordance with *subsection (2)* or *(3)* of *section 118* in relation to the matters referred to in *subsection (1)(a)(ii)* of that section, 15
- (b) where the software used or to be used has been manufactured or adapted by a third party, that the proposed licensee is or will be obtaining the software concerned from a Business to Business licensee,
- (c) where the proposed licensee has installed or will install, maintains or will maintain and upgrades or will upgrade the software used or to be used in the gambling activity concerned, that such gambling related services meet standards in effect in accordance with *subsection (2)* or *(3)* of *section 118* in relation to the matters referred to in *subsection (1)(b)(ii)* of that section, and 20
- (d) where a third party has installed or will install, maintains or will maintain and upgrades or will upgrade the software used or to be used in the gambling activity concerned, that such gambling related services are or will be provided by a Business to Business licensee. 25

Information and documentation to accompany application for renewal of gambling licence 30

100. An application for renewal of a gambling licence under this Part shall be accompanied by the following information and documentation (in this Part referred to as the “updated relevant information and documentation”):

- (a) details of any change to relevant information and documentation referred to in *paragraphs (a) to (c), (j), (k) to (m) and (o) to (s)* of *section 94*; 35
- (b) in an application for renewal of a Business to Consumer gambling licence under *section 111* or for renewal of a gambling licence for a charitable or philanthropic purpose under *section 116* where it is proposed to continue to provide a gambling activity by remote means—
- (i) the information referred to in *paragraph (a)* of *section 98(1)*, 40

- (ii) where at the time of making the application for renewal standards referred to in *paragraph (c)* of *section 98(1)* are in effect, the information referred to in that paragraph, and
- (iii) the supporting documentation and other evidence to be furnished, in accordance with *paragraph (d)* of *section 98(1)*, with the information referred to *subparagraph (i)* and *(ii)*; 5
- (c) such updates in respect of financial information provided under *section 94(d)* as may be specified by the Authority;
- (d) an updated declaration referred to in *section 94(f)*;
- (e) a tax clearance certificate in force in respect of each person referred to in *section 94(u)*; 10
- (f) a copy of the notice published in accordance with *section 93*;
- (g) a copy of a notice (if any) given by the licensee under *section 127* or *128*, or both;
- (h) such supporting documentary and other evidence as the Authority may request to enable it to— 15
 - (i) verify the information contained in the application for renewal and the updated relevant information and documentation, and
 - (ii) consider an application for renewal in accordance with this Part.

Further information sought by Authority following receipt of application for gambling licence 20

- 101.** (1) The Authority may, where it receives an application for a gambling licence or for renewal of a gambling licence under this Part, request in writing such information from a person referred to in *subsection (2)* or such further information from the proposed licensee or licensee concerned, as the Authority considers necessary for the purposes of verifying— 25
- (a) information contained in the application and the relevant information and documentation or updated relevant information and documentation, as the case may be, and
 - (b) that the proposed licensee or licensee, as the case may be, and if applicable, each relevant officer and beneficial owner, is a fit and proper person to be a licensee. 30
- (2) A person referred to in *subsection (1)* is any person whom the Authority considers has information relevant to the matters which the Authority is seeking to verify in accordance with that subsection and includes—
- (a) the Revenue Commissioners, 35
 - (b) the Garda Síochána, and
 - (c) a person outside the State with whom the Authority has entered into an arrangement in accordance with *section 102*.

- (3) A proposed licensee or licensee, as the case may be, to whom a request is made under *subsection (1)* shall comply with the request within such period as is specified in that request or within such further period as is agreed between the Authority and the proposed licensee or licensee concerned.
- (4) Where a proposed licensee or a licensee, as the case may be, fails or refuses to comply with a request made under *subsection (1)* within the period referred to in *subsection (3)*, the Authority may treat the application to which the request relates as withdrawn. 5
- (5) Where a person in the State, other than the proposed licensee or licensee concerned, receives a request from the Authority under *subsection (1)*, he or she shall, having received a copy of the relevant consents, provide, to the extent that the information is in his or her possession or power to procure, the information requested within such period as is specified in that request or within such further period as is agreed between the Authority and the person concerned. 10

Arrangement with person outside State performing similar functions to Authority 15

- 102.** (1) Subject to the Data Protection Regulation, the Act of 2018 and *subsections (2)* and *(4)*, the Authority may enter into an arrangement with a person outside the State whereby—
- (a) the Authority agrees to furnish to the person information in its possession that is required by that person for the purposes of the performance of that person’s functions, and 20
 - (b) the person agrees to furnish to the Authority information in that person’s possession that is required by the Authority for the purposes of the performance by it of its functions under this Act.
- (2) The Authority shall not furnish information to a person outside the State pursuant to an arrangement referred to in *subsection (1)* unless the Authority requires of, and obtains from, that person an undertaking in writing that the person will— 25
- (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 Authority under this Act, and 30
 - (b) comply with any other requirement specified by the Authority as a condition for furnishing the information concerned.
- (3) The Authority may give an undertaking to a person outside the State that it will comply with a requirement specified by the person relating to the use or disclosure by it of information obtained pursuant to an arrangement referred to in *subsection (1)* where compliance with the requirement is a condition imposed by that person for furnishing the information concerned. 35
- (4) An arrangement under *subsection (1)* shall not operate to require the Authority to provide information to a person outside the State if the disclosure of that information by the Authority is prohibited by law. 40

- (5) In this section, “person outside the State” 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 Authority under this Act.

CHAPTER 5

Gambling licences issued under this Part

5

Issue of gambling licence following decision to grant gambling licence

- 103.** (1) The Authority shall, within 14 days of making a decision under this Part to grant a gambling licence to a proposed licensee, issue—
- (a) the gambling licence to the proposed licensee, and
 - (b) a registration number (in this Act referred to as the “registration number”) referable to that gambling licence. 10
- (2) The Authority shall, within 14 days of making a decision under this Part to renew a gambling licence under this Part, issue a gambling licence to the licensee concerned.
- (3) Where *subsection (2)* applies, the registration number shall be the number issued under *subsection (1)*. 15

Duration gambling licence remains in force

- 104.** (1) Subject to *subsections (2) and (3)*, a Business to Consumer gambling licence shall, unless sooner surrendered, revoked or otherwise ceasing to be in force, remain in force for a period of one year from the date the licence is issued or for such longer period (if any) as may be prescribed under *subsection (4)* for the purposes of this subsection. 20
- (2) A once-off lottery licence shall remain in force for the period specified by the Authority in the licence concerned.
- (3) A betting licence which authorises a person to provide pool betting shall remain in force, in so far as it relates to pool betting, until the completion of the event, series of events or class of events in respect of which the pool betting is authorised in the betting licence concerned. 25
- (4) The Authority may prescribe a period, that is longer than the period specified in *subsection (1)*, as the period during which a Business to Consumer gambling licence shall remain in force in accordance with that subsection and different periods may be prescribed for different Business to Consumer gambling licences. 30
- (5) A Business to Business gambling licence shall, unless sooner surrendered, revoked or otherwise ceasing to be in force, remain in force for such period as may be prescribed under *subsection (6)* for the purposes of this subsection.
- (6) The Authority shall prescribe a period as the period during which a Business to Business gambling licence shall remain in force in accordance with *subsection (5)*. 35

Transfer of gambling licence in certain circumstances

105. (1) Where either of the circumstances specified in *subsection (2)* apply in respect of a licensee that is an individual who holds a gambling licence in his or her sole name, a person (in this section referred to as a “relevant applicant”) may, within 21 days of such circumstances occurring, apply to the Authority for the transfer to the relevant applicant of the gambling licence concerned. 5
- (2) The circumstances referred to in *subsection (1)* are—
- (a) the death of the licensee, or
 - (b) the licensee ceasing to be an officer or member of an unincorporated body of persons where the licensee became a licensee of the gambling licence referred to in that subsection by reason of being such officer or member, as the case may be. 10
- (3) An application under *subsection (1)* shall be in such form and accompanied by such supporting documentation as the Authority may specify.
- (4) The Authority shall notify a relevant applicant of its decision in respect of an application under *subsection (1)* within 7 days of the making of the decision and the Authority shall— 15
- (a) where the decision is that the gambling licence in respect of which the application is made may be transferred, include the information set out in *subsection (6)*, or
 - (b) where the decision is that the gambling licence in respect of which an application may not be transferred— 20
 - (i) confirm that the relevant applicant may appeal against the decision in accordance with *Part 9* and the period within which such an appeal may be brought in accordance with that Part, and
 - (ii) where applicable, include the information set out in *subsection (5)*. 25
- (5) Subject to any order that may be made by the court under *subsection (4)* of *section 212* on application to it by the Authority under *subsection (3)* of that section, the following provisions shall have effect where the circumstances referred to in *subsection (2)(a)* apply and the Authority decides a gambling licence may not be transferred: 30
- (a) from the date such circumstances occurred until the expiration of the period during which an appeal may be brought against that decision in accordance with *Part 9*, the licence shall remain in force and the relevant applicant shall, for the purposes of this Act, be deemed to be the licensee during that period;
 - (b) where no appeal against that decision is brought, the licence shall be revoked on the expiry of that period during which an appeal may be brought; 35
 - (c) where an appeal against the decision is brought—
 - (i) the licence shall, where that appeal is refused, be revoked on such refusal, or
 - (ii) *subsection (6)* shall apply where the appeal is allowed.

- (6) Where the Authority decides that a licence may be transferred pursuant to an application under *subsection (1)* or where an appeal against a decision by the Authority to refuse the transfer is allowed under *Part 9*—
- (a) the licence shall, on the making of that decision or on the appeal being allowed, stand transferred to the relevant person for the period the licence would have remained in force had the circumstances concerned not occurred, 5
 - (b) the relevant applicant shall, for the purposes of this Act, be deemed to have been the licensee of that gambling licence from the date the circumstances giving rise to the application occurred,
 - (c) a reference in this Act to a licensee shall, from the date such circumstances occurred until the expiration of that period the licence would have remained in force, include a reference to the relevant applicant, and 10
 - (d) where applicable, a first application for renewal of that licence by the relevant applicant shall be treated as an application under *section 108, 113 or 120*, as the case may be. 15
- (7) The Authority shall update the register of gambling licensees as soon as practicable after a decision referred to in this section is made which affects an entry in that register.

Display and production of gambling licence

- 106.** (1) A licensee shall— 20
- (a) display a copy of a gambling licence issued by the Authority in the name of the licensee and the registration number in a prominent location—
 - (i) where the licence authorises a relevant gambling activity in-person, at each premises where such relevant gambling activity is conducted,
 - (ii) where the licence authorises a relevant gambling activity by remote means, on each on-line platform where such relevant gambling activity can be accessed, 25
 - (iii) where the licence authorises a relevant gambling activity in-person and by remote means, in accordance with both *subparagraph (i)* and *(ii)*, and
 - (iv) where the licence authorises the sale or supply of a relevant gambling product or relevant gambling related service, or both, at each premises and on each on-line platform where the product or service is sold or supplied or offered for sale or supply, 30
 - and
 - (b) include the registration number in all business correspondence and advertisements which relate to a relevant gambling activity or a relevant gambling product or relevant gambling related service. 35
- (2) A licensee who contravenes *subsection (1)* is guilty of an offence.
- (3) Where an authorised officer is of the opinion that a person is providing a gambling activity, the officer may request the person to produce, within such period as may be 40

specified by the officer when making the request, a copy of the gambling licence which authorises the provision of the gambling activity concerned as a relevant gambling activity.

- (4) A person shall, when requested to do so under *subsection (3)*, produce a copy of the gambling licence referred to in that subsection within the period specified. 5
- (5) A person who contravenes *subsection (4)* is guilty of an offence.
- (6) It shall be a defence for a person, against whom proceedings are brought for an offence under *subsection (5)*, to prove that he or she was not providing the gambling activity referred to in *subsection (3)* or that the provision of the gambling activity concerned was exempt under *Chapter 3*. 10
- (7) A person or licensee who is guilty of an offence under this section is liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both.

Offence: falsely representing licence, registration number, as licensee or authorised officer

- 107.** (1) A person is guilty of an offence where he or she, with the intention to deceive or defraud— 15
- (a) alters a gambling licence or the registration number referable to a gambling licence,
 - (b) makes a document which falsely purports to be a gambling licence or the registration number referable to a gambling licence, 20
 - (c) transfers, copies or distributes a gambling licence, the registration number referable to a gambling licence, a gambling licence or registration number which has been altered, or a document which falsely purports to be a gambling licence or the registration number referable to a gambling licence, or
 - (d) displays, produces or otherwise uses a gambling licence or the registration number referable to a gambling licence, a gambling licence or registration number which has been altered, or a document which falsely purports to be a gambling licence or the registration number referable to a gambling licence. 25
- (2) A person (otherwise than a licensee) who holds himself or herself out, or represents himself or herself, as being a licensee is guilty of an offence. 30
- (3) A person (other than an authorised officer) who holds himself or herself out, or represents himself or herself, as being an authorised officer is guilty of an offence.
- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, 35
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

*Applications for Business to Consumer licences: betting, gaming and lottery licences***Application for Business to Consumer gambling licence**

- 108.** (1) Subject to *section 109*, a person may apply to the Authority for a Business to Consumer gambling licence and the application shall be in such form as may be specified by the Authority. 5
- (2) An application under *subsection (1)* shall—
- (a) specify the type of licence sought and—
- (i) where a betting licence is sought and the person wishes to provide pool betting, the event, series of events or class of events in respect of which the person seeks to provide that pool betting, 10
- (ii) where a gaming licence is sought, the game or games the person seeks to provide pursuant to the licence, and
- (iii) where a lottery licence is sought, the lottery product or activity the person seeks to provide pursuant to the licence, 15
- (b) where a gaming or lottery licence is sought, specify—
- (i) the relevant payment to be made to participate in the game or lottery, as the case may be, and
- (ii) the winnings to be paid to the winner or winners of the game or lottery, as the case may be, and how the winnings are to be funded, 20
- and
- (c) be accompanied by—
- (i) the relevant information and documentation, and
- (ii) where applicable, such fee as may be prescribed by the Authority under *section 36*. 25

Application for lottery licence: once-off lottery

- 109.** (1) An application for a lottery licence for a once-off lottery may be made in accordance with this section where—
- (a) the proposed licensee has not held a lottery licence for a once-off lottery in the period of 12 months immediately preceding the date of making the application, 30
- and
- (b) it is intended to hold the lottery within the period of 12 months immediately succeeding the date of making the application.
- (2) An application for a lottery licence referred to in *subsection (1)* shall—
- (a) be made— 35
- (i) in such form as may be specified by the Authority, and

- (ii) not less than 60 days before the first day on which it is intended to invite persons to participate in the lottery concerned,
- (b) specify—
 - (i) the lottery product or activity the person seeks to provide pursuant to the licence, 5
 - (ii) the relevant payment to be made to participate in the lottery, and
 - (iii) the winnings to be paid to the winner or winners of the lottery and how the winnings are to be funded,
- (c) contain such other information as may be specified by the Authority, and
- (d) be accompanied by— 10
 - (i) the relevant information and documentation, and
 - (ii) where applicable, such fee as may be prescribed by the Authority under *section 36*.

Determination by Authority of application for Business to Consumer gambling licence

- 110.** (1) Subject to *subsections (2) and (3)*, the Authority shall grant a gambling licence sought under *section 108 or 109*, as the case may be— 15
- (a) where it is satisfied—
 - (i) the application complies with the requirements of the section concerned,
 - (ii) the financial information furnished with the application demonstrates—
 - (I) the capacity of the proposed licensee to provide the gambling activity or activities sought to be licensed and to fund winnings, and 20
 - (II) that the winnings will be funded from lawful activities,
 - and
 - (iii) the proposed licensee, and, where applicable, each relevant officer and each beneficial owner, is a fit and proper person to hold the gambling licence concerned, 25
 - (b) where *section 96* applies, the Authority has made a determination under *section 97* that the premises where it is proposed to provide a gambling activity is suitable for use for that activity,
 - (c) where *section 98* applies, it is satisfied as to the matters set out in *subsections (1) and (3) of section 99*, and 30
 - (d) where applicable, it has received the fee prescribed by the Authority under *section 36*.
- (2) A gambling licence granted under *subsection (1)*—
- (a) shall specify the relevant betting activities, including the event, series of events or class of events in respect of which the person may provide pool betting, the 35

- relevant games or the relevant lottery, as the case may be, that may be provided pursuant to the licence, and
- (b) is granted subject to the conditions which apply to the licence concerned under *Chapter 9*.
- (3) The Authority shall refuse to grant a licence sought under *section 108* or *109*— 5
- (a) where it is not satisfied as to any matter referred to in *subparagraphs (i) to (iii)* of *subsection (1)(a)*,
- (b) for an in-person gambling licence in respect of a premises where it is proposed to provide a gambling activity, where the Authority has determined under *section 97* that the premises concerned is not suitable for use for that activity, 10
- (c) where applicable, the Authority is not satisfied as to the matters set out in *subsections (1) and (3)* of *section 99*, or
- (d) it has not received the fee prescribed by the Authority under *section 36*.
- (4) Where the Authority makes a decision under *subsection (3)* to refuse to grant a licence, it shall notify the person who made the application under *section 108* or *109*, as the case may be, and, if different, the proposed licensee within 14 days of the date of the decision. 15
- (5) Where the Authority makes a decision under *subsection (1)* to grant a licence but decides not to grant the licence, in the case of a betting licence, for all the events, series of events or class of events in respect of which the person sought to provide pool betting, for all the games or all the lottery products or activities which the person sought to provide pursuant to the licence applied for, it shall notify the person who made the application under *section 108* or *109*, as the case may be, and, if different, the proposed licensee within 14 days of the date of the decision. 20
- (6) A notice under *subsection (4)* or *(5)* shall state— 25
- (a) the reasons for the decision,
- (b) that the proposed licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and
- (c) the period within which such an appeal may be brought in accordance with that Part. 30

Renewal of Business to Consumer gambling licence

- 111.** (1) Subject to *subsections (2)* and *(3)*, the Authority shall renew a Business to Consumer gambling licence, other than a licence for a once-off lottery, on application to it in that behalf by the licensee of the licence where the application—
- (a) is made within such period, before the expiry of the licence concerned, as is specified by the Authority, 35
- (b) is in such form as may be specified by the Authority,
- (c) contains the information referred to in *section 108(2)(a)* and *(b)*, and
- (d) is accompanied by—

- (i) the updated relevant information and documentation, and
 - (ii) where applicable, such fee as may be prescribed by the Authority under *section 36*.
- (2) A Business to Consumer gambling licence renewed under this section—
 - (a) shall specify the relevant betting activities, including the event, series of events or class of events in respect of which the person may provide pool betting, the relevant games or the relevant lottery, as the case may be, that may be provided pursuant to the licence, and 5
 - (b) is granted subject to the conditions which apply to the licence concerned under *Chapter 9*. 10
- (3) The Authority shall refuse to renew a licence where—
 - (a) subject to *subsection (7)*, paragraphs (a) to (d) of *subsection (1)* have not been complied with,
 - (b) it is no longer satisfied as to any of the matters set out in *section 110(1)(a)(ii)* or *(iii)*, 15
 - (c) having considered, where applicable, the information furnished in accordance with *section 100(b)(ii)* and any supporting documentation or other evidence furnished with that information, it is not satisfied as to the matters set out in *section 99(3)*, or
 - (d) it has not received the fee prescribed by the Authority under *section 36* for such renewal. 20
- (4) Subject to *subsections (5)* and *(6)*, where an application for renewal of a Business to Consumer licence under this section is not determined by the Authority before the expiry of the licence concerned, the licence shall continue in force until the later of the following occurs: 25
 - (a) the application for renewal has been determined; or
 - (b) the period allowed for bringing an appeal under *Part 9* against the decision of the Authority to refuse to renew the licence has expired and either—
 - (i) no appeal has been made, or
 - (ii) an appeal has been made and, if applicable, an application to the Circuit Court has been brought under *subsection (5)*, that application has been refused. 30
- (5) A licensee who, within the period allowed for bringing an appeal under *Part 9*, brings an appeal against a decision of the Authority to refuse to renew a licence may, within that period, apply to the Circuit Court, on notice to the Authority, for an order that the licence remain in force pending the making of a decision on appeal. 35
- (6) Where the Circuit Court grants an application under *subsection (5)* and an appeal is refused under *Part 9*, the licence concerned shall cease to be in force on the date of such refusal on appeal.

- (7) Where an application under *subsection (1)* for the renewal of a licence does not comply with *paragraph (a)* of that subsection, the application shall, unless it is shown to the satisfaction of the Authority that there are exceptional circumstances justifying such failure to comply, be treated as a first application for the licence concerned and *section 108* shall apply accordingly. 5
- (8) A contravention or alleged contravention of a relevant obligation by a licensee shall be dealt with or continue to be dealt with under *Part 8* and, accordingly, the renewal of the licensee's licence under this section does not prejudice or affect the operation of that Part, any proceedings under that Part or under any other provision of this Act.
- (9) Where the Authority makes a decision under *subsection (3)* to refuse to renew a licence, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state— 10
- (a) the reasons for the decision,
 - (b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and 15
 - (c) the period within which such an appeal may be brought in accordance with that Part.

Application to vary certain relevant gambling activities provided pursuant to certain Business to Consumer gambling licences

112. (1) A licensee of a gaming licence may apply to the Authority to vary the relevant game or relevant games which the licensee may provide pursuant to the gaming licence. 20
- (2) A licensee of a lottery licence, other than for a once-off lottery, may apply to the Authority to vary the lottery products or activities, or both, which the licensee may provide pursuant to the lottery licence.
- (3) A licensee of a betting licence may apply to the Authority— 25
- (a) to vary the event, series of events or class of events in respect of which the licensee has been licensed to provide pool betting, or
 - (b) to provide pool betting for an event, series of events or class of events where the licensee did not, at the time the licensee applied for the licence, wish to provide pool betting. 30
- (4) An application under this section shall be made in such form and manner, and be accompanied by such information and supporting documentation, as the Authority may specify.
- (5) The Authority may grant an application under this section to vary the licence concerned where it is satisfied, having regard to the information and supporting documentation supplied by the licensee as required by the Authority in accordance with *subsection (4)*, that it is appropriate to do so. 35
- (6) Where the Authority refuses to grant an application under this section, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state— 40
- (a) the reasons for the decision,

- (b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and
- (c) the period within which such an appeal may be brought in accordance with that Part.

CHAPTER 7

5

Applications for grant and renewal of gambling licences for charitable or philanthropic purpose

Application for gambling licence for charitable or philanthropic purpose

- 113.** (1) Subject to *subsection (2)* and *section 114*, a person may apply to the Authority for a gambling licence for a charitable or philanthropic purpose and the application shall be made in such form and manner as may be specified by the Authority. 10
- (2) An application may only be made under *subsection (1)* where—
- (a) the proposed licensee is—
 - (i) an individual who is domiciled in the State, or
 - (ii) a body corporate established in the State, 15
 and
 - (b) an undertaking, in such form as is prescribed by the Authority, is provided by the proposed licensee that, at a minimum, 30 per cent of the total relevant payments made to participate in each gambling activity sought to be licensed is used for the charitable or philanthropic purpose specified in the application. 20
- (3) An application under *subsection (1)* shall contain the following information:
- (a) the type of game, betting activity or lottery activity or lottery product, referred to in *section 87(2)*, the proposed licensee seeks to provide pursuant to the licence and where the proposed licensee wishes to provide pool betting, the event, series of events or class of events in respect of which the proposed licensee seeks to provide that pool betting; 25
 - (b) the charitable or philanthropic purpose or purposes which is or are to benefit from the gaming, betting or lottery concerned;
 - (c) in relation to each such activity or product for which the licence is sought—
 - (i) the percentage of the total relevant payments made, above the minimum 30 per cent, that is to be given for the charitable or philanthropic purpose concerned and what the remaining percentage is to be used for, and 30
 - (ii) the proposed relevant payment, the proposed winnings and the source of the winnings;
 - (d) such other information as may be specified by the Authority. 35
- (4) An application under *subsection (1)* shall be accompanied by—
- (a) the undertaking referred to in *subsection (2)(b)*,

- (b) the relevant information and documentation, and
- (c) where applicable, such fee as may be prescribed by the Authority under *section 36*.

Application for gambling licence for charitable or philanthropic purpose: once-off activity

- 114.** (1) An application for a gambling licence for a charitable or philanthropic purpose for a once-off gaming, betting or lottery activity or lottery product, referred to in *section 87(2)*, may be made in accordance with this section where—
- (a) the proposed licensee has not held a gambling licence for a charitable or philanthropic purpose for a once-off gaming, betting or lottery activity or lottery product in the period of 12 months immediately preceding the date of making the application, and
 - (b) it is intended that the once-off activity is completed within the period of 12 months immediately succeeding the date of making the application.
- (2) An application under *subsection (1)*—
- (a) may only be made where the conditions referred to in *section 113(2)* have been complied with in respect of the proposed licensee, and
 - (b) shall—
 - (i) contain the information set out in *section 113(3)(a) to (c)* and such other information as may be specified by the Authority,
 - (ii) be in such form as may be specified by the Authority, and
 - (iii) be made not less than 60 days before the first day on which it is intended to invite persons to participate in the gaming, betting or lottery activity or purchase the lottery product concerned.
- (3) An application under *subsection (1)* shall be accompanied by—
- (a) the undertaking referred to in *section 113(2)(b)*,
 - (b) the relevant information and documentation, and
 - (c) where applicable, such fee as may be prescribed by the Authority under *section 36*.

Determination by Authority of application for gambling licence for charitable or philanthropic purpose

- 115.** (1) Subject to *subsections (2) and (3)*, the Authority shall grant a gambling licence for a charitable or philanthropic purpose sought under *section 113* or *114*, as the case may be—
- (a) where it is satisfied—
 - (i) the application complies with the requirements of the section concerned,
 - (ii) the conditions referred to in *section 113(2)* have been complied with in respect of the proposed licensee,

- (iii) the financial information furnished with the application demonstrates—
 - (I) the capacity of the proposed licensee to provide the gambling activity or activities sought to be licensed and to fund any winnings, and
 - (II) that the winnings will be funded from lawful activities,
 and 5
- (iv) the proposed licensee, and, where applicable, each relevant officer and each beneficial owner, is a fit and proper person to hold the gambling licence concerned,
- (b) where *section 98* applies, it is satisfied as to the matters set out in *subsection (3) of section 99*, and 10
- (c) where applicable, it has received such fee as may be prescribed by the Authority under *section 36*.
- (2) A gambling licence granted under this section—
 - (a) shall specify the relevant gambling activity for a charitable or philanthropic purpose, including the event, series of events or class of events in respect of which the person may provide pool betting, that may be provided pursuant to the licence, 15
 - (b) shall specify whether the relevant gambling activity referred to in *paragraph (a)* may be provided from a premises in the State to a person who attends the premises to participate in the activity or by remote means, or both, and 20
 - (c) is granted subject to the conditions that apply to the licence concerned in accordance with *Chapter 9*.
- (3) The Authority shall refuse to grant a gambling licence under this section—
 - (a) where it is not, in accordance with *paragraphs (a) and (b) of subsection (1)*, satisfied of any matter referred to in either of those paragraphs, 25
 - (b) where *section 98* applies, it is not satisfied as to the matters set out in *section 99(3)*, or
 - (c) it has not received the fee prescribed by the Authority under *section 36*.
- (4) Where the Authority makes a decision under this section to refuse to grant a licence, it shall notify the person who made the application under *section 113* or *114*, as the case may be, and, if different, the proposed licensee within 14 days of the date of the decision. 30
- (5) A notice under *subsection (4)* shall state—
 - (a) the reasons for the decision,
 - (b) that the proposed licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and 35
 - (c) the period within which such an appeal may be brought in accordance with that Part.

Renewal of gambling licence for charitable or philanthropic purpose

116. (1) Subject to *subsections (2) and (3)*, the Authority shall renew a gambling licence for a charitable or philanthropic purpose, other than a licence for a charitable or philanthropic purpose for a once-off gaming, betting or lottery activity, on application to it in that behalf by the licensee of the licence where— 5
- (a) the application is made within such period, before the expiry of the licence concerned, as is specified by the Authority,
 - (b) the application is in such form as may be specified by the Authority,
 - (c) the licensee continues to comply with *section 113(2)(a)*,
 - (d) the application contains the information referred to in *section 113(3)*, and 10
 - (e) the application is accompanied by—
 - (i) the undertaking referred to in *section 113(2)(b)*,
 - (ii) the updated relevant information and documentation, and
 - (iii) where applicable, such fee as may be prescribed by the Authority under *section 36*. 15
- (2) A gambling licence renewed under this section—
- (a) shall specify the relevant gambling activity for a charitable or philanthropic purpose, including the event, series of events or class of events in respect of which the person may provide pool betting, that may be provided pursuant to the licence, 20
 - (b) shall specify whether the relevant gambling activity referred to in *paragraph (a)* may be provided from a premises in the State to a person who attends the premises to participate in the activity or by remote means, or both, and
 - (c) is renewed subject to the conditions which apply to the licence concerned in accordance with *Chapter 9*. 25
- (3) The Authority shall refuse to renew a licence where—
- (a) subject to *subsection (7)*, *paragraphs (a) to (e) of subsection (1)* have not been complied with,
 - (b) it is no longer satisfied as to any of the matters set out in *subparagraphs (ii) to (iv) of section 115(1)(a)*, 30
 - (c) having considered, where applicable, the information furnished in accordance with *section 100(b)(ii)* and any supporting documentation or other evidence furnished with that information, it is not satisfied as to the matters set out in *section 99(3)*, or
 - (d) where applicable, it has not received the fee prescribed by the Authority under *section 36*. 35
- (4) Subject to *subsections (5) and (6)*, where an application for renewal of a gambling licence for a charitable or philanthropic purpose under this section is not determined by the Authority before the expiry of the licence concerned, the licence shall continue in force until the later of the following occurs: 40

- (a) the application has been determined; or
 - (b) the period allowed for bringing an appeal under *Part 9* against the decision of the Authority to refuse to renew the licence has expired and either—
 - (i) no appeal has been made, or
 - (ii) an appeal has been made and, if applicable, an application to the Circuit Court has been brought under *subsection (5)*, that application has been refused. 5
- (5) A licensee who, within the period allowed for bringing an appeal under *Part 9*, brings an appeal against a decision of the Authority to refuse to renew a licence, may, within that period, apply to the Circuit Court, on notice to the Authority, for an order that the licence remain in force pending the making of a decision on appeal. 10
- (6) Where the Circuit Court grants an application under *subsection (5)* and a decision of the Authority to refuse to renew the licence is upheld on appeal under *Part 9*, the licence concerned shall cease to be in force on the making of that decision on appeal.
- (7) Where an application under *subsection (1)* for the renewal of a licence does not comply with *paragraph (a)* of that subsection, the application shall, unless it is shown to the satisfaction of the Authority that there are exceptional circumstances justifying such failure to comply, be treated as a first application for the licence concerned and *section 113* shall apply accordingly. 15
- (8) A contravention or alleged contravention of a relevant obligation by a licensee shall be dealt with or continue to be dealt with under *Part 8* and accordingly, the renewal of the licensee's licence under this section does not prejudice or affect the operation of that Part, any proceedings under that Part or under any other provision of this Act. 20
- (9) Where the Authority makes a decision under *subsection (3)* to refuse to renew a licence, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state— 25
- (a) the reasons for the decision,
 - (b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and
 - (c) the period within which such an appeal may be brought in accordance with that Part. 30

Application to vary relevant gambling activity for a charitable or philanthropic purpose

- 117.** (1) A licensee of a gambling licence for a charitable or philanthropic purpose, other than for a once-off activity, may apply to the Authority—
- (a) to vary the relevant gambling activity or activities for a charitable or philanthropic purpose that the licensee may provide pursuant to the licence, or 35
 - (b) to vary the event, series of events or class of events in respect of which the licensee has been licensed to provide pool betting, or where the licensee did not, at the time the licence was sought, wish to provide pool betting, the event, series of events or class of events in respect of which the person now seeks to provide pool betting. 40

- (2) An application under this section shall be made in such form and manner, and accompanied by such information and supporting documentation, as the Authority shall specify.
- (3) The Authority may grant an application under this section to vary the licence concerned where it is satisfied, having regard to the information and supporting documentation supplied by the licensee as required by the Authority in accordance with *subsection (2)*, that it is appropriate to do so. 5
- (4) Where the Authority refuses to grant an application under this section, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state— 10
 - (a) the reasons for the decision,
 - (b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and
 - (c) the period within which such an appeal may be brought in accordance with that Part. 15

CHAPTER 8

Standards and certification of certain gambling products and gambling related services and applications for grant and renewal of Business to Business gambling licences

Power to set standards for certain gambling products and gambling related services

- 118.** (1) The Authority may develop, adopt and publish on its website standards for— 20
- (a) in relation to gambling products—
 - (i) the manufacture or adaptation of gaming machines or parts of gaming machines, or
 - (ii) the manufacture or adaptation of software used for the operation of gambling, 25
 and
 - (b) in relation to gambling related services—
 - (i) the installation, maintenance or repair of gaming machines or parts of gaming machines, or
 - (ii) the installation, maintenance or upgrading of software used for the operation of gambling. 30
- (2) Standards published under *subsection (1)* shall take effect on the day following the expiry of the third anniversary of the date of such publication.
 - (3) The Authority may, from time to time amend, replace or revoke, in whole or in part, the standards published under *subsection (1)* and where the Authority so amends or replaces those published standards, the standards as so amended or replaced shall take effect and replace the previous standards on the day following the expiry of the third anniversary of the date of publication of the standards as amended or replaced in accordance with *subsection (4)*. 35

- (4) Where the Authority amends, replaces or revokes standards under *subsection (3)*, the Authority shall publish the standards as so amended or replaced or publish the fact of the revocation of the standards, as the case may be, on its website as soon as practicable after it so amends, replaces or revokes.
- (5) The Authority may, for the purpose of developing standards under this section— 5
 - (a) engage, under *section 17*, the services of another person with appropriate expertise to develop the standards, and
 - (b) consult with such persons, including licensees, as it considers appropriate.

Application for certification of gambling product or gambling related service where standards in effect in accordance with *section 118* 10

- 119.** (1) Where the Authority publishes standards under *section 118(1)* in relation to a gambling product or gambling related service, an application may not be made under *section 120* for a Business to Business gambling licence, for renewal of such a licence under *section 122* or to vary the licence under *section 123*, at any time after the day following the third anniversary of the date of such publication in relation to the product or service concerned unless a certificate has issued in accordance with this section that the product or service concerned meets those standards. 15
- (2) On each occasion where the Authority amends or replaces standards under *section 118(3)* in relation to a gambling product or gambling related service, an application may not be made under *section 120, 122* or *123* at any time after the day following the third anniversary of the date of publication of the standards under *section 118(4)* in relation to the product or service concerned unless a certificate has issued in accordance with this section that the product or service concerned meets those standards as amended or replaced. 20
- (3) An application may be made under this section by a manufacturer of a gambling product, in such form and manner as may be specified by the Authority, for a certificate that the gambling product meets the standards referred to in *subsection (1)* or *(2)*, as the case may be. 25
- (4) An application may be made under this section by a provider of a gambling related service, in such form and manner as may be specified by the Authority, for a certificate that the gambling related service meets the standards referred to in *subsection (1)* or *(2)*, as the case may be. 30
- (5) An application under *subsection (3)* and *(4)* shall be accompanied by—
- (a) such documents as may be specified by the Authority to enable it to determine if the gambling product or gambling related service concerned meets the standards which relate to that product or service, and 35
 - (b) if applicable, such fee as may be prescribed by the Authority under *section 36*.
- (6) The Authority shall, on receipt of an application under *subsection (3)* or *(4)* and the documents and fee referred to in *subsection (5)*, where it is satisfied that a gambling product or gambling related service meets the standards referred to in *subsection (1)* or *(2)*, as the case may be, issue a certificate to the manufacturer or provider concerned confirming that the product or service meets those standards. 40

- (7) Where the Authority refuses to grant an application under this section, it shall notify the manufacturer or provider concerned within 14 days of the date of the decision and the notice shall state—
 - (a) the reasons for the decision,
 - (b) that the manufacturer or provider, as the case may be, is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and 5
 - (c) the period within which such an appeal may be brought in accordance with that Part.

Application for Business to Business gambling licence

120. (1) Subject to *section 119*, a person may apply to the Authority for a Business to Business gambling licence in such form as may be specified by the Authority. 10

(2) A person that, immediately before the coming into operation of this section, sold or supplied, directly or indirectly, a gambling product or a gambling related service, or both, in the State or to a person outside the State, shall, if the person wishes to continue to so sell or supply after such coming into operation, make an application under *subsection (1)*, not later than— 15

- (a) 6 months after such coming into operation, or
- (b) the expiration of such longer period after such coming into operation as the Minister may specify.

(3) Where the Minister specifies a period for the purposes of *subsection (2)(b)*, he or she shall notify the Authority of the period and the Authority shall publish, on its website, a notice of the period so specified. 20

(4) An application under *subsection (1)* shall contain the following information:

- (a) particulars of the gambling product or gambling related service, or both, the person wishes to sell or supply; 25
- (b) the place in the State from which the proposed licensee intends to sell or supply the gambling products for which the licence is sought;
- (c) such other information as may be specified by the Authority.

(5) An application under *subsection (1)* shall be accompanied by—

- (a) the relevant information and documentation, 30
- (b) where applicable, a copy of a certificate that has issued under *section 119* in relation to a gambling product or gambling related service which is a subject of the application, and
- (c) if applicable, such fee as may be prescribed by the Authority under *section 36*.

Determination by Authority of application for Business to Business gambling licence 35

121. (1) Subject to *subsection (2)*, the Authority shall grant a Business to Business gambling licence where—

- (a) it is satisfied that—
 - (i) the application complies with the requirements of *section 120*,
 - (ii) the proposed licensee, and, where applicable, each relevant officer and each beneficial owner, is a fit and proper person to hold the gambling licence concerned, and 5
 - (iii) the financial information furnished with the application demonstrates the capacity of the proposed licensee to provide the gambling product or gambling related service, or both, which the proposed licensee wishes to sell or supply pursuant to the licence,
- and 10
- (b) where applicable, it has received such fee as may be prescribed by the Authority under *section 36*.
- (2) A Business to Business gambling licence granted under this section—
 - (a) shall specify each relevant gambling product or relevant gambling related service, or both, as the case may be, that the licensee may sell or supply pursuant to the licence, and 15
 - (b) is granted subject to the conditions which apply to the licence concerned in accordance with *Chapter 9*.
- (3) The Authority shall refuse to grant a Business to Business gambling licence where—
 - (a) it is not satisfied of any matter referred to in *subsection (1)(a)*, or 20
 - (b) it has not received the fee (if any) prescribed by the Authority under *section 36*.
- (4) Where the Authority makes a decision under *subsection (3)* to refuse to grant a licence, it shall notify the person who made the application under *section 120* and, if different, the proposed licensee, within 14 days of the date of the decision.
- (5) A notice under *subsection (4)* shall state— 25
 - (a) the reasons for the decision,
 - (b) that the proposed licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and
 - (c) the period within which such an appeal may be brought in accordance with that Part. 30

Renewal of Business to Business gambling licence

- 122.** (1) Subject to *section 119* and *subsection (2)*, the Authority shall renew a Business to Business gambling licence on application being made to it where the application—
- (a) is made within such period, before the expiry of the licence concerned, as is specified by the Authority, 35
 - (b) is in such form as may be specified by the Authority, and
 - (c) is accompanied by—

- (i) the updated relevant information and documentation,
 - (ii) where applicable, a copy of a certificate that has issued under *section 119* in relation to a gambling product or gambling related service which is a subject of the application for renewal, and
 - (iii) if applicable, such fee as may be prescribed by the Authority under *section 36*. 5
- (2) A Business to Business gambling licence renewed under *subsection (1)*—
 - (a) shall specify each relevant gambling product or relevant gambling related service, or both, as the case may be, that the licensee may sell or supply pursuant to the licence, and 10
 - (b) is renewed subject to the conditions which apply to the licence concerned in accordance with *Chapter 9*.
- (3) The Authority shall refuse to renew a licence where—
 - (a) subject to *subsection (5)*, *paragraphs (a) to (c) of subsection (1)* have not been complied with, or 15
 - (b) it is no longer satisfied as to any of the matters set out in *section 121(1)(a)(ii) or (iii)*.
- (4) Where an application for renewal of a Business to Business licence under this section is not determined by the Authority before the expiry of the licence concerned, the licence shall continue in force until the later of the following occurs: 20
 - (a) the application has been determined;
 - (b) the time for an appeal under *Part 9* against a refusal to renew the licence has expired and no appeal has been made; or
 - (c) where an appeal has been made in accordance with that Part, the appeal has not been allowed. 25
- (5) Where an application under *subsection (1)* for the renewal of a licence does not comply with *paragraph (a)* of that subsection, the application shall, unless it is shown to the satisfaction of the Authority that there are exceptional circumstances justifying such failure to comply, be treated as a first application for the licence concerned and *section 120* shall apply accordingly. 30
- (6) A contravention or alleged contravention of a relevant obligation by a licensee shall be dealt with or continue to be dealt with under *Part 8* and, accordingly, the renewal of the licensee’s Business to Business gambling licence under this section does not prejudice or affect the operation of that Part, any proceedings under that Part or under any other provision of this Act. 35
- (7) Where the Authority makes a decision under *subsection (3)* to refuse to renew a licence, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state—
 - (a) the reasons for the decision,

- (b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and
- (c) the period within which such an appeal may be brought in accordance with that Part.

Application to vary relevant gambling product or relevant gambling related service 5

- 123.** (1) Subject to *section 119*, a licensee of a Business to Business gambling licence may apply to the Authority to vary the relevant gambling product or relevant gambling related service that may be provided pursuant to the licence.
- (2) An application under *subsection (1)* shall be in made in such form and manner, and accompanied by such information and supporting documentation, as the Authority shall specify. 10
- (3) The Authority may grant an application made under *subsection (1)* to vary the relevant gambling product or relevant gambling related service that may be provided pursuant to the licence concerned where it is satisfied, having regard to the information and supporting documentation supplied by the licensee in accordance with *subsection (2)*, that it is appropriate to do so. 15
- (4) Where the Authority refuses to grant an application under this section, it shall notify the licensee concerned within 14 days of the date of the decision and the notice shall state—
- (a) the reasons for the decision, 20
 - (b) that the licensee is entitled to appeal against the decision of the Authority in accordance with *Part 9*, and
 - (c) the period within which such an appeal may be brought in accordance with that Part.

CHAPTER 9 25

Conditions attaching to gambling licences

Regulations (*Chapter 9*)

- 124.** (1) The Authority may prescribe conditions, additional to those set out in this Chapter, which shall apply to gambling licences.
- (2) Without prejudice to the generality of *subsection (1)*, conditions may be prescribed under that subsection by reference to different types of gambling licences, by reference to the duration for which different gambling licences are held or by reference to a particular category or categories of relevant gambling activities or relevant gambling products or relevant gambling related services. 30

Conditions attaching to gambling licences: general 35

- 125.** A gambling licence is granted or renewed under this Part subject to—

- (a) the conditions set out in this Chapter which apply to the gambling licence concerned,
- (b) such other conditions (if any) as may be prescribed by the Authority under *section 124*, and
- (c) any conditions imposed under *Part 8* on the licence concerned. 5

Conditions attaching to Business to Consumer gambling licences and gambling licences for charitable or philanthropic purpose

126. A Business to Consumer gambling licence and a gambling licence for a charitable or philanthropic purpose is granted subject to—

- (a) a licensee of the licence— 10
 - (i) having the financial capacity to provide the relevant gambling activity and to fund winnings, and
 - (ii) funding winnings from lawful activities,
- (b) a licensee, and, where applicable, each relevant officer and each beneficial owner, continuing to be a fit and proper person to hold the gambling licence concerned, 15
- (c) a licensee providing a relevant gambling activity,
- (d) the relevant payment and winnings for each relevant gambling activity not exceeding the maximum relevant payment and maximum winnings,
- (e) where maximum relevant payment and maximum winnings apply in respect of a relevant gambling activity, the maximum relevant payment and maximum winnings in respect of the activity being displayed in a prominent location— 20
 - (i) at each premises where the activity is conducted, and
 - (ii) on each on-line platform where the activity can be accessed,
- (f) where applicable, compliance by the licensee with *section 127*, 25
- (g) where *section 127* applies, the Authority being satisfied, following receipt of a notification under that section, that the premises continues to be appropriate for use for the relevant gambling activity concerned,
- (h) compliance by the licensee with *section 128*,
- (i) where applicable, the Authority continuing to be satisfied, following receipt of a notice under *section 128*— 30
 - (i) where the notice relates to information referred to in *section 98(1)(b)*, that the software continues to enable the licensee concerned to view, in real time, information on the National Gambling Exclusion Register which affects the licensee concerned, and 35
 - (ii) where the notice relates to information referred to in *section 98(1)(c)*, as to the matters referred to in *section 99(3)* in relation to the manufacture, adaption, installation, maintenance and upgrade of software used in a relevant gambling activity provided by remote means,

and

- (j) the payment, within the period specified in a notice under *section 39(5)*, of the charge due under *Chapter 2 of Part 2* in respect of the licence concerned, subject to any appeal pending under *Part 9* in relation to that charge.

Notice to Authority of change in information given under *section 96* 5

- 127.** (1) A licensee of a Business to Consumer gambling licence who provides a relevant gambling activity from a premises in the State and to whom *section 96* applied when making an application for the licence concerned, shall notify the Authority of a change, referred to in *subsection (2)*, to the information provided under that section, in respect of the premises concerned. 10
- (2) The Authority shall specify, by notice published on its website, the changes to be notified to it under *subsection (1)*.
 - (3) A notice under *subsection (1)* shall be made within 7 days of a change referred to in *subsection (2)*.

Notice to Authority of change in information given under *section 98* 15

- 128.** (1) A licensee of a Business to Consumer gambling licence and a licensee of a gambling licence for a charitable or philanthropic purpose who provides a relevant gambling activity by remote means and who was required to provide information specified in *section 98* in an application for the licence or for renewal of the licence, shall notify the Authority of a change to that information where the change is specified under *subsection (2)*. 20
- (2) The Authority shall specify, by notice published on its website, the changes to be notified to it under *subsection (1)*.
 - (3) A notice under *subsection (1)* shall be made within 7 days of a change referred to in *subsection (2)*. 25
 - (4) The Authority may, where it considers it necessary for the purposes of *section 126(i)*, conduct a further assessment under *section 99*.

Additional conditions: Business to Consumer gambling licences other than lottery licence for once-off lottery

- 129.** In addition to what is provided for in *section 126*, a Business to Consumer gambling licence, other than a lottery licence for a once-off lottery, is granted subject to the condition that the licensee of the licence establish and maintain a Segregated Customer Account in accordance with *section 130*. 30

Establishment and maintenance of Segregated Customer Account

- 130.** (1) Subject to regulations made under *section 131*, a licensee of a Business to Consumer gambling licence shall, in accordance with this section, open and maintain a single account (in this Act referred to as a “Segregated Customer Account”) in a bank to hold the funds specified in *subsection (2)*. 35

- (2) The funds (in this Act referred to as “relevant funds”) referred to in *subsection (1)* are—
- (a) money held by an account-holder or an in-person participant with a licensee,
 - (b) until such time as a relevant gambling activity has been completed, relevant payments made by participants to a licensee in connection with that activity, and 5
 - (c) winnings not paid out by the licensee.
- (3) A licensee may only access relevant funds in a Segregated Customer Account—
- (a) in relation to funds referred to in *subsection (2)(a)*, subject to *section 163*, when authorised to do so by the account-holder or in-person participant concerned,
 - (b) subject to *subsection (4)*, in relation to funds referred to in *subsection (2)(b)*, 10 when the relevant gambling activity concerned has been completed,
 - (c) in relation to funds referred to in *subsection (2)(c)*, to pay out winnings, and
 - (d) in the cases referred to in *paragraphs (a) to (c)*, as otherwise authorised by regulations made under *section 131*.
- (4) A licensee may only access relevant payments made to a licensee related to a relevant 15 gambling activity after the activity is completed to the extent that the relevant payments are not required to fund winnings in respect of the activity concerned.
- (5) Subject to any regulations that may be made under *section 131(d)*, a licensee shall keep up-to-date records in relation to a Segregated Customer Account in such a manner as enables identification of— 20
- (a) in relation to the funds referred to in *subsection (2)(a)*, the amount standing to the credit of each account-holder and in-person participant,
 - (b) in relation to the funds referred to in *subsection (2)(b)*, the total amount of the relevant payments held by a licensee in relation to the relevant gambling activity concerned, and 25
 - (c) in relation to the funds referred to in *subsection (2)(c)*, the amount of winnings which have not been paid out by the licensee.
- (6) A licensee who fails to comply with an obligation imposed by this section or in regulations made under *section 131* on the licensee in relation to a Segregated Customer Account commits an offence and is liable— 30
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.
- (7) In this section and in *section 131*, “bank” means— 35
- (a) a person who holds a licence from the Central Bank of Ireland under section 9 of the Central Bank Act 1971,
 - (b) a person referred to in section 7(4) of that Act, or

- (c) a credit institution or financial institution that is permitted by the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014) to carry on business within the State.

Regulations: Segregated Customer Accounts

- 131.** The Authority may, for the purposes of *section 130* and the operation of Segregated Customer Accounts by licensees, by regulations do any or all of the following: 5
- (a) specify the type of account licensees may open at a bank for the Account;
 - (b) specify a category of Business to Consumer gambling licence or a relevant gambling activity which is the subject of such a licence, or both, in respect of which a licensee of that licence is not required to open and maintain the Account; 10
 - (c) specify, for the purposes of *section 130(3)(d)*, when a licensee may access relevant funds;
 - (d) specify the accounting records to be maintained by a licensee in relation to the Account including information as to relevant funds received, held, controlled or paid out by the licensee; 15
 - (e) specify the minimum period or periods for which the accounting records referred to in *paragraph (d)* shall be retained by a licensee;
 - (f) require a licensee to arrange for the examination, by an auditor or a duly qualified accountant, at intervals specified in the regulations, of accounting records to be maintained by the licensee under *paragraph (d)*; 20
 - (g) specify circumstances in which a licensee may be required to make good any deficit in relevant funds in an Account;
 - (h) specify the circumstances and manner in which a licensee shall verify compliance with *section 130* and the regulations (if any) made under this section, including the frequency of so verifying. 25

Additional condition: prohibited bets under betting licence

- 132.** (1) In addition to what is provided for in *sections 126* and *129*, a betting licence is granted subject to a licensee of the licence not accepting bets in relation to such matters (if any) as are prohibited by regulations made under *subsection (2)*.
- (2) Subject to *subsection (3)*, the Authority may, having regard to the public interest and public safety, and having consulted with the Minister, prescribe matters in respect of which a bet may not be accepted by a licensee of a betting licence and, without prejudice to the foregoing, such matters may include criminal activities. 30
- (3) The Authority shall, where it proposes to prescribe a matter under *subsection (2)* in respect of which a Minister of the Government, other than the Minister, has responsibility, consult with the Minister of the Government concerned before making regulations under that subsection. 35

Additional condition: gaming licences

- 133.** In addition to what is provided for in *sections 126 and 129*, a gaming licence is granted subject to the condition that, where the participants in a game include a licensee of the gaming licence, the chance that the licensee has, as a participant, of winning the game and the chance that all other participants in the game have, of winning the game, are equal. 5

Additional conditions: lottery licences

- 134.** In addition to what is provided for in *sections 126 and 129*, a lottery licence is granted subject to—
- (a) every ticket relating to a lottery provided pursuant to the licence— 10
 - (i) bearing the name and address of the licensee providing the lottery, and
 - (ii) containing such other information as may be prescribed by the Authority, and
 - (b) in the case of a lottery licence for a once-off lottery, the lottery being held within the period of 12 months immediately succeeding the date of making the application for the licence under *section 109*. 15

Additional conditions: gambling licence for charitable or philanthropic purpose

- 135.** In addition to what is provided for in *section 126*, a gambling licence for a charitable or philanthropic purpose is granted subject to—
- (a) the licensee continuing to be— 20
 - (i) in the case of an individual, domiciled in the State, or
 - (ii) in the case of a body corporate, established in the State,
 - (b) the licensee—
 - (i) providing a relevant gambling activity for a charitable or philanthropic purpose, and 25
 - (ii) deriving no personal profit from that activity, and
 - (c) at a minimum, 30 per cent of the total relevant payments being given by the licensee for a charitable or philanthropic purpose.

Conditions attaching to Business to Business gambling licence 30

- 136.** A Business to Business gambling licence is granted subject to—
- (a) the licensee, and, where applicable, each relevant officer and each beneficial owner, continuing to be a fit and proper person to hold the gambling licence concerned,

- (b) the licensee continuing to have the financial capacity to provide the relevant gambling product or relevant gambling related service, or both, as the case may be,
- (c) the licensee selling or supplying a relevant gambling product or relevant gambling related service specified in the licence, 5
- (d) where applicable, the relevant gambling product or relevant gambling service, or both, provided pursuant to the licence concerned remaining certified under *section 119*, and
- (e) the payment, within the period specified in a notice under *section 39(5)*, of the charge under *Chapter 2 of Part 2* due in respect of the licence concerned, subject to any appeal pending under *Part 9* in relation to that charge. 10

PART 6

OBLIGATIONS ON LICENSEES AND OTHER PERSONS

CHAPTER 1

Obligations on licensees and other persons: advertising, branded clothing and employment in gambling activity 15

Definition (*Chapter 1*)

137. In this Chapter, “on-demand audio-visual media service” means a media service—

- (a) that transmits video and music over the internet so that a person may watch or listen to the video or music immediately rather than having to download it or having to watch or listen to it at a particular time, 20
- (b) to which access is restricted on a country-by-country basis, and
- (c) that is available in the State.

Advertising on on-demand audio-visual media services and other electronic means of communication 25

138. (1) A person shall not advertise, or cause another person to advertise, a relevant gambling activity on an on-demand audio-visual media service or by any other means of electronic communication (including on a video-sharing platform, a social media website, by telephone, text message or email) to another person, unless the last-mentioned person— 30

- (a) has subscribed to the on-demand audio-visual media service or such electronic communication, and
- (b) has given explicit consent to receiving the advertisement from the first-mentioned person by means of that on-demand audio-visual media service or by such electronic communication, as the case may be. 35

(2) A person who contravenes *subsection (1)* is guilty of an offence and is liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.
- (3) In proceedings for an offence under this section, it shall be a defence for a defendant to show that the defendant made all reasonable efforts to ensure compliance with such provision or provisions of *subsection (1)* as is or are alleged to have been contravened. 5

Prohibited material in advertisement

- 139.** (1) A person shall not advertise, or cause another person to advertise, a relevant gambling activity where the advertisement includes material that is likely to— 10
- (a) portray gambling as attractive to children,
 - (b) condone participation in gambling by children,
 - (c) encourage or cause children to gamble,
 - (d) exploit the credulity, loyalty, vulnerability or lack of experience of children, 15
 - (e) cause, condone or encourage excessive or compulsive gambling, or
 - (f) mislead, deceive or confuse, whether directly or indirectly, members of the public about the potential social or financial advantages of gambling.
- (2) A person who contravenes *subsection (1)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 20
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.
- (3) In proceedings for an offence under this section, it shall be a defence for a defendant to show that the defendant made all reasonable efforts to ensure compliance with such provision or provisions of *subsection (1)* as is or are alleged to have been contravened. 25

Information to be included in advertisement

- 140.** (1) A person shall not advertise, or cause another person to advertise, a relevant gambling activity unless the advertisement includes— 30
- (a) the name and contact details of the licensee who is providing the relevant gambling activity and the type of gambling licence held,
 - (b) a statement that children are prohibited from participating in relevant gambling activities,
 - (c) a warning of the risk of excessive or compulsive gambling and the consequences of such gambling, 35

- (d) details of where information on the risk of excessive or compulsive gambling, and how to address such gambling, may be found,
 - (e) details of where excessive and compulsive gambling support services are available, and
 - (f) an explicit statement that the activity is a relevant gambling activity in respect of which a person may make a relevant payment without obtaining anything in return. 5
- (2) A person who publishes or broadcasts an advertisement relating to a relevant gambling activity shall ensure that—
- (a) the advertisement concerned can be clearly identified as advertising a relevant gambling activity, and 10
 - (b) where the advertisement is on an on-demand audio-visual media service or by any other means of electronic communication referred to in *section 138(1)*, a blocking facility that is immediately accessible is provided.
- (3) A person shall not include, or cause to be included, a sample game in an advertisement of a relevant gambling activity. 15
- (4) A person who contravenes *subsection (1), (2) or (3)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 20
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.
- (5) In this section, “blocking facility” means a facility that enables a person, who may receive an advertisement, to prevent receipt of that advertisement and other, similar advertisements, in the future. 25

Times, places, events, volume, frequency and style of advertisement

- 141.** (1) A person shall not knowingly advertise, or cause another person to advertise, a relevant gambling activity on television, radio or an on-demand audio-visual media service between the hours of 5:30 a.m. and 9:00 p.m.
- (2) Subject to *subsection (1)*, a person shall not advertise, or cause another person to advertise, a relevant gambling activity save in accordance with regulations made under *subsection (3)*. 30
- (3) The Authority may prescribe the times, places, events, volume, frequency, duration and size, colour and font type in respect of different forms of advertising of relevant gambling activities, taking into account— 35
- (a) the level of participation in different types of relevant gambling activities in the State, including excessive or compulsive gambling,
 - (b) any expert research available to the Authority in relation to factors that may increase or decrease excessive and compulsive gambling and the means to address such gambling, and 40

- (c) the need to prevent children from gambling.
- (4) Regulations under *subsection (3)* made by the Authority may be expressed to apply—
 - (a) either generally or to specific forms of advertising or relevant gambling activities,
 - (b) to advertising through a specific medium or means of advertising, or
 - (c) either generally or to a specific place or event or to a category of places or events. 5
- (5) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 10

Prohibition on branded clothing and merchandise

- 142.** (1) Subject to *subsection (3)*, a person shall not—
- (a) manufacture, for sale in the State,
 - (b) import, for sale in the State, or
 - (c) sell, supply or provide free of charge, to a person in the State, 15
- a branded article of clothing or merchandise intended to be worn or used by a child.
- (2) A person shall not distribute a branded article of clothing or merchandise at an event which may be attended by children.
 - (3) *Subsection (1)* shall not apply to clothing or merchandise offered for sale, supplied or provided free of charge, within a period of 12 months commencing on the date this section comes into operation. 20
 - (4) Where, in the prosecution of an offence under this section, the defendant asserts that *subsection (3)* applies, the onus of proving that the clothing or merchandise concerned was offered for sale, supplied or provided free of charge, within the period of 12 months referred to in that subsection, shall lie with the defendant. 25
 - (5) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 30
 - (6) In this section, “branded article of clothing or merchandise” means an article of clothing or merchandise where the article or merchandise advertises a relevant gambling activity, or bears the name of a licensee or the trademark, emblem, marketing image or logo, by reference to which a relevant gambling activity is marketed or provided. 35

Prohibition on employment of child in gambling activity

143. The Protection of Young Persons (Employment) Act 1996 is amended by the insertion of the following section after section 2:

“Prohibition on employment of child or young person in gambling activity

- 2A. (1) Notwithstanding any other provision of this Act and subject to subsection (2), a person shall not employ a child or young person in a gambling activity. 5
- (2) Subsection (1) shall not apply to the employment of a child or young person in a relevant gambling activity for a charitable or philanthropic purpose. 10
- (3) A person who contravenes subsection (1) is guilty of an offence.
- (4) In this section, ‘gambling activity’ and ‘relevant gambling activity for a charitable or philanthropic purpose’ have the same meaning as they have in the *Gambling Regulation Act 2022*.”.

CHAPTER 2

15

Obligations on licensees: general

Obligation on licensees to maintain records and accounts

144. (1) The Authority may by regulations prescribe the records and accounts which are required to be kept and maintained by a licensee for the purposes of this Act.
- (2) Without prejudice to the generality of *subsection (1)*, the Authority may prescribe— 20
- (a) different records and different accounts to be maintained by reference to different gambling licences or by reference to different relevant gambling activities under gambling licences, and
- (b) the form in which the records and accounts are to be kept and maintained.
- (3) Subject to *subsection (2)(b)*, the records and accounts referred to in *subsection (1)* may be kept and maintained in a form that is not legible if they are capable of being converted into a legible form. 25
- (4) In any proceedings taken under this Act, a certificate signed by an authorised officer and containing information stated to be taken from records and accounts kept and maintained in accordance with this section by a licensee shall be admissible as evidence of the facts stated in the certificate. 30
- (5) A document purporting to be a certificate under *subsection (4)* shall, in any proceedings, be deemed to be such a certificate and to have been signed by an authorised officer unless the contrary is proved.
- (6) In this section, a reference to “accounts” does not include a reference to Segregated Customer Accounts. 35

Obligation to notify Authority of changes

145. (1) Where, during the period in which a gambling licence is in force, a material event occurs, the licensee of the gambling licence concerned shall, not later than 7 days after the material event occurs, notify the Authority in writing of the happening of that event. 5
- (2) In this section, a material event occurs where—
- (a) in respect of a body corporate that is a licensee—
 - (i) a person is appointed to be a relevant officer or ceases to be a relevant officer of that body, or
 - (ii) a person becomes, or ceases to be, a beneficial owner of that body, 10
 - (b) there is any change, from that given in the application for the licence or for renewal of the licence concerned, in the address of the licensee for the purposes of the service of notices under this Act,
 - (c) the licensee is convicted and, where applicable, a relevant officer or a beneficial owner of the licensee is convicted, of a relevant offence, 15
 - (d) proceedings have been instituted in relation to a relevant offence where those proceedings were not instituted at the time of the application for the licence or for the renewal of the licence concerned, as the case may be,
 - (e) a finding, referred to in *paragraph (l) of section 94*, is made against a licensee or where applicable, a relevant officer or beneficial owner of a licensee, a sanction referred to in that paragraph is imposed or proceedings, referred to in *paragraph (m) of that section*, are commenced, or 20
 - (f) there is a change in the financial circumstances of the licensee which may impact on the capacity of that licensee to provide the gambling activities under the licence concerned, to fund winnings or to meet the licensee’s relevant obligations. 25

CHAPTER 3

Obligations on Business to Consumer licensees and licensees of a gambling licence for a charitable or philanthropic purpose: suspicious gambling patterns, inducements, participation of children, sponsorship and promotions 30

Application (Chapter 3)

146. This Chapter applies to a licensee of a Business to Consumer gambling licence and a licensee of a gambling licence for a charitable or philanthropic purpose.

Obligation to notify Authority of suspicious gambling patterns

147. (1) Where a licensee to whom this Chapter applies becomes aware of a gambling pattern (in this section referred to as a “suspicious gambling pattern”) that suggests there is an attempt to influence the outcome of a relevant gambling activity, the licensee shall— 35
- (a) cease accepting relevant payments in relation to the relevant gambling activity concerned,

- (b) issue a note in writing to each person who attempts to make a relevant payment after such cessation stating that the payment has been refused,
 - (c) keep a copy of each note issued under *paragraph (b)*,
 - (d) notify the Authority as soon as practicable about the suspicious gambling pattern and confirm that it ceased accepting relevant payments in relation to the relevant gambling activity concerned, 5
 - (e) inform a Superintendent of the Garda Síochána for the division where the gambling activity concerned took place, or in the case of an activity by remote means, the Garda National Economic Crime Bureau, as soon as practicable of the suspicious gambling pattern, and 10
 - (f) not pay out winnings on the relevant gambling activity concerned until notified by the Authority that it may do so.
- (2) A licensee to whom this section applies shall, as soon as practicable, furnish to the Authority a copy of such records, including each note issued for the purposes of *subsection (1)(b)*, related to the suspicious gambling pattern concerned as are in the licensee’s possession or power to procure. 15
- (3) Subject to the Data Protection Regulation and the Act of 2018 and having due regard to the need to avoid prejudicing the operation of *Part 8* in so far as it relates to the consideration of a notification received under *subsection (1)(d)*, the Authority, having considered the notification concerned— 20
- (a) shall take such steps (if any) as it considers appropriate to inform other licensees of the suspicious gambling pattern concerned, and
 - (b) may alert—
 - (i) a person, who, under the law of a place other than the State, performs functions that are the same as or similar to those performed by the Authority under this Act, of the suspicious gambling pattern, and 25
 - (ii) where the relevant gambling activity which is the subject of the notification relates to a sport with a governing body inside or outside the State, the governing body concerned of the suspicious gambling pattern.
- (4) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable— 30
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 35

Obligation not to offer inducement to participate in gambling activity

- 148.** (1) A licensee to whom this Chapter applies shall not offer an inducement to a person to participate, or continue to participate, in a relevant gambling activity.
- (2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable— 40

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation not to permit child participate in relevant gambling activity 5

- 149.** (1) A licensee to whom this Chapter applies shall not permit a child to participate in a relevant gambling activity.
- (2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 10
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 8 years, or both.
- (3) It shall be a defence to proceedings for an offence under *subsection (2)* to prove that the defendant was reasonably mistaken that at the time of the alleged commission of the offence the child, against whom the offence is alleged to have been committed, had attained the age of 18 years. 15
- (4) Where, in proceedings for an offence under *subsection (2)*, it falls to the court to consider whether the defendant was reasonably mistaken that, at the time of the alleged commission of the offence, the child against whom the offence is alleged to have been committed had attained the age of 18 years, the court shall consider whether, in all the circumstances of the case, a reasonable person would have concluded that the child had attained the said age. 20
- (5) The standard of proof required to prove that the defendant was reasonably mistaken that the child had attained the age of 18 years shall be that applicable to civil proceedings. 25

Sponsorship

- 150.** (1) A licensee to whom this Chapter applies shall not sponsor, or cause another person to sponsor—
- (a) an event or part of an event in relation to which the majority of the persons attending the event or competing in the event are children, 30
 - (b) an event aimed at children,
 - (c) an organisation, club or team in which children are members,
 - (d) a premises that is used by an organisation, club or team referred to in *paragraph (c)*, or 35
 - (e) a public activity that appeals to children.
- (2) A licensee who contravenes *subsection (1)* is guilty of an offence and is liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.
- (3) In proceedings for an offence under *subsection (2)*, it shall be a defence to show that the defendant made all reasonable efforts to ensure compliance with such provision or provisions of *subsection (1)* as is or are alleged to have been contravened. 5
- (4) In this section, “sponsor” means making any form of public or private contribution towards an event or organisation with the aim, or direct or indirect effect, of promoting a gambling activity. 10

Promotion: relevant gambling activities

- 151.** (1) The Minister may, following consultation with the Authority, make regulations for the imposition of a condition on, or restriction or prohibition of, an activity (in this section referred to as a “promotional activity”) which is intended to or is likely to promote relevant gambling activities. 15
- (2) A licensee to whom this Chapter applies who engages in promotional activities in contravention of regulations made under *subsection (1)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 20
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.
- (3) In this section, “promote” means offering a benefit or advantage to a person, the intent or effect of which is, either directly or indirectly, to encourage that person to participate in a relevant gambling activity and includes a benefit or advantage offered in the absence of a relevant payment. 25

CHAPTER 4

Obligations on certain Business to Consumer licensees: training, provision of facility for participants to set monetary limit and forms of payment for relevant gambling activities

Interpretation (Chapter 4) 30

152. In this Chapter—

“approved training programme” has the meaning assigned to it by *section 154(3)*;

“relevant post” means a position in the staff of the relevant licensee’s business, the duties of which entail engaging with participants.

Application (Chapter 4) 35

153. This Chapter applies to a licensee of a Business to Consumer gambling licence other than a licensee of a lottery licence for a once-off lottery.

Approved training programme

- 154.** (1) The Authority shall set the content to be included and the standards to be met by a training programme for the purposes of satisfying the requirements of *section 155* for a relevant post and shall publish the content and standards on its website.
- (2) Without prejudice to the generality of *subsection (1)*, the content of a training programme referred to in that subsection shall include, but not be limited to, material which ensures that a person who successfully completes the programme will—
- (a) be able to recognise the identifying characteristics of excessive or compulsive gambling,
 - (b) have a detailed knowledge of gambling support services,
 - (c) understand the licensee’s obligations under this Part, and
 - (d) be able to assist the licensee in complying with his or her obligations under this Part.
- (3) The Authority shall publish on its website a list of training programmes (each of which, in this Chapter, is referred to as an “approved training programme”) that meet the content and standards referred to in *subsection (1)*.
- (4) The Authority may remove an approved training programme from the list published under *subsection (3)* where it considers, following a review of the programme, that it no longer meets the content and standards referred to in *subsection (1)*.
- (5) Where, in accordance with *subsection (4)*, an approved training programme is removed and, immediately before the date of its removal, a person is attending the approved training programme, the approved training programme shall, if it continues in operation, be deemed an approved training programme for the purposes of the requirement that that person has completed an approved training programme in accordance with *section 155(1)*.

Obligation to ensure approved training programme completed by staff in relevant post

- 155.** (1) A licensee to whom this Chapter applies shall ensure that a member of staff of the licensee who fills a relevant post has completed an approved training programme—
- (a) before the member of staff concerned commences his or her work in the post concerned, and
 - (b) at such intervals as the Authority may prescribe.
- (2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation to provide facility to enable participant to set monetary limit

- 156.** (1) A licensee to whom this Chapter applies shall provide a participant with a facility which enables a monetary limit to be set on—
- (a) the amount a participant may pay to participate in any individual relevant gambling activity, or 5
 - (b) the total amount a participant may pay to participate in all relevant gambling activities provided by the relevant licensee.
- (2) Where a monetary limit is set by a participant under *subsection (1)*, it shall be set for a period specified by the participant during which period a relevant licensee shall not permit the participant to remove or increase the limit set. 10
- (3) A licensee shall not, during the period specified by a participant under *subsection (2)*—
- (a) provide a relevant gambling activity to that participant where participation in the relevant gambling activity means that he or she will exceed the monetary limit he or she has set under *subsection (1)*, or 15
 - (b) communicate with the participant in a manner that invites (or has the effect of inviting) him or her to participate in a relevant gambling activity or that advertises a relevant gambling activity to that participant.
- (4) Where a participant utilises a facility set out in *subsection (1)*, the licensee concerned shall refund to the participant any relevant payment made in excess of the limit referred to in that subsection during the period specified under *subsection (2)* within 7 days of the limit being so exceeded. 20
- (5) The Authority may prescribe the means by which a licensee to whom this Chapter applies shall provide the facility referred to in *subsection (1)*.
- (6) A licensee who fails to comply with a provision of this section is guilty of an offence and is liable— 25
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 30

Obligation in respect of method of payment for relevant gambling activity

- 157.** (1) A licensee to whom this Chapter applies shall not—
- (a) accept payment for a relevant gambling activity by credit card,
 - (b) extend a credit facility to a participant, or
 - (c) participate in, arrange, permit or knowingly facilitate the giving of credit in connection with a relevant gambling activity. 35
- (2) The prohibition in *subsection (1)* includes payment by electronic or digital means which uses money loaded from a credit card or from any other source of credit.

- (3) In addition to what is provided for in *subsection (1)*, the Authority may, where it is satisfied that a form of payment, a type of customer account scheme or a feature of a customer account scheme may contribute to excessive or compulsive gambling, prescribe—
- (a) the form of payment for a relevant gambling activity as a form that shall not be accepted by a licensee to whom this Chapter applies, 5
 - (b) the type of customer account schemes as a type that a licensee to whom this Chapter applies may not provide for relevant gambling activities, or
 - (c) the feature concerned as a feature that a licensee to whom this Chapter applies may not provide in a customer account scheme. 10
- (4) A licensee who fails to comply with a provision of this section is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 15

CHAPTER 5

Obligations on licensees of remote gambling licences

Definition (Chapter 5)

- 158.** In this Chapter, “register of account-holders” has the meaning assigned to it by *section 160(1)*. 20

Obligations before providing relevant gambling activity by remote means

- 159.** (1) Subject to *subsection (3)*, a licensee of a remote gambling licence shall not provide a relevant gambling activity by remote means to a person unless—
- (a) the person has opened a gambling account with the licensee, 25
 - (b) the licensee has made an entry in the register of account-holders in respect of the gambling account, and
 - (c) the terms and conditions of the gambling account have been provided to the account-holder in writing.
- (2) Subject to *subsection (3)*, where a person (in this Act referred to as an “account-holder”) has a gambling account with a licensee of a remote gambling licence, the account-holder may participate in one or more relevant gambling activities provided by the licensee concerned by remote means. 30
- (3) The Authority may by regulations prohibit, in respect of relevant gambling activities identified in the regulations, a licensee of a remote gambling licence from providing more than one of those activities by remote means to a person unless the person opens a separate gambling account in respect of each such activity. 35

- (4) A licensee of a remote gambling licence who fails to comply with a provision of this section is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 5

Obligation to establish and maintain register of account-holders

- 160.** (1) A licensee of a remote gambling licence shall, upon being issued with the licence concerned, cause to be established and maintained, in the form required by the Authority, a register (in this Chapter referred to as a “register of account-holders”) of gambling accounts required to be opened with the licensee in accordance with this Chapter. 10
- (2) A register of account-holders shall contain the following information in respect of each account—
- (a) the account-holder’s name, address and date of birth, 15
 - (b) how each of the obligations under *sections 164, 165 and 166* have been fulfilled with regard to each account, and
 - (c) such information as may be prescribed under *subsection (4)*.
- (3) An entry in the register of account-holders in respect of a gambling account shall be removed if the gambling account concerned is closed pursuant to *section 163*. 20
- (4) The Authority may prescribe the information that is to be entered in the register of account-holders in order to enable the verification of compliance with the obligations imposed in this Chapter in connection with gambling accounts.
- (5) A licensee who fails to comply with a provision of this section is guilty of an offence and is liable— 25
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Application to open gambling account 30

- 161.** (1) A person (in this section referred to as an “applicant”) who has attained the age of 18 years may apply to a licensee of a remote gambling licence to open a gambling account with the licensee and the application shall be in such form and manner, and accompanied by such information and documentation, as may be specified by the Authority. 35
- (2) A licensee shall not open a gambling account for an applicant unless the licensee has verified—
- (a) the identity of the applicant, and

- (b) that the applicant has attained the age of 18 years.
- (3) Subject to *subsection (4)*, a licensee may, for the purposes of *subsection (2)*, verify the identity of an applicant and that they have attained the age of 18 years where—
 - (a) the person provides the licensee concerned with a copy of a document that specifies the applicant’s name, address and date of birth and contains photo identification of the applicant, and 5
 - (b) the licensee is satisfied that such copy relates to the person who is seeking to open the gambling account.
- (4) The Authority may make regulations prescribing the means by which the verifications referred to in *subsection (2)* are to be effected by the licensees concerned. 10
- (5) A licensee of a remote gambling licence who fails to comply with *subsection (2)* or with any regulations made under *subsection (4)* is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 8 years, or both. 15

Requirement to lodge money in gambling account

- 162.** (1) The Authority may make regulations—
- (a) limiting the amount of money that a licensee of a remote gambling licence may require an account-holder to lodge in a gambling account with the licensee, and 20
 - (b) specifying a maximum amount of money that may be lodged by an account-holder in a gambling account held with such a licensee during a specified period.
- (2) A licensee of a remote gambling licence who fails to comply with any regulations made under *subsection (1)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 25
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation to close gambling account

- 163.** (1) Subject to *subsection (2)*, a licensee of a remote gambling licence shall close an account-holder’s gambling account with the licensee where the account-holder— 30
- (a) requests the licensee in writing to do so, or
 - (b) does not participate in any relevant gambling activity provided by the licensee concerned by remote means for a period of 6 months.
- (2) *Subsection (1)* shall not apply in respect of an account-holder entered on the National Gambling Exclusion Register for the duration of the period of such registration. 35

- (3) Where a licensee closes the gambling account of an account-holder under *subsection (1)*, the licensee concerned shall—
 - (a) where the gambling account is closed pursuant to a request under *paragraph (a)* of that subsection, refund any money in that account to the account-holder, and
 - (b) where the gambling account is closed pursuant to *paragraph (b)* of that subsection, make reasonable efforts to refund any money in that account to the account-holder. 5
- (4) Where a licensee is unable, having made reasonable efforts, to refund money in a gambling account in accordance with *subsection (3)(b)*, the licensee shall arrange with the Authority to transfer the money to the Social Impact Fund. 10
- (5) A licensee of a remote gambling licence who fails to comply with a provision of this section is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 15

Obligation to provide copy of terms and conditions of relevant gambling activity provided by remote means

- 164.** (1) Subject to *subsection (3)*, a licensee of a remote gambling licence shall ensure that a person is provided with the terms and conditions of a relevant gambling activity— 20
- (a) when the person accesses the relevant gambling activity by remote means for the first time, and
 - (b) on each occasion after the terms and conditions change, when the person accesses the relevant gambling activity by remote means for the first time after such change. 25
- (2) A licensee of a remote gambling licence shall ensure that where a person accesses a relevant gambling activity by remote means, the person is able at all times to access the terms and conditions of the relevant gambling activity concerned from the licensee’s website.
- (3) The terms and conditions of a relevant gambling activity shall— 30
- (a) be worded, in so far as is practicable, in clear and plain language,
 - (b) be expressly accepted, the first time and on each occasion referred to in *subsection (1)(a)* and *(b)*, by the account-holder before a relevant payment is accepted by a licensee from the account-holder in respect of the activity, and
 - (c) be made available to the person by electronic means in a manner that enables him or her to store and retrieve the terms and conditions. 35
- (4) A licensee of a remote gambling licence who fails to comply with a provision of this section is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 40

- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Obligation to provide information to account-holder

165. (1) A licensee of a remote gambling licence shall provide an account-holder with the information prescribed by the Authority under *subsection (2)*. 5
- (2) The Authority shall prescribe the information that a licensee of a remote gambling licence shall provide to an account-holder relating to—
- (a) the recognition of the identifying characteristics of excessive or compulsive gambling and its adverse effects,
 - (b) the facilities available to support account-holders to gamble in a manner that avoids excessive or compulsive gambling, 10
 - (c) the facilities available to account-holders to block their access, or the access of a child, or both, to gambling websites or platforms, and
 - (d) gambling support services providing information and assistance in respect of excessive or compulsive gambling. 15
- (3) In addition to providing an account-holder with the information prescribed by the Authority under *subsection (2)*, that information shall be prominently displayed on the home page of the website of a licensee of a remote gambling licence and on each online platform where a relevant gambling activity provided by that licensee by remote means can be accessed. 20
- (4) A licensee of a remote gambling licence shall cause alerts, at the intervals prescribed by the Authority under *subsection (6)*, to be sent to the account-holder’s account detailing—
- (a) the account-holder’s winnings and losses, and
 - (b) the time spent by the account-holder participating in relevant gambling activities through that account. 25
- (5) A licensee of a remote gambling licence shall, in addition to any alerts that may be sent to an account-holder pursuant to *subsection (4)*, provide the account-holder with immediate access, through his or her gambling account, to—
- (a) the amount of money in that account, and 30
 - (b) details of the amounts paid by the account-holder to participate by remote means in each relevant gambling activity provided by the licensee over the period or periods prescribed by the Authority under *subsection (6)*.
- (6) The Authority shall prescribe—
- (a) the intervals at which the alerts referred to in *subsection (4)* are to be provided, and 35
 - (b) the period or periods referred to in *subsection (5)(b)*.
- (7) A licensee of a remote gambling licence who fails to comply with a provision of this section is guilty of an offence and is liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

Protection of children 5

- 166.** (1) A licensee of a remote gambling licence shall display, or cause to be displayed, a hyperlink to parental control programmes on the home page of the website of the licensee and on each online platform where a relevant gambling activity provided by the licensee by remote means can be accessed.
- (2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 15

Obligation not to provide relevant gambling activities by remote means on certain days or at certain times

- 167.** (1) A licensee of a remote gambling licence shall not provide a relevant gambling activity by remote means during such days, or outside such hours, or both, as may be prescribed by regulations made by the Authority. 20
- (2) A licensee who fails to comply with a provision of a regulation made under *subsection (1)* is guilty of an offence and is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 25

CHAPTER 6

Obligations on licensees of in-person gambling licences

Obligations in respect of opening hours and use of premises

- 168.** (1) A licensee of an in-person gambling licence shall not allow a premises, in respect of which the licence is held, to be opened or kept open for relevant gambling activities during such days or outside such hours, or both, as may be prescribed by the Authority. 30
- (2) The Authority may by regulations prohibit the sale, by a licensee of an in-person gambling licence, on premises in respect of which the licence is held, of any matter specified in the regulations where the Authority considers that the sale of the matter on the premises would entice persons to engage in relevant gambling activities. 35

- (3) A person who contravenes *subsection (1)* or regulations made under *subsection (2)* is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 5

Obligation not to allow child on premises

- 169. (1) A licensee of an in-person gambling licence shall not permit a child to enter or be on a premises in which a relevant gambling activity is or may be provided pursuant to the licence concerned. 10
- (2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 8 years, or both. 15

Obligation not to enable cash withdrawal on premises

- 170. (1) A licensee of an in-person gambling licence shall not provide or permit equipment whereby a person may withdraw cash from a financial account maintained by a bank or other financial institution to be on a premises where a relevant gambling activity is or may be provided pursuant to the gambling licence concerned. 20
- (2) A licensee who fails to comply with *subsection (1)* is guilty of an offence and is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or 25
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

PART 7

COMPLAINTS

Definition (*Part 7*) 30

171. In this Part, “complainant” means a person who makes a complaint under *section 172*.

Complaints about licensees

172. (1) A person may make a complaint to the Authority in relation to an alleged contravention by a licensee of a relevant obligation.

- (2) A complaint under *subsection (1)* shall, subject to *subsection (3)*, be in writing.
- (3) The Authority may, where it considers it appropriate to do so, accept a complaint that is not in writing and, where so accepted, the Authority shall reduce the complaint to writing as soon as practicable.
- (4) A complaint shall be made to the Authority under *subsection (1)* not more than 12 months after the date of the alleged contravention referred to in that subsection. 5
- (5) The Authority may extend the period under *subsection (4)* for making a complaint if the Authority is satisfied that it is appropriate and would not cause an injustice to the licensee in respect of whom the complaint is made.
- (6) Where the Authority receives a complaint under *subsection (1)*, it may dismiss the complaint if it considers that the complaint— 10
- (a) is frivolous or vexatious,
 - (b) was not made in good faith, or
 - (c) is the same or substantially the same as a complaint which was previously—
 - (i) considered by the Authority under this Part, 15
 - (ii) the subject of a notice of non-compliance,
 - (iii) the subject of a directed investigation, or
 - (iv) the subject of civil proceedings or criminal proceedings in respect of which a final determination of the issues has been made by a court in favour of the licensee concerned. 20
- (7) The Authority may request a complainant to provide further particulars in writing in respect of the complaint within such reasonable period as is specified by the Authority.
- (8) Where the Authority does not dismiss a complaint under *subsection (6)*, it shall, having considered the complaint and any further particulars received upon request under *subsection (7)*, do one or more of the following: 25
- (a) where it is of the opinion that a licensee has contravened or is contravening a relevant obligation, proceed in accordance with *section 181*;
 - (b) take such other action in respect of the complaint as the Authority considers appropriate; 30
 - (c) take no further action in respect of the complaint.
- (9) The Authority shall, as soon as practicable after making a decision to dismiss a complaint under *subsection (6)* or take any action referred to in *subsection (8)*, give notice in writing to the complainant and to the licensee concerned of the decision and the reasons for that decision. 35
- (10) Where a complaint made in accordance with this section is withdrawn by the complainant or abandoned for any reason, including by reason of the death of the complainant, the Authority may proceed as if the complaint had not been withdrawn or abandoned if it is satisfied that there is good and sufficient reason for doing so.

Regulations regarding complaints

173. (1) The Authority may make regulations to ensure the effective operation of this Part.
- (2) The Authority shall, in making regulations under this section, have as an objective that the manner in which complaints may be made, and the procedures to be followed by the complainant, the licensee concerned and the Authority are as informal as is consistent with the principles of fair procedures and that undue expense is not incurred by the complainant or the licensee concerned in relation to the complaint. 5

PART 8

COMPLIANCE WITH AND ENFORCEMENT OF RELEVANT OBLIGATIONS OF LICENSEES

CHAPTER 1 10

Preliminary and general

Interpretation (*Part 8*)

174. In this Part—

“adjudication” means the process undertaken under *Chapter 6* to decide—

- (a) whether there has been a contravention of a relevant obligation by a licensee, and 15
- (b) where there has been a contravention, whether to impose an administrative sanction (within the meaning of that Chapter) on the licensee concerned in respect of that contravention;

“investigation report” has the meaning assigned to it by *section 187(5)*;

“place” includes— 20

- (a) a dwelling,
- (b) a building,
- (c) any other premises, and
- (d) a vehicle, vessel, aircraft or any other means of transport;

“relevant equipment” means any electronic, photographic, magnetic, optical or other equipment, including a computer, which may be used for processing or holding relevant material; 25

“relevant material” means any record or information relating to a gambling activity.

Privileged legal material

175. (1) Subject to this section, nothing in this Part shall compel the disclosure by any person of privileged legal material or authorise the taking of privileged legal material from the person. 30
- (2) If a person refuses to produce information or a record, or give access to it, pursuant to a requirement made under this Part on the grounds that the information or record

- contains privileged legal material, the Authority, an authorised officer or an adjudication officer, as the case may be may, at any time within 28 days (or such longer period as the Court may allow) of the date of such refusal, apply to the Court for a determination as to whether the information or record, or any part of the information or record, is privileged legal material. 5
- (3) A person referred to in *subsection (1)* who refuses to produce information or a record on the grounds that it contains privileged legal material shall preserve the information or record and keep it in a safe and secure place and manner pending the determination of an application under *subsection (2)* and shall, if the information or record is determined not to be privileged legal material, produce it in accordance with such order as the Court considers appropriate. 10
- (4) A person shall be considered to have complied with the requirement under *subsection (3)* to preserve information or a record where the person has complied with such requirements as may be imposed by an authorised officer under *section 177(1)(j)*.
- (5) Where an application is made by the Authority, an authorised officer or an adjudication officer under *subsection (2)*, the Court may give such interim or interlocutory directions as it considers appropriate including, without prejudice to the generality of the foregoing, directions as to the appointment of a person with suitable legal qualifications possessing the level of experience, and the independence from any interest falling to be determined between the parties concerned, that the Court considers to be appropriate for the purpose of— 15
- (a) examining the information or record, and
- (b) preparing a report for the Court with a view to assisting or facilitating the Court in the making by the Court of its determination as to whether the information or record is privileged legal material. 20 25
- (6) An application under *subsection (2)* shall be by motion and may, if the Court so directs, be heard otherwise than in public.
- (7) In this section—
- “Court” means the High Court;
- “privileged legal material” means information or a record which a person is entitled to refuse to produce on the grounds of legal professional privilege. 30

CHAPTER 2

Authorised officers

Appointment of authorised officers

- 176.** (1) The Authority may appoint in writing such and so many members of its staff, and such and so many other persons who, in the opinion of the Authority, have the expertise or experience necessary, to be authorised officers for the purposes of this Act. 35
- (2) The Authority may revoke in writing an appointment made by it under *subsection (1)*.
- (3) An authorised officer appointed under *subsection (1)* shall be furnished with a warrant of his or her appointment by the Authority and shall, when exercising a power 40

conferred by this Act, produce the warrant or a copy of the warrant, together with a form of personal identification, for inspection if requested to do so by any person affected.

- (4) The appointment of a person under *subsection (1)* shall cease where—
- (a) it is revoked under *subsection (2)*, 5
 - (b) it is for a fixed period and the period expires,
 - (c) the person was appointed under *subsection (1)* on the basis that he or she was a member of the staff of the Authority, on that person ceasing to be a member of its staff, or
 - (d) the person resigns from the appointment. 10
- (5) Nothing in *subsection (4)* shall be construed so as to prevent the Authority from reappointing as an authorised officer a person to whom that subsection applied.
- (6) An authorised officer shall be appointed for such period, and subject to such terms (including terms as to remuneration and allowances for expenses (if any)), as the Authority may, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, determine. 15

Powers of authorised officers

- 177.** (1) For the purposes of this Act, an authorised officer may do any of the following:
- (a) subject to *subsection (4)*, enter, if necessary by the use of reasonable force, at any reasonable time, any place where the authorised officer has reasonable grounds for believing that—
 - (i) a gambling activity has taken place, is taking place or is intended to take place,
 - (ii) relevant material is being kept, or
 - (iii) gambling products are being kept; 25
 - (b) search the place and inspect any relevant material, relevant equipment or gambling products found there;
 - (c) require any person at the place to produce to him or her any relevant material which is in that person's possession or power to procure and to produce the relevant material, where necessary, in a form in which it can be taken away from the place and in which it is, or can be made, legible and comprehensible, and to give to the authorised officer such information as he or she may reasonably require in relation to such relevant material; 30
 - (d) where relevant material is not within a person's possession or power to procure in accordance with *paragraph (c)*, require the person at the place to state, to the best of that person's knowledge and belief, where the material is or from whom it may be obtained; 35
 - (e) operate any relevant equipment at the place or cause it to be operated by a person accompanying the authorised officer;

- (f) require any person at the place, who appears to the authorised officer to be in a position to facilitate access to the relevant material stored in any relevant equipment or which can be accessed by the use of that relevant equipment, to give the authorised officer all reasonable assistance in relation to the operation of the relevant equipment or access to the relevant material stored in it, including— 5
- (i) providing the relevant material to the authorised officer in a form in which the material can be taken away from the place and in which the material is, or can be made, legible and comprehensible,
 - (ii) giving to the authorised officer any password necessary to make the relevant material concerned legible and comprehensible, or 10
 - (iii) otherwise enabling the authorised officer to examine the relevant material in a form in which the material is legible and comprehensible;
- (g) make copies of any relevant material (including, in the case of material in a non-legible form, a copy of such material in a permanent legible form);
- (h) remove relevant material from the place and retain it for such period as the authorised officer reasonably considers necessary for the purposes of the performance of his or her functions; 15
- (i) require any person at the place who has relevant material or relevant equipment in his or her possession or power to procure to retain the material or maintain the equipment for such period as the authorised officer reasonably considers necessary; 20
- (j) secure for later inspection, for such period as the authorised officer reasonably considers necessary for the performance of his or her functions—
- (i) any relevant material provided in accordance with *paragraph (c)* or otherwise found at the place, 25
 - (ii) any relevant equipment or gambling product found at the place, or
 - (iii) any such place, or part thereof, in which the authorised officer has reasonable grounds for believing that relevant material, relevant equipment, or gambling products is or are being kept;
- (k) require any person at the place concerned to give the authorised officer such information and assistance as he or she may reasonably require for the purposes of his or her functions under this Act; 30
- (l) require any person at the place concerned to produce for inspection a gambling licence which is within that person's possession or power to procure.
- (2) An authorised officer may specify that a requirement under *paragraph (c), (d), (k) or (l) of subsection (1)* be complied with within such reasonable period as he or she may determine. 35
- (3) When performing a function under this Act, an authorised officer may, subject to the terms of any warrant issued under *section 178*, be accompanied by such number of other authorised officers, members of An Garda Síochána or such other competent persons as he or she considers appropriate in the circumstances of the case. 40

- (4) An authorised officer shall not enter a dwelling, other than—
- (a) with the consent of the occupier, or
 - (b) in accordance with a warrant issued under *section 178*.
- (5) An authorised officer may require a person to provide his or her name and address where the authorised officer has reasonable grounds for believing that— 5
- (a) the person has committed an offence under this Act, or
 - (b) such information is required for the purpose of applying for a warrant under *section 178*.
- (6) An authorised officer who has been directed to carry out a directed investigation may, for the purposes of that investigation— 10
- (a) require a person to provide relevant material to the authorised officer where the authorised officer is of the opinion that the person has relevant material in his or her possession or power to procure which is relevant to the directed investigation, and
 - (b) where the authorised officer thinks fit, require that person to attend before the authorised officer for the purpose of providing that relevant material. 15
- (7) A person who is the subject of a requirement under *subsection (6)* shall comply with the requirement.
- (8) An authorised officer who requires a person under *subsection (6)* to provide relevant material to the authorised officer shall specify— 20
- (a) the period within which, or a date and time on which, the person the subject of the requirement is to comply with the requirement, and
 - (b) where the authorised officer concerned thinks fit, the place at which the person shall attend to give the relevant material concerned or to which the person shall send or deliver that material. 25
- (9) A person required to attend before an authorised officer under *subsection (6)(b)* shall—
- (a) answer fully and truthfully any question put to the person by the authorised officer, and
 - (b) if so required by the authorised officer, answer any such question under oath. 30
- (10) Where it appears to an authorised officer that a person has failed to comply with a requirement under *subsection (1), (6) or (9)*, the authorised officer may, on notice to that person, and with the consent of the Authority, apply in a summary manner to the District Court for an order under *subsection (11)*.
- (11) The District Court may, where it is satisfied on hearing an application made under *subsection (10)*, that a person has failed to comply with the requirement specified in the application, make an order requiring the person to comply with that requirement within such period as is specified by the Court. 35
- (12) An application under *subsection (10)* shall be made to a judge of the District Court for the time being assigned to the District Court District within which the person in 40

respect of whom the application is made resides or carries on any profession, trade or business.

- (13) A statement or admission made by a person pursuant to a requirement under *subsection (1), (6) or (9)* shall not be admissible as evidence in proceedings against the person for an offence (other than an offence under *subsection (15)*), and this shall be explained to the person in ordinary language by the authorised officer concerned. 5
- (14) Where, in the course of exercising a power under this Act, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence relating to the commission of an offence under this Act, the officer may seize and retain it for use in evidence. 10
- (15) A person is guilty of an offence where he or she—
- (a) withholds, destroys, conceals or refuses to provide relevant equipment or relevant material—
 - (i) required for the purposes of a directed investigation,
 - (ii) which the person concerned has been required by an authorised officer under this section to produce, or 15
 - (iii) which the person concerned may reasonably expect to be required by an authorised officer under this section to produce,
 - (b) in purported compliance with a requirement under this section, gives to an authorised officer relevant material which the person knows to be false or misleading in a material respect, 20
 - (c) fails or refuses to comply with a requirement of an authorised officer under this section, or
 - (d) otherwise obstructs or impedes an authorised officer in the performance of his or her functions under this Act. 25
- (16) A person guilty of an offence under *subsection (15)* is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 30

Search warrants

- 178.** (1) Where a judge of the District Court is satisfied, on the sworn information of an authorised officer, that there are reasonable grounds for believing that, at a dwelling—
- (a) a gambling activity has taken place, is taking place or is intended to take place,
 - (b) relevant material is being kept, or 35
 - (c) gambling products are being kept,

the judge may issue a warrant authorising the authorised officer accompanied by such other authorised officers, members of An Garda Síochána or such other competent persons as may be necessary, at any time or times within the period of validity of the

warrant, on production, if so required, of the warrant, to enter that dwelling, if necessary by the use of reasonable force, and to exercise the powers conferred on an authorised officer by *section 177*.

- (2) The period of validity of a warrant issued under this section shall be 28 days from the date of its issue but that period of validity may be extended in accordance with *subsections (3) and (4)*. 5
- (3) An authorised officer may, during the period of validity of a warrant (including such period as previously extended under *subsection (4)*), apply to a judge of the District Court for an order extending the period of validity of the warrant and such an application shall be grounded upon information on oath laid by the authorised officer stating, by reference to the purpose or purposes for which the warrant was issued, the reasons why the authorised officer considers the extension to be necessary. 10
- (4) Where, on the making of an application under *subsection (3)*, the judge of the District Court is satisfied that there are reasonable grounds for believing, having regard to that information so laid, that further time is needed so that the purpose or purposes for which the warrant was issued can be fulfilled, the judge may make an order extending the period of validity of the warrant by such period as, in the opinion of the judge, is appropriate and just, and where such an order is made, the judge shall cause the warrant to be suitably endorsed to indicate its extended period of validity. 15
- (5) Nothing in the preceding subsections prevents a judge of the District Court from issuing, on foot of a fresh application made under *subsection (1)*, a further search warrant under this section in relation to the same dwelling. 20

CHAPTER 3

Compliance with relevant obligations: general

Obligation on licensees to furnish compliance report and information and documentation 25

- 179.** (1) The Authority shall, by notice in writing and at such intervals as it considers appropriate, request licensees to provide the Authority with a report (in this section referred to as a “compliance report”) for the purposes of enabling the Authority to confirm that licensees have complied or are complying with their relevant obligations.
- (2) A notice under *subsection (1)* shall specify— 30
- (a) subject to *subsection (3)(a)*, the information to be provided by licensees in the compliance report, and
 - (b) the form and manner in which the report shall be provided.
- (3) The Authority may, for the purposes of *subsection (1)*—
- (a) by reference to the type of gambling licence held by licensees or the type of relevant gambling activities, or relevant gambling products or relevant gambling related services, provided by licensees, or both, specify different information to be provided by licensees or different intervals at which a report is to be provided by licensees, or both, and 35
 - (b) make a request to licensees under that subsection by reference to the date of issue of a gambling licence to licensees. 40

- (4) A licensee shall comply with a request under *subsection (1)* within a period of 14 days of the date of the notice under that subsection or within such further period as may be agreed in writing between the Authority and the licensee concerned.
- (5) Without prejudice to *subsection (1)*, the Authority may at any time, by notice in writing, request a licensee to provide the Authority with information and documentation relating to the licensee's compliance with a relevant obligation. 5
- (6) A notice under *subsection (5)* shall specify—
 - (a) the information and documentation to be provided,
 - (b) the form and manner in which the information and documentation is to be provided, and 10
 - (c) the period within which the information and documentation are to be provided.
- (7) A licensee shall comply with a request under *subsection (4)* within the period specified in the notice or within such further period as may be agreed in writing between the Authority and the licensee concerned.

Application to District Court to compel production of information and documentation 15

- 180.** (1) This section is without prejudice to any action the Authority may take under *section 181* in relation to a failure of a licensee to comply with a request under *section 179*.
- (2) The Authority may, on notice to a licensee, apply to the District Court for an order under *subsection (3)* where it appears to the Authority that the licensee has failed to comply with a request under *section 179* within the period specified in a notice under that section or, if applicable, within such further period as has been agreed in writing between the Authority and the licensee concerned under that section. 20
 - (3) The District Court may, on hearing an application under *subsection (2)*, where it is satisfied that the licensee concerned has failed to comply with the request concerned, make an order directing the licensee, within such period as is specified in the order, to comply with the request. 25

Action by Authority in relation to alleged contravention of relevant obligation

- 181.** (1) Where the Authority is of the opinion that a licensee has contravened or is contravening a relevant obligation, the Authority may, having regard to the matters set out in *subsection (2)*— 30
- (a) enter into an agreement with the licensee in accordance with *section 182*,
 - (b) proceed to deal with the alleged contravention under *Chapter 4*, or
 - (c) carry out a directed investigation in accordance with *Chapter 5*.
- (2) In determining whether to proceed in accordance with *paragraph (a)*, *(b)* or *(c)* of *subsection (1)*, the Authority shall have regard to the following matters: 35
- (a) the nature and gravity of the alleged contravention;
 - (b) the duration of the alleged contravention;
 - (c) whether the objective of the exercise of the power is primarily to deter others;

- (d) whether the objective of the exercise of the power is primarily to achieve compliance;
- (e) the damage which may be caused by the alleged contravention;
- (f) how easily such damage may be repaired;
- (g) any gain made or loss avoided by the licensee or any connected person through the alleged contravention; 5
- (h) any previous notice of non-compliance issued to the licensee, any previous condition, suspension or revocation of a licence of that licensee under that Chapter, any sanction imposed on the licensee previously under *Chapter 6* and any conviction of the licensee for an offence under this Act. 10

Power of Authority to enter agreement with a licensee in respect of alleged contravention of relevant obligation

- 182.** (1) The Authority may, in accordance with *section 181(1)(a)* or *188(2)(d)*, enter into an agreement in writing with a licensee setting out the steps which the licensee agrees to take, and the period within which those steps shall be taken, to comply with a relevant obligation. 15
- (2) Where a licensee fails to comply with an agreement referred to in *subsection (1)*, the Circuit Court may, on application to it by the Authority, make an order directing the licensee to comply with the agreement.

CHAPTER 4 20

Notice of non-compliance

Notice to licensee: contravention of relevant obligation

- 183.** Where the Authority has made a decision under *section 181(1)(b)*, the Authority may, by notice in writing to the licensee—
- (a) specify the relevant obligation in respect of which the decision is made, 25
 - (b) require the licensee to comply with the relevant obligation,
 - (c) invite the licensee, where that licensee is of the view that there has been or is no contravention of a relevant obligation, to set out the reasons for that view within the period specified in the notice,
 - (d) state that a notice of non-compliance shall issue where the licensee— 30
 - (i) has contravened or is contravening the relevant obligation, or
 - (ii) fails to give reasons, satisfactory to the Authority, within the period specified in the notice, as to why the licensee is of the view that there has been or is no contravention of the relevant obligation,
- and 35
- (e) state the terms of *section 184(2)(b)* and (4).

Notice of non-compliance

- 184.** (1) The Authority shall issue a notice (in this Act referred to as a “notice of non-compliance”) to a licensee where—
- (a) a notice has issued to the licensee under *section 183* or the Authority has made a decision under *section 188(2)(c)*, and 5
 - (b) it is satisfied that the licensee has contravened or is contravening the relevant obligation the subject of that notice or decision.
- (2) A notice of non-compliance shall—
- (a) state that the Authority is satisfied that the licensee has contravened or is contravening a relevant obligation and state the reasons for being so satisfied, 10
 - (b) where the Authority considers that the contravention referred to in *paragraph (a)* so merits—
 - (i) contain an advice, caution, warning or reprimand to the licensee concerned in respect of that contravention, or
 - (ii) specify one or more than one condition, to address and mitigate that contravention, that will apply to the gambling licence to which that contravention relates, 15
 - (c) state that the licensee is entitled to appeal, in accordance with *Part 9*, against the finding of the Authority that the licensee has contravened or is contravening a relevant obligation, and, where *paragraph (b)* applies, against the advice, caution, warning or reprimand or any condition specified, as the case may be, and 20
 - (d) state the period within which such an appeal may be brought in accordance with that Part.
- (3) A condition specified under *subsection (2)(b)(ii)* shall take effect—
- (a) where the period for bringing an appeal under *Part 9* against the decision to impose a condition has expired and no appeal has been made, on the expiration of that period, or 25
 - (b) where an appeal has been made in accordance with that Part, when the appeal in relation to the imposition of the condition has not been allowed.
- (4) The Authority may, where a notice of non-compliance does not contain an advice, caution, warning, reprimand or condition referred to in *subsection (2)(b)*, apply to the Circuit Court under *section 185* for suspension or revocation of the gambling licence to which the contravention relates, on the later of the following— 30
- (a) where the period for bringing an appeal against the notice of compliance referred to in *subsection (2)(c)* has expired and no appeal has been made, on the expiration of that period, or 35
 - (b) where an appeal has been made in accordance with *Part 9*, after the appeal has not been allowed.

Suspension or revocation of licence following notice of non-compliance

- 185.** (1) The Authority may, in accordance with *section 184(4)*, apply to the Circuit Court for an order that the licensee’s gambling licence, to which the contravention referred to in the notice of non-compliance relates,—
- (a) be suspended, or 5
 - (b) be revoked.
- (2) An application to the Circuit Court under *subsection (1)* shall be brought—
- (a) where the licensee resides in the State, in the circuit where the licensee ordinarily resides or carries on a profession, trade or business, and
 - (b) in all other cases, to the Dublin Circuit Court. 10
- (3) An application under *subsection (1)* shall be on notice to the licensee concerned and the licensee shall be entitled to appear, be heard and adduce evidence at the hearing of the application.
- (4) The Circuit Court may, having regard to the nature of the relevant obligation and the circumstances in which the notice of non-compliance was issued— 15
- (a) grant the application and direct the Authority to—
 - (i) suspend the gambling licence concerned for such period as is specified in the order, or
 - (ii) revoke the gambling licence concerned,
 - or 20
 - (b) refuse the application.

CHAPTER 5

Directed investigation

Power to direct investigation

- 186.** (1) Where the Authority makes a decision under *section 181(1)(c)*, it may direct an authorised officer to carry out an investigation (in this Act referred to as a “directed investigation”) to ascertain whether a licensee has contravened or is contravening a relevant obligation. 25
- (2) The Authority may define the scope and terms of the directed investigation, whether as respects the matters under consideration or the period to which the directed investigation is to extend or otherwise and may, in particular, limit the directed investigation to matters connected to particular circumstances. 30
- (3) The Authority may, at any stage prior to the completion of a directed investigation, amend the scope and terms of that investigation.

Report of authorised officer

- 187.** (1) As soon as is practicable after completing a directed investigation, an authorised officer shall prepare a draft report of the directed investigation. 35

- (2) The draft report of the directed investigation shall include—
- (a) the scope and terms of the directed investigation as defined under *subsection (2) of section 186* or, if applicable, as amended under *subsection (3)* of that section,
 - (b) the steps taken by the authorised officer as part of the directed investigation,
 - (c) any findings made by the authorised officer in relation to the directed investigation, and
 - (d) details of any failure by the licensee concerned to co-operate with the authorised officer during the directed investigation.
- (3) An authorised officer shall, as soon as is practicable after preparing the draft report of the directed investigation, give the licensee concerned—
- (a) a copy of the draft report, and
 - (b) a notice in writing stating that the licensee may, within the period of 14 days from the date specified in the notice, make submissions in writing to the authorised officer in relation to the draft report.
- (4) An authorised officer may, on the request of the licensee concerned, agree in writing to extend the period within which the licensee may make submissions under *subsection (3)(b)*.
- (5) The authorised officer shall, as soon as is practicable after the expiration of the period referred to in *subsection (3)(b)*, or where the period is extended under *subsection (4)*, that period as so extended, and having considered the submissions (if any) made within that period, make such revisions (if any) to the draft report of the directed investigation that, in the opinion of the authorised officer, are warranted, and prepare a final report (in this Part referred to as the “investigation report”).
- (6) An authorised officer shall not make any recommendation, or express any opinion, in a draft report under *subsection (1)* or in an investigation report on any action the Authority should take under *section 188*.
- (7) An authorised officer shall, as soon as is practicable after the preparation of the investigation report, provide a copy of—
- (a) the investigation report to the licensee concerned, and
 - (b) the investigation report and any submissions made under *subsection (3)(b)* to the Authority.

Action by Authority after consideration of investigation report

- 188.** (1) The Authority shall, as soon as practicable after the provision of the investigation report and any submissions under *section 187(7)(b)*, consider the report and submissions.
- (2) The Authority may, following its consideration of the investigation report and any submissions under *subsection (1)*, decide—
- (a) where it considers it necessary, direct an authorised officer to conduct a further directed investigation in accordance with this Chapter,

- (b) to refer the investigation report to the chief adjudication officer for the purposes of conducting an adjudication,
- (c) to proceed to deal with the matter by way of a notice of non-compliance,
- (d) to enter into an agreement with the licensee concerned under *section 182*, or
- (e) to take no further action.

5

CHAPTER 6

Adjudication and decisions on adjudication

Definitions (*Chapter 6*)

189. In this Chapter—

“administrative sanction” means, subject to *section 192*, one or more of the following: 10

- (a) a financial penalty;
- (b) the suspension of the gambling licence in relation to which a contravention of a relevant obligation has occurred;
- (c) the revocation of the gambling licence in relation to which a contravention of a relevant obligation has occurred; 15
- (d) the imposition of a condition on the gambling licence in relation to which a contravention of a relevant obligation has occurred;

“appropriate court” means—

- (a) where no financial penalty is imposed under *section 194(12)* or where the amount of a penalty imposed does not exceed €75,000 or such other sum as stands specified in law as that court’s jurisdiction in tort, the Circuit Court, or 20
- (b) in any other case, the High Court;

“decision as to contravention” has the meaning assigned to it in *section 194(4)*;

“oral hearing” shall be construed in accordance with *section 202*;

“proceedings before an adjudication officer” means any process, including an oral hearing, by which an adjudication officer considers submissions, information, documentation, records or other evidence provided to the officer for the purpose of an adjudication under this Chapter. 25

Adjudication by adjudication officers or panel

190. (1) Subject to *subsection (2)*, where an investigation report is referred by the Authority under *section 188(2)(b)*, the chief adjudication officer shall assign an adjudication officer to conduct an adjudication in relation to the alleged contravention of a relevant obligation to which that investigation report relates. 30

(2) The chief adjudication officer may direct that adjudication officers sit as a panel to perform an adjudication, in an uneven number of 3 or more, and where he or she so 35

directs, a reference in this Act to an adjudication officer shall be construed as a reference to a panel of adjudication officers.

- (3) The chief adjudication officer shall determine the procedures to apply where a panel of adjudication officers is conducting an adjudication.

Imposition of financial penalty and criminal proceedings 5

- 191.** Where a financial penalty is imposed on a licensee in accordance with this Chapter in respect of a contravention of a relevant obligation and that contravention of that relevant obligation is an offence under a law of the State, the licensee concerned is not liable to be prosecuted or punished for the offence under that law.

Administrative sanction: suspension or revocation of gambling licence or imposition of condition on gambling licence 10

- 192.** In imposing an administrative sanction, an adjudication officer under *subsection (12), (14) or (15) of section 194*, an appropriate court under *section 198(7)(b)(iii) or (c)(iii)* or the Circuit Court under *section 199(7)(c)* may, where he, she or the court, as the case may be, is of the view that the contravention of a relevant obligation by a licensee is sufficiently serious, suspend or revoke or impose a condition on— 15

- (a) the gambling licence in relation to which a contravention of a relevant obligation has occurred, and
- (b) any other gambling licence, not being the gambling licence referred to in *paragraph (a)*, held by the licensee. 20

Action by adjudication officer after assignment to conduct adjudication

- 193.** (1) An adjudication officer to whom an adjudication is assigned under *section 190(1)* shall, as soon as practicable after such assignment, give the licensee concerned—

- (a) a copy of this section, and
- (b) a notice in writing stating that the licensee may make submissions in writing, within the period specified in the notice, to the adjudication officer on the investigation report to which that adjudication relates. 25

- (2) Submissions may be made under *subsection (1)(b)* within the period specified in the notice under that subsection or within such further period, not exceeding 15 days, as the adjudication officer may agree in writing with the licensee concerned. 30

- (3) An adjudication officer may, where he or she considers necessary or appropriate for the purposes of resolving an issue of fact or otherwise enabling him or her to make a decision under *section 194(1)* or to impose an administrative sanction under *section 194(12)*, do any of the following:

- (a) issue a direction under *section 201*; 35
- (b) request, by notice in writing, from either the licensee or the Authority, or both, further information or documentation, or both, to be provided within such period as is specified in the notice;

- (c) request, by notice in writing, from any other person (not being the licensee or the Authority) information or documentation, or both, to be provided within such period as is specified in the notice, and the adjudication officer may, where necessary for the purposes of the request, provide, with due regard for commercial confidentiality, a copy of the investigation report to that other person; 5
- (d) conduct an oral hearing.
- (4) As soon as practicable after making a request under *subsection (3)(c)*, the adjudication officer shall, with due regard for commercial confidentiality, give to the Authority and the licensee concerned a copy of the request.
- (5) As soon as practicable after receiving information or documentation pursuant to a request under *subsection (3)(c)*, the adjudication officer shall, with due regard for commercial confidentiality, give the Authority and the licensee concerned— 10
 - (a) a copy of the information or documentation or, where commercial confidentiality means that such information or documentation cannot be provided in full, a summary of such information or documentation received from the person to whom the request was made, and 15
 - (b) a notice in writing stating that the Authority and the licensee may make submissions in writing, within the period specified in the notice, to the adjudication officer on the information or documentation.
- (6) Submissions may be made under *subsection (5)(b)* within the period specified in the notice under that subsection or within such further period, not exceeding 10 days, as the adjudication officer may agree in writing with the Authority or licensee, as the case may be. 20
- (7) A person who receives a copy of an investigation report under *subsection (3)(c)* shall not, without the prior consent in writing of the adjudication officer concerned, disclose the existence or the content of the investigation report to any other person. 25
- (8) A person who contravenes *subsection (7)* is guilty of an offence and is liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both.

Decision as to contravention and imposition of administrative sanction 30

- 194.** (1) Subject to *subsection (13)*, an adjudication officer shall decide whether, on the balance of probabilities, a licensee has contravened or is contravening a relevant obligation having considered—
- (a) the investigation report and submissions (if any) made by the licensee in accordance with *section 193(2)*, 35
 - (b) any further information or documentation provided by a licensee or the Authority pursuant to a request for further information under *section 193(3)(b)*,
 - (c) any information or documentation provided by a person pursuant to a request for information under *section 193(3)(c)* and any submissions made by the Authority or the licensee in accordance with *section 193(6)*, 40

- (d) any submissions, information, documentation, records or other evidence provided in proceedings before an adjudication officer.
- (2) Where an adjudication officer makes a decision under *subsection (1)* that a licensee has not contravened or is not contravening a relevant obligation, the adjudication officer shall, as soon as practicable after making the decision, send the Authority a copy of that decision. 5
- (3) The Authority shall, as soon as practicable after receiving a copy of a decision referred to in *subsection (2)*, give notice in writing of the decision to the licensee concerned.
- (4) Where an adjudication officer makes a decision (in this Chapter referred to as a “decision as to contravention”) under *subsection (1)* that a licensee has contravened or is contravening a relevant obligation he or she shall— 10
- (a) where he or she is not imposing an administrative sanction under *subsection (12)* in respect of a decision as to contravention, by notice in writing inform the Authority of the decision as to contravention, the reasons for that decision and that he or she is not imposing an administrative sanction, or 15
- (b) where he or she proposes to impose an administrative sanction under *subsection (12)* in respect of a decision as to contravention, send a notice in accordance with *subsection (7)*.
- (5) Where *subsection (4)(a)* applies, the Authority shall send a copy of the notice under that subsection to the licensee concerned within 7 days of receipt of the notice and shall, by notice in writing— 20
- (a) require the licensee to comply with the relevant obligation in respect of which the decision as to contravention relates,
- (b) state that the licensee is entitled to appeal, in accordance with *section 198*, against the decision as to contravention and state the period within which such an appeal may be made in accordance with that section, and 25
- (c) state that where the licensee does not bring an appeal under *section 198*, the Authority shall, as soon as is practicable after the expiration of the period for making an appeal under that section, make an application under *section 199* in a summary manner for confirmation of the decision as to contravention. 30
- (6) The Authority shall, in accordance with *subsection (5)(c)*, where no appeal is made by the licensee concerned under *section 198* within the period allowed for making the appeal, apply to the Circuit Court under *section 199* for confirmation of the decision as to contravention. 35
- (7) Where *subsection (4)(b)* applies, the adjudication officer shall send a notice in writing to the Authority and the licensee concerned—
- (a) informing the Authority and the licensee of the adjudication officer’s decision as to contravention and the reasons for that decision,
- (b) stating the intention of the adjudication officer to impose an administrative sanction under *subsection (12)* and the sanction proposed, and, where the 40

sanction proposed is a financial penalty, the amount of the financial penalty proposed, and

- (c) stating that—
- (i) the Authority may make submissions in writing to the adjudication officer, within the period specified in the notice, in relation to the administrative sanction and, where applicable, on the amount of the financial penalty and the factors to be taken into account in determining the amount of the penalty in accordance with *section 197*, and 5
 - (ii) the licensee may make submissions in writing in accordance with *subsection (10)*. 10
- (8) Submissions may be made by the Authority under *subsection (7)(c)* within the period specified in the notice under that subsection or, where the adjudication officer is satisfied there are good reasons to do so, within such further period, not exceeding 10 days, as he or she may agree in writing with the Authority.
- (9) An adjudication officer shall give the licensee concerned a copy of any submissions made by the Authority in accordance with *subsection (8)*. 15
- (10) An adjudication officer shall, by notice in writing, state that the licensee concerned may, within the period specified in the notice, make submissions in writing to the adjudication officer—
- (a) where no submissions are received from the Authority in accordance with *subsection (8)*, in relation to the matters referred to in *subsection (7)(c)*, or 20
 - (b) where submissions are received from the Authority in accordance with *subsection (8)*, in relation to those matters and those submissions.
- (11) Submissions may be made by a licensee under *subsection (10)* within the period specified in the notice under that subsection or, where the adjudication officer is satisfied there are good reasons to do so, within such further period, not exceeding 10 days, as he or she may agree in writing with the licensee concerned. 25
- (12) Subject to *subsection (13)*, where an adjudication officer makes a decision as to contravention, he or she may impose an administrative sanction—
- (a) having considered the matters referred to in *paragraphs (a) to (d) of subsection (1)* and any submissions made in accordance with *subsections (8) and (11)* by the Authority and the licensee concerned, and 30
 - (b) where the sanction being imposed is a financial penalty, in accordance with *section 197*.
- (13) A decision as to contravention and an administrative sanction in relation to that contravention shall take effect in accordance with *section 196*. 35
- (14) Where an appropriate court remits an administrative sanction under *section 198(7)(b)(iv)*, or on the remittal of an administrative sanction only by an appropriate court under *section 198(7)(c)(iv)* or the Circuit Court under *section 199(7)(d)*, an adjudication officer shall reconsider the administrative sanction and may, following such reconsideration in accordance with any directions of the court concerned, impose a different administrative sanction or no administrative sanction. 40

- (15) Where an appropriate court or the Circuit Court remits both the decision as to contravention and the administrative sanction under *section 198(7)(c)(iv)* or *199(7)(d)*, as the case may be, an adjudication officer shall reconsider both the decision and sanction concerned and may, following such reconsideration in accordance with any directions of the court concerned— 5
- (a) set aside the decision as to contravention and the sanction concerned, or
 - (b) confirm the decision as to contravention and either confirm the sanction or impose a different administrative sanction or no administrative sanction.
- (16) An adjudication officer shall, as soon as practicable after he or she has made a decision under *subsection (14)* or *(15)*, as the case may be, notify the Authority and the licensee concerned in writing of the decision, the reasons for the decision and specify the date from which the decision shall take effect. 10

Notice of administrative sanction

- 195.** (1) An adjudication officer shall, as soon as practicable after he or she imposes an administrative sanction under *section 194(12)*, send the Authority a notice of the administrative sanction concerned including, where the administrative sanction is a financial penalty, the amount of the financial penalty being imposed. 15
- (2) The Authority shall send a copy of the notice of the administrative sanction referred to in *subsection (1)* to the licensee concerned within 7 days of receipt of the notice and shall, by notice in writing state that— 20
- (a) the licensee is required to comply with the relevant obligation in respect of which the decision as to contravention and that sanction relate,
 - (b) the licensee is entitled to appeal, in accordance with *section 198*, against the decision as to contravention and the administrative sanction or against the administrative sanction only and state the period within which such an appeal may be made in accordance with that section, and 25
 - (c) where the licensee does not make an appeal under *section 198*, the Authority shall, as soon as is practicable after the expiration of the period for making the appeal under that section, make an application under *section 199* in a summary manner for confirmation of the decision as to contravention and the administrative sanction. 30
- (3) The Authority shall, in accordance with *subsection (2)(c)*, where no appeal is made by the licensee concerned under *section 198* within the period allowed for making the appeal, apply to the Circuit Court under *section 199* for confirmation of the decision as to contravention and the administrative sanction. 35

Taking effect of decision as to contravention and taking effect of administrative sanction

- 196.** (1) A decision as to contravention shall take effect—
- (a) where an appeal against the decision is taken under *section 198*, when the decision is upheld on appeal,

- (b) when the decision is confirmed by the Circuit Court in accordance with *section 199*, or
 - (c) where the decision, having been remitted to an adjudication officer for reconsideration, is confirmed by the officer under *subsection (15)(b)* of *section 194*, on the date specified in the notice under *subsection (16)* of that section. 5
- (2) An administrative sanction shall take effect—
- (a) where an appeal is taken under *section 198*—
 - (i) when the sanction is confirmed on appeal by the appropriate court under *subsection (7)(b)(i)* or *(7)(c)(i)* of that section or when a different administrative sanction is imposed by the appropriate court under *subsection (7)(b)(iii)* or *(7)(c)(iii)* of that section, or 10
 - (ii) where the appropriate court on appeal remits the sanction to an adjudication officer and the sanction is confirmed by the officer under *subsection (15)(b)* of *section 194* or a different administrative sanction is imposed by the officer under *subsection (14)* or *(15)(b)* of that section, on the date specified in the notice under *subsection (16)* of that section, 15
 - or
 - (b) where an application is made to the Circuit Court under *section 199*—
 - (i) when the sanction is confirmed by the Court under *subsection (5)* of that section or when a different administrative sanction is imposed by the Court under *subsection (7)(c)* of that section, or 20
 - (ii) where the Court remits the sanction to an adjudication officer and the sanction is confirmed by the officer under *subsection (15)(b)* of *section 194* or a different administrative sanction is imposed by the officer under *subsection (14)* or *(15)(b)* of that section, on the date specified in the notice under *subsection (16)* of that section. 25
- (3) Where an administrative sanction takes effect in accordance with *subsection (2)*, the sanction may be enforced by the Authority without the need for any further judgment of a court.
- (4) The Authority may recover, as a simple contract debt in any court of competent jurisdiction, any amount due and owing by a licensee as a financial penalty which has taken effect as an administrative sanction in accordance with *subsection (2)*. 30
- (5) Where a licensee fails to comply with an administrative sanction that has taken effect in accordance with *subsection (2)*, the High Court may, on an application to it by the Authority in that behalf— 35
- (a) compel compliance with the administrative sanction imposed, and
 - (b) grant such injunctive relief (if any) that the Court considers necessary.
- (6) The High Court may not require the Authority to give an undertaking as to damages as a condition of granting any injunctive relief under *subsection (5)(b)*.

Limitations on amount of financial penalty imposed as administrative sanction

197. (1) The amount of a financial penalty imposed as an administrative sanction on a licensee under this Chapter shall not exceed €20,000,000, or if greater, 10 per cent of the turnover of the licensee in the financial year preceding the date of the decision as to contravention or in any year in which the act or acts occasioning the administrative sanction occurred. 5
- (2) Regard shall be had to the following matters in determining the amount of the financial penalty to be imposed:
- (a) the nature, gravity and duration of the contravention;
 - (b) the degree of harm to particular people, to consumers or to the public caused as a result of the contravention; 10
 - (c) the extent of any failure by the licensee to co-operate with the Authority, an authorised officer or an adjudication officer in the performance of their functions under this Part in so far as it relates to the contravention concerned, provided that acknowledgement of a contravention shall not, of itself, constitute grounds for reduction of the financial penalty; 15
 - (d) any gain (financial or otherwise) made, or any loss (financial or otherwise) avoided, by the licensee concerned or by any person in which that licensee has a pecuniary or beneficial interest, as a consequence of the contravention;
 - (e) whether a previous decision as to contravention and, where applicable, a previous administrative sanction, has taken effect, in accordance with *section 196*, in relation to the same licensee; 20
 - (f) the nature, extent and timeliness of any steps taken by the licensee to bring the contravention to an end and any steps taken by the licensee to remedy the consequences of the contravention; 25
 - (g) the absence, the ineffectiveness or the repeated failure of internal mechanisms or procedures of the licensee intended to prevent such a contravention;
 - (h) the extent to which the contravention was contributed to by the act or omission of a third party, and the extent to which the licensee took steps to identify, and mitigate the effect of, the act or omission; 30
 - (i) the extent to which the contravention was contributed to by circumstances beyond the control of the licensee, and the extent to which the licensee took steps to identify, and mitigate the effect of, those circumstances;
 - (j) where applicable, the extent to which a relevant officer or beneficial owner of the licensee knew, or ought to have known, that the contravention was occurring or would occur; 35
 - (k) the turnover of the licensee in the financial year or years during which the contravention occurred and the ability of the licensee to pay a financial penalty;
 - (l) the amount of a financial penalty imposed, which came into effect in accordance with *section 196*, on any other licensee in respect of a similar contravention; 40

- (m) any specific factors, criteria or methodology relevant to the preceding paragraphs of this subsection which may be prescribed by the Minister for the purposes of this subsection.
- (3) The amount of a financial penalty imposed shall—
 - (a) be proportionate to the nature of the contravention, 5
 - (b) act as a sufficient incentive to ensure future compliance by the licensee, and other licensees, with relevant obligations, and
 - (c) be set with a view to deterring the licensee, and other licensees, from contravening relevant obligations.
- (4) The amount of a financial penalty imposed as an administrative sanction shall not— 10
 - (a) in the case of an individual, be such as would be likely to cause the individual to be adjudicated bankrupt, or
 - (b) in the case of a licensee that is not an individual, be such as would be likely to cause the licensee to cease trading.
- (5) The Minister may prescribe specific factors, criteria or methodology relevant to the determination of the amount of the financial penalty for the purposes of *subsection (2)*. 15

Appeal against decision as to contravention and imposition of administrative sanction

- 198.** (1) A decision as to contravention or, where applicable, the imposition of an administrative sanction, or both, shall not be challenged, including as to its validity, other than by way of an appeal under this section. 20
- (2) A licensee to whom a decision as to contravention relates may appeal to the appropriate court—
- (a) where no administrative sanction is imposed in respect of a decision as to contravention, against the decision as to contravention, 25
 - (b) where an administrative sanction is imposed in respect of a decision as to contravention—
 - (i) against the imposition of an administrative sanction, including the type of administrative sanction imposed, or
 - (ii) against both the decision as to contravention and the imposition of an administrative sanction, including against the nature of the administrative sanction imposed. 30
- (3) Subject to *subsection (4)*, an appeal under *subsection (2)* may be made to the appropriate court—
- (a) under *subsection (2)(a)*, within 28 days from the date on which the notice referred to in *section 194(5)* is sent to the licensee concerned, or 35
 - (b) under *subsection (2)(b)*, within 28 days from the date on which the notice referred to in *section 195(2)* is sent to the licensee concerned.

- (4) The appropriate court may, on the application of a licensee to whom a decision as to contravention relates, extend the period referred to in *subsection (3)* for the making of an appeal under *subsection (2)* where it is satisfied that—
- (a) there is good and sufficient reason for doing so,
 - (b) the circumstances that resulted in the failure to bring an appeal within that period were outside the control of the licensee, and
 - (c) where an application has been made under *section 199* for confirmation of the decision as to contravention, or where applicable, the imposition of an administrative sanction, that application has not been finally determined.
- (5) An appeal under *subsection (2)* may only be made on either or both of the following grounds:
- (a) a ground that could, but for *subsection (1)*, be relied upon by the licensee in an application seeking judicial review of the adjudication officer's decision;
 - (b) in so far as it is not a ground referred to in *paragraph (a)*, the ground that an administrative sanction imposed is disproportionate.
- (6) In considering an appeal under *subsection (2)*, the appropriate court may, where it considers it necessary for the fair and proper determination of the appeal, consider—
- (a) information or documentation provided by the Authority, the licensee or any person under *paragraph (b) or (c) of section 193(3)*, and
 - (b) any evidence adduced or submission made by the Authority or by the licensee concerned, whether or not already adduced or made to the adjudication officer.
- (7) Subject to *subsection (8)* and *section 197* and having regard to *section 192*, the appropriate court may, on the hearing of an appeal under *subsection (2)*—
- (a) where *paragraph (a)* of that subsection applies—
 - (i) confirm the decision, or
 - (ii) set aside the decision,
 - (b) where *paragraph (b)(i)* of that subsection applies—
 - (i) confirm the administrative sanction,
 - (ii) set aside the administrative sanction,
 - (iii) set aside the administrative sanction, and replace it with such other administrative sanction as the court considers it just and appropriate to impose, including a decision not to impose an administrative sanction, or a decision to impose a different administrative sanction, or, in the case of a financial penalty, to impose a different financial penalty, or
 - (iv) remit the administrative sanction for reconsideration by an adjudication officer, subject to such directions as the court considers appropriate,
- or
- (c) where *paragraph (b)(ii)* of that subsection applies—

- (i) confirm both the decision as to contravention and the administrative sanction,
 - (ii) confirm the decision as to contravention and set aside the administrative sanction,
 - (iii) confirm the decision as to contravention and set aside the administrative sanction and replace it with such other administrative sanction as the court considers it just and appropriate to impose, a decision to impose a different administrative sanction, or, in the case of a financial penalty, to impose a different financial penalty, 5
 - (iv) remit either or both the decision as to contravention and the administrative sanction for reconsideration by an adjudication officer, subject to such directions as the court considers appropriate, or 10
 - (v) set aside both the decision as to contravention and the administrative sanction.
- (8) A decision as to contravention or the imposition of an administrative sanction may not be set aside or remitted by the appropriate court under *paragraph (a)(ii), (b)(ii), (iii) or (iv), (c)(ii), (iii), (iv) or (v) of subsection (7)* for error of law or fact unless the appropriate court is satisfied that the officer concerned committed a serious and significant error in making the decision, or that the officer committed a series of minor errors which, when taken together, amount to a serious and significant error. 15 20
- (9) The appropriate court may make such interim or interlocutory orders in appeal proceedings under this section as it considers appropriate.
- (10) The appropriate court may direct how the costs of an appeal under *subsection (2)* are to be borne.
- (11) Where an appeal under *subsection (2)* is withdrawn or abandoned by a licensee, or struck out by the appropriate court, the Authority shall make an application under *section 199*. 25

Circuit Court confirmation of decision as to contravention and administrative sanction

- 199.** (1) The Authority shall, on notice to the licensee to whom a decision as to contravention relates, make an application in a summary manner to the Circuit Court for confirmation of— 30
- (a) where no administrative sanction is imposed, the decision as to contravention, or
 - (b) where an administrative sanction is imposed, the decision as to contravention and the administrative sanction.
- (2) The Authority shall make an application under *subsection (1)* where— 35
- (a) the licensee does not appeal against the decision within the period specified in *section 198(3)*, or
 - (b) an appeal is withdrawn, abandoned or struck out, as the case may be, as referred to in *section 198(11)*.

- (3) An application under *subsection (1)* shall be made by the Authority as soon as practicable after the expiration of the period specified in *section 198(3)* for bringing an appeal or after the appeal is withdrawn, abandoned or struck out, as the case may be, as referred to in *section 198(11)*.
- (4) A licensee may, as soon as practicable after receiving notice of the application under *subsection (1)*, inform the Authority in writing that the licensee does not intend to appear at, or make submissions at, the hearing of the application and where the licensee does so, the application and any remaining steps in such application may be made *ex parte*. 5
- (5) On the hearing of an application under *subsection (1)*, the Circuit Court shall, where *paragraph (a)* of that subsection applies, confirm the decision as to contravention, or where *paragraph (b)* of that subsection applies, confirm the decision as to sanction and the administrative sanction, unless it is satisfied, on the basis of the evidence that was before the adjudication officer when making the decision or imposing the sanction— 10
15
- (a) that the officer made an error of law which is—
- (i) manifest from the decision, and
- (ii) fundamental so as to deprive the decision of its basis,
- (b) that the administrative sanction is manifestly disproportionate, or
- (c) where the administrative sanction is a financial penalty, that the financial penalty is manifestly disproportionate having regard to *section 197*. 20
- (6) Where the Circuit Court does not, under *subsection (5)*, confirm a decision as to contravention, the Court shall set the decision aside.
- (7) Where the Circuit Court does not, under *subsection (5)*, confirm the decision as to contravention and the administrative sanction, it may, subject to *section 197* and having regard to *section 192*— 25
- (a) set aside the decision as to contravention and the administrative sanction,
- (b) confirm the decision as to contravention and set aside the administrative sanction,
- (c) confirm the decision as to contravention and set aside the administrative sanction and replace it with such other administrative sanction as the Circuit Court considers just and appropriate, including in the case of a financial penalty replace it with a different financial penalty, 30
- (d) remit the decision as to contravention or, where applicable, the administrative sanction, or both, for reconsideration by an adjudication officer, subject to such directions as it considers appropriate. 35
- (8) Where an application to extend the period for the making of an appeal against a decision as to contravention is made under *section 198(4)*, the Circuit Court shall make an order staying proceedings in relation to an application under *subsection (1)* until the appropriate court has made a decision under *section 198(4)* in relation to the extension sought. 40

- (9) Where the appropriate court makes an order under *section 198(4)* extending the period for the making of an appeal under that section, the Circuit Court shall continue the stay on proceedings in relation to an application under this section until—
 - (a) where the appeal is brought under that section within the extended period, either—
 - (i) the appropriate court has made a decision on the appeal under *section 198(7)*, or
 - (ii) the appeal is withdrawn, abandoned or struck out, or
 - (b) where the appeal is not brought under that section within the extended period, until that period as so extended expires.
- (10) Where *subsection (9)(a)(i)* applies, the Circuit Court shall make an order striking out the application of the Authority under *subsection (1)*.
- (11) The Circuit Court may make such interim or interlocutory orders as it considers appropriate in any proceedings in relation to an application under *subsection (1)*.
- (12) The Circuit Court may direct how the costs of an application under *subsection (1)* are to be borne having regard to any communication of the licensee concerned to the Authority under *subsection (4)*.

Reference on point of law to High Court

- 200.** (1) An adjudication officer may, at any time before making a decision under *subsection (1)* of *section 194* or imposing an administrative sanction under *subsection (2)* of that section, refer any question of law to the High Court.
- (2) Subject to *subsection (3)*, no appeal shall lie to the Court of Appeal from a decision of the High Court on a reference under *subsection (1)*.
- (3) The High Court may grant leave to appeal its decision on a reference under *subsection (1)* where it certifies that its decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Court of Appeal.

Power of adjudication officer to issue direction to Authority or licensee

- 201.** (1) In this section, “directed person” means the person, being either the Authority or the licensee concerned, to whom a direction is issued under *subsection (2)*.
- (2) An adjudication officer may, at any time before making a decision under *section 194(1)* or imposing an administrative sanction under *section 194(12)*, whether on application by the Authority, by a licensee concerned in the matter which is the subject of the referral or of the adjudication officer’s own motion, issue a direction in writing to the Authority or the licensee concerned in accordance with *subsection (3)*.
- (3) A direction issued under *subsection (2)* may require the directed person, within such period as is specified in the direction, to do any or all of the following:
 - (a) answer (whether on oath or otherwise) an identified question in whatever manner or form the adjudication officer may specify in the direction;

- (b) adduce evidence or produce records that are in the directed person's possession or power to procure;
 - (c) clarify any issue of fact.
- (4) An answer given by a directed person to a question put to the person in response to a direction under *subsection (3)(a)* is not admissible as evidence against the person in criminal proceedings, other than proceedings for perjury in circumstances where the answer was provided on oath. 5
 - (5) A directed person shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in this section as a witness appearing in proceedings before the High Court. 10
 - (6) Where a directed person fails or refuses to comply with a direction under *subsection (2)* within the period specified in the direction, the adjudication officer may apply, in a summary manner, to the High Court on notice to that directed person for an order under *subsection (7)*.
 - (7) The High Court may, on application to it under *subsection (6)*— 15
 - (a) require the directed person to comply with the direction concerned, and
 - (b) make such other orders (if any) as it considers necessary for the purpose of *paragraph (a)*.
 - (8) A directed person is guilty of an offence where the person fails or refuses to comply with a direction under *subsection (2)* within such period as is specified in the direction. 20
 - (9) A directed person is guilty of an offence where, having been or in anticipation of being required to produce a record under *subsection (3)(b)*, the directed person intentionally or recklessly destroys or otherwise disposes of, falsifies or conceals such record or causes or permits its destruction, disposal, falsification or concealment. 25
 - (10) A person guilty of an offence under *subsection (8)* or *(9)* is liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 30
 - (11) Proceedings may be brought for an offence under *subsection (8)* or *(9)* regardless of whether or not an order has been made, or has been applied for, under *subsection (6)*.

Oral hearing

202. (1) Where an adjudication officer considers it necessary or appropriate, in accordance with *section 193(3)(d)* to conduct an oral hearing, the oral hearing shall be conducted by the adjudication officer in accordance with this section. 35
- (2) An adjudication officer may, by notice in writing—
 - (a) summon a person to appear as a witness before the adjudication officer to do either or both of the following:

- (i) give evidence;
 - (ii) produce any records in the person's possession or power to procure,
- and
- (b) require that person to attend an oral hearing from day to day unless excused, or released from further attendance, by the adjudication officer. 5
- (3) Without prejudice to *subsection (2)*, an adjudication officer has the same powers, rights and privileges as a judge of the High Court when hearing civil proceedings including with respect to:
 - (a) the attendance and examination of witnesses (including witnesses who are outside the State) on oath or otherwise; 10
 - (b) compelling the production (including discovery) of records or an identified category or categories of records.
- (4) An oral hearing may, at the discretion of an adjudication officer, be conducted in whole or in part by way of a remote hearing.
- (5) Where *subsection (4)* applies— 15
 - (a) an adjudication officer shall have the same powers, with any necessary modifications, in respect of the conduct of the oral hearing by way of a remote hearing as he or she has in respect of the conduct of an oral hearing that is not conducted by way of a remote hearing, and
 - (b) a person who participates in such a remote hearing before an adjudication officer shall, in respect of such participation— 20
 - (i) be deemed to be present at the oral hearing concerned, and
 - (ii) have the same immunities and privileges, and be subject to the same obligations and liabilities, as he or she would were he or she participating in an oral hearing that was not so conducted. 25
- (6) At the oral hearing, an authorised officer, other representative of the Authority or any other person with leave of the adjudication officer, shall present the evidence as to the reason the Authority referred the investigation report in accordance with *section 188(2)(b)*.
- (7) An oral hearing shall be held in public unless the adjudication officer conducting the hearing is satisfied that, given the existence of special circumstances (which shall include whether information given or likely to be given in evidence is commercially sensitive information), the hearing or part of the hearing should be held otherwise than in public. 30
- (8) Where special circumstances as referred to in *subsection (7)* exist, an adjudication officer may impose restrictions on the reporting or distribution of evidence given or records produced at the hearing. 35
- (9) An adjudication officer may, at his or her discretion, direct the reimbursement of some or all of the reasonable travelling expenses incurred by a witness required to attend an oral hearing and the payment of a sum to such witness for subsistence while so attending, out of moneys provided by the Oireachtas. 40

- (10) Save as may be otherwise prescribed by the Minister under *section 204*, the rules of evidence shall apply to an oral hearing, including an oral hearing held in whole or in part by way of a remote hearing.
- (11) A person is guilty of an offence where the person—
- (a) having been duly summoned to attend as a witness at an oral hearing under *subsection (2)(a)*, fails without reasonable excuse to attend at the time and place indicated in the notice, 5
 - (b) having been duly summoned to attend as a witness at an oral hearing under *subsection (2)(a)*, fails without reasonable excuse to produce before the adjudication officer any records specified in the notice, or 10
 - (c) while attending as a witness at an oral hearing, refuses to—
 - (i) give evidence in the manner lawfully required by the adjudication officer,
 - (ii) produce any record in the person’s possession or power to procure that the person is lawfully required by the adjudication officer to produce, or
 - (iii) answer any question that the person is lawfully required by the adjudication officer to answer. 15
- (12) A person is guilty of an offence where, having been or in anticipation of being required to produce a record under *subsection (2)(a)(ii)*, he or she intentionally or recklessly destroys or otherwise disposes of, falsifies or conceals such record or causes or permits its destruction, disposal, falsification or concealment. 20
- (13) A person guilty of an offence under *subsection (11)* or *(12)* is liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both. 25
- (14) In this section—
- “electronic communications technology” means, in relation to a remote hearing, technology that enables real time transmission and real time two-way audio-visual or audio communication that enables a person to participate in the hearing from a location other than the location where the adjudication officer conducting the oral hearing is; 30
- “in part”, in relation to a remote hearing, includes—
- (a) any day or part of a day in which an oral hearing is conducted, and
 - (b) the participation of a particular person in the oral hearing;
- “remote hearing” means a hearing in which one or more of the participants 35 participates—
- (a) from a location other than the location where the adjudication officer conducting the oral hearing is, whether within the State or outside the State, and
 - (b) by means of electronic communications technology.

Orders for costs in proceedings before adjudication officer

- 203.** (1) Subject to *subsection (2)*, no order as to costs shall be made in proceedings before an adjudication officer.
- (2) An adjudication officer may, at his or her discretion, award the costs of proceedings referred to in *subsection (1)* against a licensee or the Authority where the adjudication officer determines that the licensee or the Authority, as the case may be, has engaged in improper, irregular, unfair or unsatisfactory conduct in connection with—
- (a) the investigation of the alleged contravention of a relevant obligation giving rise to those proceedings, or
 - (b) in the conduct of those proceedings.
- (3) An award of costs against a licensee or the Authority under *subsection (2)* shall be proportionate to the nature and extent of the improper, irregular, unfair or unsatisfactory conduct that the licensee or the Authority, as the case may be, is found to have engaged in and the award may be limited to a proportion of the costs of the proceedings before an adjudication officer or to the costs of a particular part of those proceedings.

Regulations in relation to proceedings before adjudication officer

- 204.** (1) Subject to this Chapter, the Minister may make regulations setting out requirements in relation to the conduct of proceedings before an adjudication officer, having regard to the need for efficiency and the rights of licensees.
- (2) Without prejudice to the generality of *subsection (1)*, regulations under that subsection may include, but are not limited to, all or any of the following:
- (a) the form, and manner of making, of requests by an adjudication officer for information, documentation or discovery from a party to proceedings or from a person other than a party to proceedings;
 - (b) the form, and manner of inviting, of submissions by an adjudication officer from a party to proceedings;
 - (c) the form and manner of provision of submissions, information, documentation, records, or other evidence to be provided to an adjudication officer;
 - (d) the provision by an adjudication officer to a party to proceedings or to a person other than a party to proceedings, of information or documentation received by the adjudication officer;
 - (e) time limits to apply in the conduct of proceedings before an adjudication officer;
 - (f) procedures for the consolidation of two or more proceedings before an adjudication officer;
 - (g) procedures for the separation of proceedings before an adjudication officer;
 - (h) the publication on the website of the Authority of information and documents provided, for the purposes of proceedings before an adjudication officer, by a party to proceedings or by a person other than a party to proceedings;
 - (i) the issuing of a direction by an adjudication officer under *section 201*;

(j) the conduct of an oral hearing.

(3) In this section, “party to proceedings” means the Authority or the licensee concerned.

Treatment of amounts paid in respect of financial penalties

205. A payment made by a licensee to the Authority in respect of a financial penalty, which has taken effect as an administrative sanction in accordance with *section 196*, shall be paid into, or disposed of for the benefit of, the Exchequer by the Authority in such manner as the Minister for Finance may direct. 5

CHAPTER 7

Adjudication officers

Nomination of adjudication officers 10

206. The Authority shall, on the request of the Minister, nominate such and so many persons who, in the opinion of the Authority, are independent and have the experience, qualifications, training or expertise specified in regulations made by the Minister under *section 209(a)*, to be appointed by the Minister as adjudication officers.

Appointment of adjudication officers 15

207. (1) Subject to *sections 57* and *58* and *subsection (2)*, the Minister shall appoint such and so many persons (each of whom in this Act is referred to as an “adjudication officer”) as he or she considers necessary to perform the functions of an adjudication officer under this Act.

(2) The Minister shall appoint an adjudication officer from among the persons nominated by the Authority under *section 206* unless the Minister is not satisfied that the person— 20

(a) is independent, or

(b) has the experience, qualifications, training or expertise specified in regulations made under *section 209(a)*. 25

(3) The Minister shall appoint one adjudication officer to be the chief adjudication officer.

(4) Subject to *sections 57* and *58* and *subsections (5)* and *(6)*, an adjudication officer shall—

(a) be appointed under this section upon such terms and conditions (including as to appointment, remuneration, reappointment and revocation of appointment) as are specified in regulations under *section 209*, and 30

(b) be paid, out of moneys provided by the Oireachtas for such purpose, such remuneration and allowances for expenses, as are specified in regulations under that section. 35

- (5) In accordance with procedures specified in regulations made under *section 209(f)* the appointment of an adjudication officer may be revoked by the Minister on one of the grounds specified in *subsection (6)* following—
- (a) receipt of an assessment and recommendation by an independent person from outside the Authority with relevant experience and expertise in the matters giving rise to the revocation, and
 - (b) a decision by the Government, having reviewed the assessment and recommendation referred to in *paragraph (a)*, confirming the proposed revocation.
- (6) The grounds referred to in *subsection (5)* are that an adjudication officer has—
- (a) become incapable through ill-health of effectively performing his or her functions,
 - (b) engaged in serious misconduct, or
 - (c) a serious conflict of interest, which conflict of interest is likely to continue.

Independence of adjudication officer

- 208.** (1) An adjudication officer shall be independent in the performance of his or her functions.
- (2) An adjudication officer shall, where he or she believes that performing an adjudication assigned to him or her may create a conflict of interest or may give rise to the perception of a potential conflict of interest, recuse himself or herself from the adjudication concerned.
- (3) Where an adjudication officer forms a belief referred to in *subsection (2)*, he or she shall inform the chief adjudication officer who shall re-assign that adjudication to another adjudication officer.
- (4) An adjudication officer shall, as soon as practicable after informing the chief adjudication officer under *subsection (2)*, by notice in writing, inform the Authority and any licensee affected by a recusal under that subsection.

Regulations (Chapter 7)

- 209.** The Minister shall, in a manner ensuring the independence of adjudication officers in the performance of their functions, make regulations providing for the following—
- (a) the experience, qualifications, training or expertise persons shall possess to be appointed as adjudication officers,
 - (b) the term of appointment of adjudication officers, which term shall be specified in writing on appointment, and the term of appointment may be—
 - (i) fixed and non-renewable, or
 - (ii) subject to *paragraph (c)*, fixed and renewable,

- (c) where a term of appointment is renewable in accordance with *paragraph (b)(ii)*, specify objective, independently assessed competence-based criteria for such renewal,
- (d) the remuneration and allowance for expenses to be paid, which may not be reduced during the term of the appointment save in accordance with law, to an adjudication officer and, having regard to his or her different functions, to the chief adjudication officer, 5
- (e) the manner in which an adjudication officer may resign from office, and
- (f) subject to *section 207(4), (5) and (6)*, procedures for the revocation of appointment of adjudication officers. 10

Assistance to adjudication officers

- 210.** (1) The Authority may, from time to time, require a member of staff of the Authority to assist adjudication officers in the performance of their functions.
- (2) The Authority may, from time to time, enter into a contract or arrangement with a person or appoint a consultant or adviser under *section 17* for the purpose of having the person, consultant or adviser assist adjudication officers in the performance of their functions. 15
- (3) A member of staff of the Authority referred to in *subsection (1)* or a person, consultant or adviser referred to in *subsection (2)*—
- (a) shall not provide assistance to adjudication officers in connection with any matter in which the member, or person, consultant or adviser concerned, has or may have a conflict of interest, and 20
 - (b) may perform other tasks on behalf of the Authority, including performing tasks in any investigation in which the member or person, consultant or adviser concerned has not been, and will not be, involved in assisting an adjudication officer under this section. 25

Member of staff as adjudication officer or providing assistance to adjudication officer

- 211.** Nothing in this Chapter shall prevent the application, by the Authority, of any disciplinary procedures arising under a contract of employment—
- (a) where a person is an adjudication officer and is also a member of staff of the Authority, in respect of the person in so far as he or she is performing functions as such member of staff, or 30
 - (b) where a member of staff of the Authority is also providing assistance to an adjudication officer under *section 210(1)*, in respect of that member in so far as he or she is performing functions as such member of staff only. 35

*Emergency orders in respect of licensees***Application to Court for emergency orders in respect of licensees**

- 212.** (1) The Authority may make an *ex parte* application to the Court for a temporary order under *subsection (2)* in respect of a licensee where it considers that there is an urgent need, until further steps are taken by the Authority, to act in order to protect— 5
- (a) the public from the serious consequences of an ongoing contravention of a relevant obligation by a licensee, or
 - (b) relevant funds contained in a Segregated Customer Account.
- (2) On the hearing of an application under *subsection (1)*, the Court may, where it considers that there is an urgent need to act for the purposes of *paragraph (a)* or *(b)* of that subsection, make one or more of the following orders directing that: 10
- (a) the gambling licence of a licensee be suspended with immediate effect;
 - (b) the licensee cease providing a relevant gambling activity or a relevant gambling product or relevant gambling related service; 15
 - (c) an internet service provider or a provider of an online application store service, as the case may be, block access to a relevant gambling activity provided by the licensee concerned or to a website where a relevant gambling product or relevant gambling related service is advertised, sold or supplied;
 - (d) a bank shall not, without leave of the Court, receive any payment into a bank account of the licensee in the licensee’s capacity as a licensee; 20
 - (e) a bank shall not, without leave of the Court, make any payment out of a bank account of the licensee in the licensee’s capacity as a licensee;
 - (f) the licensee concerned shall not, without leave of the Court, dispose of, or direct or facilitate the disposal of, any of the licensee’s assets; 25
 - (g) the licensee concerned shall not, without leave of the Court, reduce the licensee’s assets below a specified amount or value;
 - (h) the licensee shall not remove the licensee’s assets from the State;
 - (i) the licensee shall lodge, or cause to be lodged, any money received by the licensee to the appropriate Segregated Customer Account, unless otherwise ordered by the Court. 30
- (3) Where *section 105* applies and the Authority has serious concerns in relation to the relevant applicant referred to in that subsection, it may make an *ex parte* application to the Court for an order under *subsection (4)*.
- (4) On the hearing of an application under *subsection (3)*, the Court, where it is satisfied that there are good and substantial reasons to do so, may make an order directing that the licence concerned be suspended with immediate effect. 35

- (5) In addition to the orders that may be made under *subsection (2) or (4)*, the Court may, on hearing an application under *subsection (1) or (3)*, make such other order as it considers appropriate in the circumstances.
- (6) The Court may, for the purposes of an application made under *subsection (1)*, make one or more of the following further orders directing: 5
- (a) a bank to furnish any information in its possession relating to the financial affairs of the licensee in the licensee’s capacity as a licensee;
 - (b) in the case of a licensee who is an individual, that individual to swear an affidavit disclosing information relating to assets held in his or her own name or held jointly with third parties; 10
 - (c) in the case of a licensee that is a body corporate, a relevant officer or a beneficial owner, or both, of the licensee to swear an affidavit disclosing information relating to assets held in the name of the body corporate concerned or jointly with third parties.
- (7) Where the Court is satisfied that there is reason to believe that a person holds or has held assets on behalf of a licensee, the Court may order the person— 15
- (a) to disclose all information as to such assets in the person’s possession or power to procure, or
 - (b) to disclose—
 - (i) all information as to such assets which had been but are no longer in the person’s possession or power to procure, and 20
 - (ii) the person’s belief as to the present whereabouts of those assets.
- (8) At any time while an order under *paragraph (d), (e), (f), (g) or (h) of subsection (2)* is in force, the Court may, on application by a person affected by the order concerned, make any order that the Court considers appropriate in relation to an asset or a payment affected by the order, if satisfied that it is necessary to do so for the purpose of enabling the person— 25
- (a) to discharge the reasonable living and other necessary expenses, including fees and costs payable in respect of legal advice or legal representation for the purposes of legal proceedings under this Act of the person, or any dependent person, or 30
 - (b) to carry on a business, trade, profession or other occupation to which the asset or payment relates.
- (9) The Court may, on application to it by a person affected by an order under this section, discharge such order where it is satisfied that the basis on which the order was made no longer applies and that it is in the interests of justice to do so. 35
- (10) The Court may not require the Authority to give any undertaking as to damages as a condition for the granting of an order under *subsection (2), (4), (5), (6) or (7)*.
- (11) The hearing of an application under this section shall be conducted in public unless the Court directs that, due to the existence of special circumstances, the proceedings (or part thereof) should be conducted otherwise than in public. 40

(12) Where the relevant gambling activity referred to in *paragraph (b) of subsection (2)* is advertising a gambling activity, the Court may direct the Authority to publish on its website details of the order concerned.

(13) In this section—

“bank” includes a bank outside the State;

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“Court” means the High Court.

PART 9

APPEALS

Definition (*Part 9*)

213. In this Part, “appellant” means a person who brings an appeal under *section 214* or *215*, as the case may be. 10

Appeals to Circuit Court

214. (1) An appellant may bring an appeal to the Circuit Court on notice to the Authority—

(a) against the decision of the Authority under *section 105, 110(4), 111, 119, 121 or 122*, or 15

(b) where a condition is imposed under *subsection (2)(b)(ii) of section 184*, against the imposition of the condition, against the finding of the Authority, stated in the notice of non-compliance issued under that section, that a relevant obligation is being or has been contravened or against both.

(2) An appeal to the Circuit Court under *subsection (1)* shall be made not later than 14 days from the date the decision giving rise to the appeal is notified to the appellant. 20

(3) An appeal to the Circuit Court under *subsection (1)* shall be brought—

(a) where the appellant is resident in the State, in the circuit where the appellant ordinarily resides or carries on any profession, trade or business, and

(b) in all other cases, to the Dublin Circuit Court. 25

(4) In determining an appeal under this section, the Circuit Court may—

(a) refuse the appeal,

(b) where the appeal is made in respect of a decision under *section 105, 110(4), 111, 121 or 122*, allow the appeal and direct the Authority to transfer, grant or renew the licence, as the case may be, under the section concerned, 30

(c) where the appeal is made in respect of a decision under *section 119*, allow the appeal and direct the Authority to issue a certificate under that section, or

(d) where the appeal is made under *subsection (1)(b)*, allow the appeal—

(i) in so far as it relates to the imposition of a condition, or

- (ii) where applicable, in respect of both the decision and the imposition of a condition.
- (5) The Authority shall comply with a direction given to it under *subsection (4)(b)* or *(c)* and shall notify the appellant as soon as practicable after it does so.

Appeals to Appeals Panel 5

- 215.** (1) An appellant may bring an appeal to the Appeals Panel—
- (a) against a determination of the Authority under *section 39* or a decision of the Authority under *section 110(5), 112, 115, 116, 117* or *123*, or
 - (b) against the finding of the Authority, stated in a notice of non-compliance under *section 184*, that a relevant obligation is being or has been contravened, or, where applicable, against the issue of an advice, caution, warning or reprimand under *subsection (2)(b)(i)* of that section, or both. 10
- (2) An appeal under *subsection (1)* shall be determined by an appeals officer or an Appeals Board in accordance with this Part.

Appeals Panel 15

- 216.** (1) Subject to *sections 57* and *58*, the Minister shall, as soon as practicable after the establishment day, establish an Appeals Panel and shall appoint at least 5 persons, other than members, or members of staff, of the Authority, to be members of the Panel.
- (2) The Minister shall appoint one person under *subsection (1)* who is a practising barrister or practising solicitor to be the chairperson of the Appeals Panel. 20
- (3) In making appointments under *subsection (1)*, the Minister shall have regard to the desirability—
- (a) that the members of the Appeals Panel possess knowledge of, and experience, qualifications, training or expertise in, matters specified in *subsection (4)*, and 25
 - (b) of having at least 2 men and 2 women on the Panel.
- (4) The matters referred to in *subsection (3)(a)* are matters connected with—
- (a) legal or compliance functions in a regulated profession or industry,
 - (b) gambling activities,
 - (c) consumer affairs, 30
 - (d) the pathology and treatment of addiction, with particular reference to gambling addiction,
 - (e) information and communications technology, and
 - (f) financial services, including audit and financial forensic services.
- (5) A member of the Appeals Panel shall hold office for such period, not exceeding 4 years from the date of his or her appointment, as the Minister determines. 35

- (6) A member of the Appeals Panel whose term of membership of the Appeals Panel expires shall be eligible for reappointment by the Minister as a member of the Panel but shall not hold office for periods the aggregate of which exceeds 8 years.
- (7) A member of the Appeals Panel shall be paid such remuneration, fees or allowances for expenses (if any) as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines. 5
- (8) A member of the Appeals Panel may resign from office by notice in writing addressed to the Minister and the resignation takes effect on the date the Minister receives the notice, or, if a date is specified in the notice and the Minister agrees to the date, on that date. 10
- (9) Where a member of the Appeals Panel dies, resigns, is removed from office or otherwise ceases to hold office in accordance with *Part 3*, the Minister may appoint a person to be a member of the Appeals Panel to fill the casual vacancy so occasioned.
- (10) A person appointed to be a member of the Appeals Panel pursuant to *subsection (9)*—
 - (a) holds office for so much of the term of office of the member who occasioned the casual vacancy concerned as remains unexpired at the date of the appointment, and 15
 - (b) is eligible for reappointment as a member of the Panel on the expiry of that period.
- (11) The Minister shall furnish such support of an administrative nature to the Appeals Panel as the Minister in his or her opinion determines is necessary to enable the Panel, an appeals officer or an Appeals Board to perform their functions. 20
- (12) The Appeals Panel shall be independent in the performance of its functions.

Application to Appeals Panel and determination of appeal by appeals officer or Appeals Board 25

- 217.** (1) An appeal shall—
- (a) subject to *subsection (2)*, be made to the Appeals Panel by the appellant not later than 14 days from the date the decision giving rise to the appeal is notified to the appellant,
 - (b) be in such form, and accompanied by such information and documentation, as may be prescribed by the Minister under *section 218*, 30
 - (c) if applicable, be accompanied by such fee as may be prescribed by the Authority under *section 36*.
- (2) The chairperson of the Appeals Panel may accept an appeal outside the 14 day period referred to in *subsection (1)(a)* where he or she is satisfied in the particular circumstances that it is in the interests of justice to do so. 35
 - (3) An appellant shall serve a copy of the appeal and the information and documentation accompanying the appeal on the Authority within 7 days of making the appeal to the Appeals Panel.

- (4) Upon receipt by the Appeals Panel of an appeal, the chairperson of the Panel shall appoint either—
- (a) one member of the Panel (in this Act referred to as an “appeals officer”) to determine the appeal, or
 - (b) where he or she considers it necessary and appropriate given the nature of the appeal, 3 members of the Panel (in this Act referred to as an “Appeals Board”) to determine the appeal. 5
- (5) Where an Appeals Board is appointed under *subsection (4)(b)*, the chairperson of an Appeals Board shall be appointed by the chairperson of the Appeals Panel from among the members of the Board and the chairperson of that Board shall regulate the procedure of that Board. 10
- (6) An appeals officer or Appeals Board may refuse to hear an appeal where, in the opinion of the officer or of the Board, the appeal lodged is not made in good faith or is frivolous or vexatious.
- (7) An appeals officer or Appeals Board may request, in writing, a party to an appeal or any other person to furnish information to the officer or the Board, as the case may be, where he, she or it considers the information necessary for the purposes of determining an appeal and the party or other person so requested shall furnish the information within such period as is specified in the request. 15
- (8) An appeals officer or Appeals Board may hold such hearings as he, she or it considers necessary for the purpose of determining an appeal. 20
- (9) Each of the parties to an appeal is entitled to be heard at the hearing and to present evidence to the appeals officer or Appeals Board, as the case may be.
- (10) An appeals officer or Appeals Board may adjourn the hearing of a matter until a date specified by the appeals officer or Appeals Board, as the case may be. 25
- (11) Where an Appeals Board is appointed under *subsection (4)(b)*, a decision by a majority of the members of an Appeals Board shall suffice for any purpose.
- (12) In determining an appeal, the appeals officer or Appeals Board may—
- (a) refuse the appeal,
 - (b) where the appeal is made in respect of a determination under *section 39* or a decision under *section 110(5), 112, 117 or 123*, allow the appeal in whole or in part, 30
 - (c) where the appeal is made in respect of a decision under *section 115 or 116*, allow the appeal and direct the Authority to grant or renew the licence, as the case may be, under the section concerned, or 35
 - (d) where the appeal is made under *section 215(1)(b)*, allow the appeal—
 - (i) in so far as it relates to the finding that a relevant obligation has been or is being contravened,
 - (ii) where applicable, in respect of the advice, caution, warning or reprimand, as the case may be, or 40

- (iii) in respect of both the finding and the advice, caution, warning or reprimand concerned.
- (13) An appeals officer or Appeals Board, as the case may be, shall communicate his, her or its determination under *subsection (12)* to the appellant, the Authority and the Appeals Panel. 5
- (14) The Authority shall comply with a direction given to it under *subsection (12)(c)* and shall notify the appellant as soon as practicable after it does so.
- (15) An appeals officer and an Appeals Board shall be independent in the performance of their functions.

Appeal procedures 10

- 218.** (1) The Minister shall, as soon as practicable after the appointment of the Appeals Panel, following consultation with the Appeals Panel and the Authority, prescribe procedures for the hearing and determination of the appeals provided for under *section 215*.
- (2) Different procedures may be prescribed under *subsection (1)* for different appeals or classes of appeal. 15
 - (3) Without prejudice to the generality of *subsection (1)*, procedures prescribed under this section shall specify—
 - (a) the application form to be used for bringing an appeal, and
 - (b) the information and supporting documentation which shall accompany an application. 20
 - (4) Without prejudice to the generality of *subsection (1)*, procedures prescribed under this section may specify—
 - (a) the time within which an appeal shall be heard,
 - (b) any other person whom the appellant should notify of the bringing of the appeal, or 25
 - (c) the period within which an appeals officer or an Appeals Board hearing an appeal shall, from the date of completion of a hearing or hearings in relation to the appeal, make a determination in relation to the matter.

SCHEDULE 1

Section 2

RELEVANT OFFENCE

1. Murder or manslaughter.
2. An offence under— 5
 - (1) this Act,
 - (2) section 48 of the Offences against the Person Act 1861,
 - (3) section 1 or 2 of the Punishment of Incest Act 1908,
 - (4) the Act of 1931,
 - (5) the Act of 1956, 10
 - (6) section 43 of the Finance Act 1975,
 - (7) the Misuse of Drugs Act 1977,
 - (8) section 2, 3 or 4 of the Criminal Law (Rape) (Amendment) Act 1990,
 - (9) the Criminal Damage Act 1991,
 - (10) section 6, 7, 7A or 9 of the Criminal Law (Sexual Offences) Act 1993, 15
 - (11) the Non-Fatal Offences against the Person Act 1997,
 - (12) section 1078 of Act of 1997,
 - (13) section 3, 4, 4A, 5, 5A or 6 of Child Trafficking and Pornography Act 1998,
 - (14) the Criminal Justice (Theft and Fraud Offences) Act 2001,
 - (15) section 2, 3, 3A or 4 of the Criminal Law (Sexual Offences) Act 2006, 20
 - (16) section 65 of the Consumer Protection Act 2007,
 - (17) section 4, 5 or 6 of the Criminal Law (Human Trafficking) Act 2008,
 - (18) the Act of 2010,
 - (19) section 2, 3 or 4 of the Criminal Justice (Female Genital Mutilation) Act 2012,
 - (20) sections 286, 389, 406, 876, 877 or 878 of the Act of 2014 or under that Act by a 25
person while acting as a director (within the meaning of section 2(1) of that Act),
 - (21) section 3, 4, 5, 6, 7, 8, 21, 22 or 45 of the Criminal Law (Sexual Offences) Act 2017,
 - (22) section 39 of the Domestic Violence Act 2018,
 - (23) the Criminal Justice (Corruption Offences) Act 2018, 30
 - (24) section 2, 3 or 4 of the Harassment, Harmful Communications and Related Offences Act 2020,
 - (25) the Counterfeiting Act 2021,
 - (26) any enactment where the offence involves dishonesty,

- (27) any enactment where the offence relates to excise duty on betting,
- (28) an offence under the law of a place (other than the State)—
 - (a) consisting of an act or omission, that, if committed in the State, would constitute the offence of murder or manslaughter or an offence referred to in any of *subparagraphs (1) to (26)*, or
 - (b) relating to the conduct of gambling activities.

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SCHEDULE 2

Section 12(2)

GAMBLING REGULATORY AUTHORITY OF IRELAND

1. The Authority shall be a body corporate with perpetual succession and an official seal and shall have the power to sue, and may be sued, in its corporate name and shall, with the consent of the Minister and the Minister for Public Expenditure and Reform, have the power to acquire, hold and dispose of land or an interest in land, and shall have the power to acquire, hold and dispose of any other property. 5
2. The seal of the Authority shall be authenticated by the signatures of—
 - (a) the chairperson or another member of the Authority authorised by it to act in that behalf, or 10
 - (b) the chief executive or a member of staff of the Authority authorised by the Authority.
3. Judicial notice shall be taken of the seal of the Authority and any document purporting to be an instrument made by, and to be sealed with the seal of, the Authority shall, unless the contrary is proved, be received in evidence and be deemed to be such instrument without further proof. 15
4. Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal, may be entered or executed on behalf of the Authority by any person generally or specially authorised by the Authority in that behalf. 20

SCHEDULE 3

Section 81

MAXIMUM RELEVANT PAYMENT AND RELEVANT WINNINGS

Maximum relevant payment and maximum winnings		
Description (1)	Maximum relevant payment (2)	Maximum winnings (3)
Relevant game	€10	€3,000
Relevant lottery (other than once-off lottery)	€10	€5,000 per week
Relevant lottery: once-off lottery	€10	€360,000
Gambling licence for charitable or philanthropic purpose	€10	lottery: €30,000 per week game: €3,000 per game
Gambling licence for charitable or philanthropic purpose: once-off activity	lottery: €10 game: €10 betting: €10	lottery: €360,000 game: €360,000 betting: €360,000

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BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le comhlacht a bhunú ar a dtabharfar Údarás Rialála Cearrbhachais na hÉireann nó, sa Bhéarla, *the Gambling Regulatory Authority of Ireland*, chun gealltóireacht, cearrbhachas, crannchuir áirithe agus díol nó soláthar táirgí nó seirbhísí a bhaineann le cearrbhachas a cheadú agus a rialáil; do dhéanamh socrú maidir le maoiniú an Údaráis sin trí mhúirear a fhorchur ar cheadúnaithe; do dhéanamh socrú maidir le clár de dhaoine a shealbhaíonn ceadúnais chearrbhachais sa Stát agus Clár Náisiúnta Eisiaimh Cearrbhachais a bhunú agus a chothabháil; do dhéanamh socrú maidir le Ciste Tionchair Shóisialta a bhunú chun taighde ar chearrbhachas iallaigh agus iomarcach a mhaoiniú, chun cur le feasacht ar chearrbhachas den sórt sin, agus chun deireadh a chur leis nó é a laghdú, i measc nithe eile; do dhéanamh socrú maidir le ranníocaíochtaí leis an gCiste ag ceadúnaithe áirithe; do dhéanamh socrú maidir le hoibleagáidí a fhorchur ar na ceadúnaithe sin, lena n-áirítear oibleagáidí a bhaineann le fógraíocht, cur chun cinn agus urraíocht, chun daoine a ghlacann páirt i gcearrbhachas a chosaint; do dhéanamh socrú maidir le toirmeasc a chur le leanaí do ghlacadh páirt i gcearrbhachas nó a bheith fostaithe sa tionscal cearrbhachais; do dhéanamh socrú, chun a chinntiú go ndéanfar coinníollacha a ghabhann le ceadúnais chearrbhachais agus oibleagáidí a fhorchuirtear ar cheadúnaithe a chomhlíonadh, maidir le bearta um chomhlíonadh agus bearta forfheidhmiúcháin; agus, chun na gríoch sin agus chun críoch eile, d'aisghairm Acht na Suimitheoirí, 1929, an Achta um Gheall-Chur, 1931, an Achta um Chearrbhachas agus Crannchuir, 1956, do chúlghairm ionstraimí reachtúla áirithe agus do dhéanamh socrú maidir le leasú iarmhartach a dhéanamh ar achtacháin áirithe eile; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Dlí agus Cirt a thíolaic,

2 Nollaig, 2022

BILL

(as initiated)

entitled

An Act to provide for the establishment of a body to be known as *Údarás Rialála Cearrbhachais na hÉireann* or, in the English language, the Gambling Regulatory Authority of Ireland for the purposes of licensing and regulating betting, gaming, certain lotteries and the sale or supply of products or services related to gambling; to provide for the funding of that Authority by means of imposition of a charge on licensees; to provide for the establishment and maintenance of a register of persons who hold gambling licences in the State and a National Gambling Exclusion Register; to provide for the establishment of a Social Impact Fund to, among other matters, finance research into, raise awareness of, and eliminate or reduce, compulsive and excessive gambling; to provide for contributions to the Fund by certain licensees; to provide for the imposition of obligations on those licensees including obligations relating to advertising, promotion and sponsorship for the purposes of safeguarding persons participating in gambling; to provide for the prohibition of children participating in gambling or being employed in the gambling industry; to provide, for the purposes of ensuring conditions attached to gambling licences and obligations imposed on licensees are complied with, for compliance and enforcement measures; and for those and other purposes to repeal the Totalisator Act 1929, the Betting Act 1931, the Gaming and Lotteries Act 1956, to revoke certain statutory instruments and to provide for the consequential amendment of certain other enactments; and to provide for related matters.

Presented by the Minister for Justice,

2nd December, 2022