

Reform of Gambling Regulation in Ireland

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This article, relating to Irish law, was written by the team in our Dublin office for Browne Jacobson Ireland LLP.

The Gambling Regulation Bill 2022 (the **Bill**) has passed through both houses of the Oireachtas after a 20-month period and is now awaiting signature of the President. In this article we examine the Bill and some of the latest changes to it during recent weeks. This Bill is set to overhaul and modernise previous legislation dating as far back as 1931 and 1956 and is expected to be enacted sometime in 2025, with exact timing to be confirmed.

New regulation regime

There has been much needed change in the regulatory landscape in relation to gambling in Ireland. This Bill, which is over a decade in the making, establishes the groundwork for the formation of a new, independent statutory entity - the Gambling Regulatory Authority of Ireland (**GRAI**). It also introduces a modern, stringent licensing and regulatory framework applicable to both traditional and online gambling platforms.

A new regulator: GRAI

Until now, licensing and regulation of Gambling in Ireland has been quite fragmented. The establishment of the GRAI will likely make the regulation process in respect of gambling more streamlined. The GRAI will have wide ranging powers and will be permitted to regulate times, places and events where gambling advertising can be broadcast, displayed or published. Further the GRAI will be able to identify the frequency which such advertising may be broadcast, the duration of the advertisements and the number of advertisements which may be shown. In particular, these powers will allow for better regulation in respect of gambling advertisement across social media, and on more traditional media streams.

The GRAI will maintain a social impact fund in order to protect people who engage in gambling behaviours. This fund will specifically be used to finance research and other initiatives to address the gambling associated behaviours, to support awareness and educational campaigns, and also to finance treatment facilities.

Licensing

The Bill outlines a new licensing structure, and there are three categories of license set out in the Bill:

- **Business to consumer license (B2C):** This section requires businesses offering gambling activities to hold a license. Businesses offering gambling activities will be able to apply for both in person and remote B2C licenses. This is a particularly positive development as it will see the regulation of gambling in the online space for the first time.
- **Business to business (B2B):** The introduction of B2B licenses is a new introduction. Businesses providing 'gambling related activities' will also be required to obtain a license where they offer such services to Irish licensees. Businesses who operate in the space of selling or supplying gambling related services will be required to obtain a license.
- **Charitable and philanthropic license:** This is a new category of license introduced by the Bill and will concern for example sports clubs and charities. By obtaining this license, fundraising activities should be more accessible to such entities, with less formalities once the license has been obtained.

Advertising restrictions

The Bill provides for a number of changes and restrictions to the way in which gambling may be advertised. These changes include the following:

- **Time restrictions:** Prohibits airing of gambling ads on various media platforms between 5:30 am and 9:00 pm.
- **Restrictions on sponsorship:** Limits sponsorship of children-related events and organisations by licensees, with some clarifications needed for groups with mixed age categories for example clubs that have adult and juvenile teams.
- **Protection of children:** Prohibits advertisements that could glamorise gambling to children or encourage their participation.
- **Blocking facilities** There is an obligation on licensees to provide information to account holders regarding facilities available to block their access, or the access of a child, or both to gambling websites or platforms.
- **Addressing gambling addiction:**
 - Bans ads promoting excessive or compulsive gambling behaviours.
 - Bans ads that mislead about the benefits of gambling.
 - Requires clear identification of gambling ads, including licensee details and warnings about risks.

The aims of these measures are to ensure responsible advertising in the gambling industry, prioritising public health and safety, especially among children and those susceptible to gambling addiction, with gambling advertisements required to have a disclaimer that it is advertising gambling/betting. This legislative effort is designed to create a safer environment by regulating how gambling is advertised, with a particular emphasis on the protection of minors and vulnerable people.

Key issues in recent weeks

Advertising restrictions: In debates in recent weeks, the Minister has held firm on this notion of a ban on gambling advertising during 5:30 am and 9:00 pm., despite lobbying to the contrary, particularly from the horseracing community. The Minister has emphasised that the restrictions outlined in the Bill are to enable the continuing of gambling as a lawful and legitimate activity, with the necessary safeguards in place.

Inducements: The initial draft of the Bill proposed to introduce a blanket ban on gambling businesses providing promotions, however in the settled text this has been amended to a prohibition on providing promotions to groups of persons, particularly the more vulnerable in society.

Next steps

The Bill has now been passed to the President and will likely be signed into law in the coming weeks. However, since the Bill is subject to a commencement order, it is unclear when exactly the new laws will actually come into effect. It seems that it will be largely dependent on the GRAI being set up and, in a position, to oversee the new regime. There are also transitional periods in place and will remain in place until they expire. Further any license applications made before the Bill is enacted and the revocation of the current gambling laws will also remain valid.

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