



Notification Number: 2012/673/UK

## Draft Gambling (Licensing & Advertising) Bill

Date received : 03/12/2012

End of Standstill : Closed

Issue of detailed opinion by : Malta

### Message

Message 001

Communication from the Commission - SG(2012) D/53067

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pietiekums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2012/0673/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201203067.EN)

#### 1. Structured Information Line

MSG 001 IND 2012 0673 UK EN 03-12-2012 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
Knowledge & Innovation Group  
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

#### 3. Originating Department

Department for Culture, Media & Sport  
Gambling Team  
2-4 Cockspur Street



London, SW1Y 5DH

Email: [kate.jones@culture.gsi.gov.uk](mailto:kate.jones@culture.gsi.gov.uk) or [richard.orpin@culture.gsi.gov.uk](mailto:richard.orpin@culture.gsi.gov.uk)

#### **4. Notification Number**

2012/0673/UK - H00

#### **5. Title**

Draft Gambling (Licensing & Advertising) Bill

#### **6. Products Concerned**

Gambling services provided by means of remote communication, where remote communication means communication using -

- (a) the internet,
- (b) telephone,
- (c) television,
- (d) radio, or
- (e) any other kind of electronic or other technology for facilitating communication.

#### **7. Notification Under Another Act**

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#### **8. Main Content**

In broad terms, the Gambling (Licensing & Advertising) Bill will amend the Gambling Act 2005 by extending the scope of the regulatory regime currently governing the provision of remote gambling services so that all operators (whether based domestically or abroad) who make their remote gambling products available to consumers in Great Britain will come under the regulatory remit of the Gambling Commission.

The Bill extends the territorial application of the Gambling Act 2005 so that operators providing remote gambling facilities, or advertising remote gambling facilities, will require an operating licence from the Gambling Commission not only if one piece of remote gambling equipment used in providing such facilities is situated in Great Britain (as is currently the case) but also if, where no such equipment is situated in Great Britain, the facilities are capable of being used there. All operators who are able to transact with British based consumers will consequently require a Gambling Commission Licence, and will be subject to the provisions of the Gambling Act 2005, its regulations and the Gambling Commission's social responsibility. These operators will be required to pay operating licence fees, and to contribute to research, education and treatment in relation to British problem gambling.

#### **9. Brief Statement of Grounds**

The regulation is a necessary measure to ensure the effective protection of all British based consumers of remote gambling products. Currently, consumers based in Great Britain face different consumer protection arrangements, and have to deal with a myriad of different regulators, depending on where the remote gambling they are taking part in is regulated. This problem is growing as more countries permit online gambling.

The Bill will simplify the system of remote gambling regulation in Great Britain by amending the regulatory



regime from a 'point of supply' to a 'point of consumption' basis, whereby all operators seeking to transact with GB based consumers will require an operating licence regardless of where they are located.

#### **10. Reference Documents - Basic Texts**

References of the Basic Texts: 1) Draft Gambling (Licensing & Advertising) Bill  
2) Draft Gambling (Licensing & Advertising) Bill Explanatory Notes  
3) Gambling Act 2005

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

Yes

#### **16. TBT and SPS aspects**

TBT aspect

No - The draft is not a technical regulation nor a conformity assessment

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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