
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the places which are to be treated as EEA States for the purposes of section 331(2) of the Gambling Act 2005 (“the Act”).

Section 331 of the Act makes it unlawful to advertise foreign gambling other than a lottery (which is dealt with in Part 11 of the Act). Foreign gambling is defined in subsection (2) of section 331. Non-remote gambling constitutes foreign gambling if it takes place in a non-EEA State, and remote gambling constitutes foreign gambling if none of the arrangements for it are subject to the laws of an EEA State. Gibraltar is treated as an EEA State for these purposes. In addition, the Secretary of State may specify that a country or place is to be treated as an EEA State for the purposes of the definition of foreign gambling.

Regulation 2 specifies the Island of Alderney as being a place which is to be treated as an EEA State for the purposes of section 331(2) of the Act, but only in so far as that subsection applies to remote gambling. The section 331 offence will still apply in respect of advertising of non-remote gambling services.

Regulation 3 specifies the Isle of Man as a place which is to be treated as an EEA State for the purposes of section 331(2) of the Act, but only in so far as that subsection applies to remote gambling and non-remote gambling which takes place in a casino. The section 331 offence will still apply in respect of advertising of non-remote gambling services (other than those which take place in a casino).