

EXPLANATORY MEMORANDUM TO

THE GAMBLING ACT 2005 (AMENDMENT OF SCHEDULE 6) ORDER 2018

2018 No. 211

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Digital, Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This Order amends Part 3 of Schedule 6 to the Gambling Act 2005 (“the Act”) so as to add new persons and bodies and update the names of three existing entries for the purposes of the Act.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 Disregarding minor or consequential changes, the territorial application of this instrument includes Scotland.

4. Legislative context

- 4.1 By section 30 of the Act, the Gambling Commission (“the Commission”) may provide certain information to any of the persons or bodies listed in Schedule 6.
- 4.2 This Order amends Part 3 (sport governing bodies) of Schedule 6 so as to add new persons and bodies which manage information to the necessary standard and can help maintain sports betting integrity, and also to reflect changes in the name of existing entries in Part 3.

5. Extent and territorial application

- 5.1 The extent of this instrument is Great Britain.
- 5.2 The territorial application of this instrument is Great Britain.

6. European Convention on Human Rights

- 6.1 The Parliamentary Under Secretary of State for Sport and Civil Society has made the following statement regarding Human Rights:

“In my view, the provisions of the Gambling Act 2005 (Amendment of Schedule 6) Order 2017 are compatible with the Convention rights.”

7. Policy background

What is being done and why

- 7.1 The Commission licenses and regulates most of the people and businesses that provide gambling in Great Britain. One aspect of its oversight of gambling is to ensure that the current standards of sports betting integrity are upheld.
- 7.2 It is vital that intelligence can be shared between all authorities and other persons and bodies (including sport governing bodies) with an interest in sports betting integrity to help to identify suspicious betting patterns and prevent match-fixing. This flow of information is essential to the fight against sports betting corruption, which is harmful both to sport itself and to the associated sports and betting markets.
- 7.3 Schedule 6 of the Act specifies those persons and bodies which manage information to the necessary standard and can help maintain sports betting integrity.
- 7.4 Part 3 of Schedule 6 to the Act lists persons and bodies to which the Commission may, under section 30 of the Act, provide information received by it in the exercise of its functions.
- 7.5 The changes will make it easier for the Commission to share relevant information relating to gambling activity with the persons and bodies listed in Part 3 of Schedule 6.

Consolidation

- 7.6 The Department has no plans at present to consolidate the various amendments which have been made to Schedule 6.

8. Consultation outcome

- 8.1 A public consultation held from 9 November to 8 December 2016 asked about the addition of United Kingdom Anti-Doping Limited (UKAD) to Part 2 of Schedule 6 of the Act, as well as the addition to Part 3 of Darts Regulation Authority, the Irish Rugby Football Union, the Rugby League European Federation and the Tennis Integrity Unit.
- 8.2 Three further bodies were subsequently proposed for inclusion to Part 3 of Schedule 6 and added post consultation: Table Tennis England, Ladies European Tour (golf) and the International Paralympic Committee.
- 8.3 The Department and the Commission consider that all persons and bodies specified in Schedule 6 manage information appropriately, and have a role to play in maintaining the current standards of sports betting integrity.
- 8.4 In particular, all new sport governing bodies specified in Part 3 of Schedule 6 have effective information management governance in place, including a point of contact on betting integrity issues, as well as appropriate infrastructure to receive and store sensitive information. In addition, each such body must have established betting rules for participants and codes that address all issues across the match-fixing spectrum.
- 8.5 The Department has decided that it is sufficient for UKAD to be included in Part 3 of Schedule 6. Part 2 of Schedule 6 to the Act lists enforcement and regulatory bodies which may exchange information with the Commission under section 30 of the Act. There is no need to list UKAD in Part 2 of Schedule 6 because it already has power to provide information to the Commission in accordance with the law.

9. Guidance

9.1 No guidance has been issued.

10. Impact

10.1 The Order does not impose any additional costs on business, charities or voluntary bodies, and will reduce overall costs for the Commission by simplifying the process by which it may share relevant information with the bodies listed in Part 3 of Schedule 6 to the Act. The Order is, in this sense, deregulatory.

10.2 There is no impact on the public sector.

10.3 This instrument is not subject to an impact assessment as the measures to which it gives effect have a net direct impact of under £5m per annum to business, and are therefore considered ‘non-qualifying measures’ for the purpose of the business impact target.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses, but its effect will be to simplify the process by which the Commission may share relevant information with those small businesses.

12. Monitoring and review

12.1 The duty to review regulatory provisions in secondary legislation, set out in sections 28-32 of the Small Business, Enterprise and Employment Act 2015, does not apply to the Order. This is because the Order does not make or amend “regulatory provision” (within the meaning of section 32(4) of that Act) in relation to any qualifying activity.

12.2 The Department and the Commission will keep those persons and bodies which are or which should be specified in Schedule 6 under continuous review.

13. Contact

13.1 Stephanie Wilby at the Department for Digital, Culture, Media and Sport (telephone: 020 7211 2307; email: stephanie.wilby@culture.gov.uk) can answer any queries regarding the instrument.