

2018 No. 453

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Operating Licence Conditions)
(Amendment) Regulations 2018**

Made - - - - *28th March 2018*

Coming into force - - *6th April 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 78 and 355(1) of the Gambling Act 2005(a).

A draft of these Regulations has been laid before and approved by resolution of each House of Parliament in accordance with section 355(4) of the Gambling Act 2005.

Citation and commencement

1. These Regulations may be cited as the Gambling Act 2005 (Operating Licence Conditions) (Amendment) Regulations 2018 and come into force on 6th April 2018.

Amendment to the Gambling Act 2005 (Operating Licence Conditions) Regulations 2007

2. After regulation 3 of the Gambling Act 2005 (Operating Licence Conditions) Regulations 2007(b), insert—

“Condition to be attached to betting operating licences

4.—(1) The condition specified in this regulation is attached to each betting operating licence, including a betting operating licence issued before this provision comes into force.

(2) The condition in this regulation is that nothing may be done in reliance on a betting operating licence in relation to a bet—

(a) on a EuroMillions draw, or

(b) on the outcome of a EuroMillions lottery, regardless of the name given to that lottery or how that lottery is described in any jurisdiction.

(3) The condition applies only in relation to a bet which is or would be made (whether in person or remotely) by a person who is in Great Britain when the bet is or would be made.

(a) 2005 c. 19.
(b) S.I. 2007/2257.

(4) The condition does not apply in relation to the outcome of a lottery which forms part of the National Lottery(a).

(5) Where the condition is attached to a betting operating licence which was issued before this provision comes into force, the condition applies to that licence from the date on which this provision comes into force.

(6) The condition will cease to apply if none of the lotteries which form part of the National Lottery is a EuroMillions lottery.

(7) In this regulation—

“betting operating licence” means a general betting operating licence, a pool betting operating licence or a betting intermediary operating licence(b);

“EuroMillions draw” means a draw(c) in relation to a EuroMillions lottery;

“EuroMillions lottery” means any lottery for which the prizes are allocated by a single draw made periodically by or on behalf of Services Aux Loteries En Europe SCRL, a société coopérative á responsabilité limitée incorporated in Belgium.”.

Tracey Crouch

Minister for Sport and Civil Society

Department for Digital, Culture, Media and Sport

28th March 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify a condition which is to attach to each general betting operating licence, pool betting operating licence and betting intermediary operating licence issued under Part 5 of the Gambling Act 2005 (“the Act”).

The condition attaches to all such licences, including existing licences, and provides that nothing may be done in reliance on such a licence in relation to a bet on the outcome of a EuroMillions lottery or on a EuroMillions draw. Under section 33 of the Act, the holder of an operating licence commits a criminal offence if it fails to conduct its business in accordance with the terms and conditions of the licence. The condition applies to existing licences from the date on which these Regulations take effect, by virtue of paragraph (5) of the condition.

The condition does not apply to bets made by any person who is not in Great Britain when the bet is made.

The lottery promoted in the United Kingdom under the brand name EuroMillions forms part of the National Lottery. Section 95 of the Act imposes a statutory condition on operating licences issued under that Act providing that no betting may take place on the outcome of any lottery that forms part of the National Lottery. Paragraph (4) of the condition specified by these Regulations makes clear that it does not apply in relation to a bet on the outcome of a lottery which forms part of the National Lottery, as this is already covered by the statutory condition in section 95 of the Act.

If the outcome of any lottery which forms part of the National Lottery is no longer determined by a EuroMillions draw, paragraph (6) of the condition provides that that condition ceases to apply.

A full impact assessment has been produced for these Regulations by the Department for Digital, Culture, Media and Sport. The impact assessment and Explanatory Memorandum are available alongside this instrument on the UK Legislation website, legislation.gov.uk.

(a) “National Lottery” is defined in section 1 of the National Lottery etc. Act 1993 (c. 39), as amended by the National Lottery Act 2006 (c. 23), section 3.

(b) These kinds of operating licences are defined in section 65(2) of the Gambling Act 2005.

(c) “Draw” is defined in section 255 of the Gambling Act 2005.

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