



2022 CHAPTER 14

Miscellaneous amendments of 1985 Order

Code of practice

16.—(1) After Article 180 of the 1985 Order insert—

“Code of practice

Code of practice

180A.—(1) The Department must issue one or more codes of practice about the manner in which facilities for gambling are provided (whether by the holder of a licence, permit or certificate under this Order or by another person).

(2) In particular a code must describe arrangements that should be made by a person providing facilities for gambling to meet an expected duty of care to those using the facilities to include, but not be limited to—

- (a) ensuring that gambling is conducted in a fair and open way,
- (b) protecting persons under the age of 18 and other vulnerable persons from being harmed or exploited by gambling, and
- (c) making assistance available to persons who are or may be affected by problems related to gambling.

(3) A code may include provision about how facilities for gambling are advertised or described.

(4) A code may be revised or revoked by the Department.

(5) A code, and any revision, must state when it comes into force.

Changes to legislation: *There are currently no known outstanding effects for the Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022, Section 16. (See end of Document for details)*

(6) The Department must publish a code and any revision in a manner which the Department thinks likely to bring it to the attention of those whose activities it concerns.

(7) The Department may make different provision under this Article for different cases or circumstances (whether or not by way of separate codes of practice).

(8) A failure to comply with a provision of a code does not of itself make a person liable to criminal or civil proceedings.

(9) But a code—

- (a) is admissible in evidence in criminal or civil proceedings,
- (b) must be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant, and
- (c) must be taken into account by the Department, a court or a district council in the exercise of a function under the 1985 Order.

(10) Before issuing or revising a code under this Article the Department must consult—

- (a) such organisations as appear to the Department to represent the interests of the gambling industry in Northern Ireland,
- (b) persons who appear to the Department to have knowledge about social problems relating to gambling,
- (c) in the case of a code including provision by virtue of paragraph (3), persons who appear to the Department to have a relevant responsibility for regulating the advertising industry,
- (d) persons who appear to the Department to represent district councils,
- (e) the Chief Constable, and
- (f) in such manner as the Department thinks appropriate, members of the public.

(11) Serious, significant, continuing or multiple breaches of a code is a ground of revocation or cancellation of a licence, registration or permit under Articles 27, 42, 92, 103 or 121.

(12) In this Article “gambling” means betting, gaming or participating in a lottery.”.

(2) The 1985 Order is amended as follows—

(a) in Article 27(1) (grounds for application for revocation of bookmakers’ licences) after sub-paragraph (d) insert—

“(da) that the business carried on under the licence has been carried on in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; or”;

Changes to legislation: *There are currently no known outstanding effects for the Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022, Section 16. (See end of Document for details)*

- (b) in Article 28(1) (grounds for application for revocation of bookmaking office licences) after sub-paragraph (d) insert—
- “(da) that the business carried on in the licensed office has been carried on in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; or”;
- (c) in Article 42(1) (grounds for revocation of track betting licences) after sub-paragraph (a) insert—
- “(aa) that the track has been conducted in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; or”;
- (d) in Article 72(1) (grounds for application for revocation of bingo club licences) after sub-paragraph (g) insert—
- “(ga) that gaming on the bingo club premises has been conducted in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; or”;
- (e) in Article 92(1) (grounds for application for revocation of gaming machine certificates) after sub-paragraph (a) insert—
- “(aa) that the business carried on under the licence has been carried on in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; or”;
- (f) in Article 103(1) (grounds for application for cancellation of registration of club) after sub-paragraph (c) insert—
- “(ca) that gaming carried on in the premises of the club has been carried on in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; or”;
- (g) in Article 149(1) (grounds for application for revocation of lottery certificates) after sub-paragraph (d) insert—
- “(da) that the business carried on under the certificate has been carried on in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; or”.

Commencement Information

- I1** S. 16 not in operation at Royal Assent, see [s. 17\(3\)](#)
- I2** S. 16 in operation at 1.10.2023 by [S.R. 2023/74](#), art. 2, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Betting, Gaming, Lotteries and Amusements (Amendment) Act (Northern Ireland) 2022, Section 16.