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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Gambling Act 2005 (Advertising of Foreign Gambling) Regulations 2007 (referred to in this note as the “Principal Regulations”).

Section 331 of the Gambling Act 2005 (“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 of the Act. 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.

The Principal Regulations specify the places which are to be treated as an EEA State for the purposes of section 331(2) of the Act. Regulation 2 of the Principal Regulations specifies those places which are 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.

Regulation 2 substitutes a new regulation for regulation 2 of the Principal Regulations. The purpose is to add Antigua and Barbuda to the list of places which are to be treated as an EEA State for the purposes of section 331(2), but only in so far as that subsection applies to remote gambling. The effect is that any place which is regulated by the gambling laws of Antigua and Barbuda will be able to advertise their remote gambling services in the United Kingdom without committing an offence under the Act. The section 331 offence will still apply in respect of advertising of non-remote gambling services.

Regulation 3 revokes the Gambling Act 2005 (Advertising of Foreign Gambling) (Amendment) Regulations 2008 (referred to in this note as the “Amendment Regulations”). The Amendment Regulations substituted regulation 2 of the Principal Regulations for the purpose of adding Tasmania to the list of places which are to be treated as an EEA State for the purposes of section 331(2) of the Act. These Regulations include a reference to Tasmania in the substituted version of regulation 2, thereby making the Amendment Regulations redundant.