

2008 No. 2829

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Advertising of Foreign Gambling)
(Amendment) (No.2) Regulations 2008**

<i>Made</i>	- - - -	<i>28th October 2008</i>
<i>Laid before Parliament</i>		<i>30th October 2008</i>
<i>Coming into force</i>		<i>20th November 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 331(4) and 355(1) of the Gambling Act 2005(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Advertising of Foreign Gambling) (Amendment) (No.2) Regulations 2008 and shall come into force on 20th November 2008.

(2) In these Regulations “the Act” means the Gambling Act 2005.

Amendment to the Gambling Act 2005 (Advertising of Foreign Gambling) Regulations 2007

2.—(1) The Gambling Act 2005 (Advertising of Foreign Gambling) Regulations 2007(b) shall be amended as follows.

(2) For regulation 2 substitute—

“2.—(1) This regulation specifies for the purposes of subsection (4) of section 331 of the Act (prohibition on the advertising of gambling taking place or originating from a non-EEA State(c)) the places which are to be treated for the purposes of subsection (2) of that section as if they were an EEA State, but only in so far as that subsection applies to remote gambling(d).

(2) The places referred to in paragraph (1) are—

- (a) the Island of Alderney,
- (b) Tasmania, and
- (c) Antigua and Barbuda.”.

(a) 2005 c.19.

(b) S.I. 2007/2329; as amended by The Gambling Act 2005 (Advertising of Foreign Gambling) (Amendment) Regulations 2008 (S.I. 2008/19).

(c) For the meaning of “EEA State” see section 353(1) of the Act.

(d) For the meaning of “remote gambling” see section 4 of the Act.

Revocation

3. The Gambling Act 2005 (Amendment of Foreign Gambling) (Amendment) Regulations 2008^(a) are revoked.

28th October 2008

Gerry Sutcliffe
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

^(a) S.I. 2008/19.

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.

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