



The legal view on the new Irish gambling regulations

Lawyers from leading Irish firms give their thoughts on the new bill as the government ushers in the biggest shakeup to gambling in the country since the 1950s



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Two weeks ago, [Ireland ushered in the Gambling Regulation Act 2024](#) to bring a conclusion to years of work that will fundamentally shift the makeup of the sector in the country.

Here, *EGR* details the thoughts of leading lawyers and solicitors from across Ireland following the landmark moment

Joe Kelly, A&L Goodbody

The Gambling Regulation Act 2024 updates the previous laws and regulations governing the industry, and establishes for the first time, a purpose-built regulator, the Gambling Regulatory Authority of Ireland (GRAI).

The Act also provides for the introduction of a new licensing regime for those providing gambling services in Ireland and puts in place a legislative framework for supervising and enforcing industry compliance.

Under the Act, all those providing gambling services in Ireland, will require a licence. The Act provides for B2C licences which will be required by operators providing online or in-person gaming, betting or commercial lottery products. This licensing obligation applies to online operators irrespective of whether they have an established base in Ireland.

The legislators have been sensible in how they have gone about their task. They have eschewed a prohibitionist approach in favour of implementing some restrictions in order to curb or control certain behaviours. That applies to gambling advertising, where there is now an advertising watershed, in which gambling advertisements are prohibited between 5.30am and 9pm.

In keeping with the contemporary media landscape, these restrictions apply to both traditional forms of advertising, for example TV and radio, but also to advertising on certain online platforms.

Particularly noteworthy for those providing gambling services in Ireland are the wide-ranging enforcement powers of the GRAI aimed at penalising non-compliance with the Act. Where a licensee is found to be in default of its obligations under the Act, the GRAI will have the power to impose fines of up to €20m (£17m) or 10% of a licensee's annual turnover, whichever is greater.

The Act has been welcomed as a comprehensive modernisation which was long overdue. The passage of the Act marks a significant legislative achievement in light of the approximately 15 years of policy and legislative work that had been undertaken to get to this stage.

The Act's principal aim is the protection of public health. Commenting on the Act, James Browne, the minister of state for justice, said: "At its core, this legislation is a public-health measure aimed at protecting our citizens from gambling harm, including younger people and those more vulnerable in our communities."

That policy imperative is reflected in measures introduced under the Act such as the National Gambling Exclusion Register, which allows a person to voluntarily exclude themselves from participating in online gambling services. Similarly, the Act provides for the establishment of a Social Impact Fund, out of which funds collected from licensees, will be directed towards various initiatives targeting problem gambling in Irish society.

However, in fulfilling its regulatory functions, the GRAI will have to strike a reasonable balance between the protection of public health and ensuring that regulatory enforcement doesn't become so onerous as to disincentivise operators from entering or remaining in the Irish market.

A failure to strike such a balance could potentially push consumers into gambling black markets and materially reduce the value of an Irish licence and the contribution to be made by the industry to the wider Irish economy.

While the substantially reformed regulatory regime is a positive step forward, it is worth noting that the Act is very much a framework. Much of the detail in respect of how its various provisions will operate in practice, will fall to be determined by regulations and guidance notes to be introduced by the GRAI. How the GRAI exercises its powers in this regard will be of paramount importance in striking the necessary balance to ensure the future success of gambling regulation in Ireland.



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Kelly is a member of the both International Masters of Gaming Law and the International Association of Gaming Advisors, as well as being a regular speaker at international conferences on gaming and betting topics.

Rob Corbet and Lorraine Sheridan, Arthur Cox

Gambling in Ireland has long been governed by piecemeal legislation from the mid-20th century and while that legislation has seen some amendments, it has failed to keep pace with the rapidly advancing gambling industry. Successive governments have attempted to overhaul the regulation of gambling in Ireland but to no avail.

Finally, after an almost two-year expedition, the Gambling Regulation Bill 2022 passed through the Oireachtas on 16 October.

The act has the potential to revolutionise the way gambling has operated in this jurisdiction. The key features of the act are the creation of the GRAI, the first Irish gambling regulator, an entirely new central licensing regime, an industry funded Social Impact Fund and a suite of player protections including the creation of the National Gambling Exclusion Register, a ban on targeted inducements, restrictions on advertising and a ban on the use of credit for gambling.

While the passing of the legislation is momentous (and credit should go to the outgoing government for achieving what several previous governments were unable to), even when the act is signed into law, the changes are unlikely to be implemented overnight.

As most of the restrictions and conditions are tied to the licences themselves, the first tangible changes we are likely to see will only occur once the GRAI is fully up and running and the new licensing system is in place.

In a nutshell, almost all gambling activity in Ireland will require a licence from the GRAI. The Irish National Lottery is not covered by the act and it continues to be governed by the National Lottery Act 2013. Interestingly, lottery fundraising by political parties also falls outside of the act.

The act places limits on the maximum charges and winnings for certain gambling activities based on their frequency and the specific activity, however the amounts may be varied by regulation.

Where a lottery, game or pool betting is carried out under a gambling licence for charitable and philanthropic purposes however, the act places no maximum stake for participation which will be a welcome development for the charities sector. The maximum winnings will depend on the specific activity and whether the activity is once-off or not.

One of the cornerstones underpinning the act is the protection of vulnerable players and the act delivers many provisions in that regard. Licensees will be prohibited from offering targeted inducements. This specific provision has evolved through debate on the act but does stop short of being an outright prohibition on inducements which many had argued for.

There are also many restrictions placed on advertising including a watershed, prohibitions on certain content being contained in advertisements and strict conditions relating to advertising on audiovisual and sound on-demand services, social media and video sharing platforms and other electronic communications. Licensees will also be prohibited from accepting credit from participants, this includes credit cards and the extension or arranging of credit facilities for participants.

Some of the player protection provisions do involve an element of proactivity on the part of individuals, for example players will have the ability to self-exclude by means of enrolment on the National Gambling Exclusion Register and will also have the ability to place monetary limits on their gambling activities.

Under the new legislation, the GRAI will establish and maintain a Social Impact Fund which will be funded by annual contributions from licensees, with the exception of those holding gambling licences for charitable and philanthropic purposes. The Fund will be used to finance activities such as the research, education and treatment of compulsive or excessive gambling.

In terms of encouraging compliance, the act has real teeth with the ability to levy administrative sanctions including significant fines of up to €20m or 10% of the licensee's turnover for the previous year if greater. The act also creates numerous criminal offences. For example, operating without a licence or permitting a child to participate in a relevant gambling activity is liable to a prison term of up to eight years on conviction on indictment.

While the act has the potential to revolutionise gambling in Ireland, with a general election imminent, the true impact of the act will depend on the speed and agility of the next Minister for Justice in commencing the relevant sections in a logical sequence whilst ensuring the GRAI having sufficient resources and adequate expertise to navigate their extensive new brief.



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Alan Heuston, McCann FitzGerald

On 23 October, the Gambling Regulation Bill was signed into law, almost two years after the bill was initially published, three years after it was announced by the current government and 17 years of planning and which involved the work of six successive ministers. It is not an overstatement to say that the bill represents the most significant reform of gambling legislation in the history of the Irish state.

It is widely acknowledged and accepted that the current regulatory framework in Ireland is outdated, in need of reform and is insufficient to manage the complexities of modern gambling. The requirement to reform the existing regime is coupled with and likely overshadowed by the need to tackle the growing issue of problem gambling in Ireland.

Recent studies have shown that one in 30 adults in Ireland suffer from problem gambling. The bill seeks to strike a balance between protecting punters and the young from the harms that gambling can give rise to and providing a framework for operators to provide their services within. However, with any piece of legislation that is framed as a public health measure one has to expect that it contains measures which are not universally welcomed by operators.

Key measures:

- The bill establishes the GRAI which will be responsible for the regulation and supervision of all forms of gambling in the state. This is certainly a positive

development as currently; the regulation of gambling is rather disjointed and falls between a number of governmental departments.

- The bill introduces a new licensing regime with three categories of licenses being available, namely B2C licences, B2B licences and charitable/philanthropic licences. This therefore creates a framework for operators to obtain licences to legally provide many forms of gambling products (for example, gaming) for which licences cannot currently be obtained. One important point worth noting is that the categories of service providers who will be required to apply for a B2B licence is broad and includes those providing odds to licensees, online hosting services, indispensable support and maintenance services, risk and fraud management services, services relating to the protection and safeguarding participants and the installation, maintenance or upgrading of software. Up until now, B2B service providers were not required to obtain a licence when operating in Ireland.
- Perhaps the most scrutinised and restrictive provisions in the Bill are those relating to advertising, which have been subject to intense criticism from various industry stakeholders. A watershed restriction will apply to gambling advertisements between the hours of 5.30am and 9pm. Although certain exemptions are available, there has been extensive criticism from both operators and broadcasters on the watershed who claim that it could result in making broadcasting horseracing in Ireland unviable. In addition to the watershed, gambling advertisements will be prohibited on certain on-demand and social media services, unless the recipient has an account with the platform concerned. The GRAI may also introduce additional restrictions on advertising, for example, prohibiting the inclusion of certain matters in advertisements, prescribing the times, places and events at which advertisements may be shown as well as limiting the frequency and duration of advertisements.
- The bill also prohibits “targeted” inducements (ie those aimed at individuals on the basis of gender, age, ethnicity or at supporters of a specific sports team). However, inducements aimed at the general public will be permitted under the new regime. Significantly, the Bill imposes maximum stake (€10) and maximum winnings limits (€3,000) on casino games, with similar restrictions applied to lotteries (excluding the National Lottery in Ireland) and bingo. These restrictions have been widely criticised by operators that claim it will make certain games unviable and drive players to unlicensed black market operators. For example, one would question how a game offering a progressive jackpot could adhere to these restrictions. One also simply needs to look at the changes made by the Greek authorities a number of years ago, which increased winnings limits from €70,000 to €140,000 (46x higher than the limits in Ireland).
- In welcome news, the bill creates a Social Impact Fund will be created to fund research, and initiatives aimed at reducing or eliminating problematic gambling. A National Self Exclusion Register will also be established which will prohibit operators from accepting bets from customers who have opted to self-exclude from online services. Credit card gambling will also be prohibited.

In terms of next steps, although the act has been signed into law, it is subject to a commencement order which means it remains unclear as to when the new regime will formally take effect.

One would imagine the immediate focus will be ensuring the GRAI is operational as soon as possible. The CEO designate has already been appointed with 11 other posts already sanctioned and filled. Directors are in situ in the areas of licensing, corporate services and ICT. Transitional provisions have been included which provide that existing licences will remain in force until expiry and any current applications which are submitted prior to the enactment of the Bill and the revocation of the current gambling laws will also remain valid.

As at the date of writing, it is reasonable to assume that the existing licencing regime will remain valid for the renewal processes for existing licences in 2025. If that is the case, the current regulatory regime will continue to apply to those licences. However, it is important to point out that any renewals of licences under the existing regime will be valid for one year (rather than two years, as is currently the case).

The Irish government clearly had an extremely difficult and unenviable task in striking a balance between protecting vulnerable people and preserving an industry that is estimated to be worth between €6bn and €8bn annually. While some of the measures are undoubtedly welcome, it remains to be seen what commercial impact the restrictions on advertising and gaming limits, in particular, will have on operators.



Alan Heuston is a partner in McCann FitzGerald, heading up its betting and gaming practice. He is widely regarded as one of the leading advisers in the area of gambling. Prior to joining McCann FitzGerald, Heuston worked at Flutter Entertainment, where he was head of tax for its leading brand Paddy Power.

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