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MEMORANDUM

From : Rheuben Thomas, GSC
Date : 13th December 2016
Subject : Changes to Opening Hours/Days for Licensed Betting Offices

Purpose of the Document

The Gambling Supervision Commission (GSC) is undertaking a consultation regarding two proposed secondary legislative changes related to the days and hours a Licensed Betting Office (LBO) can be open.

The GSC would be grateful for any comments on the proposals to be submitted by e-mail on or before Friday 13th January 2017. The e-mail address is Rheuben.Thomas@gov.im

It will be helpful if respondents can complete their e-mail subject line with "Consultation response" or something similar.

It is possible that respondents' comments will be published so if a respondent wishes to not be attributed to a comment, it should be made clear in the response.

It should be noted that while the suggested changes to legislation in this document are designed to meet the GSC's policy objectives, the precise legislative changes remain subject to the approval of the Government's drafters although any deviation will only be in approach and wording. The GSC's policy and intentions will remain unchanged.

The Legislative Process

Although these changes are limited to secondary legislation and therefore not subject to mandatory consultation, it will be beneficial to consult on the proposed changes.

Initially, the Commission members should indicate that they are happy to proceed. Then Treasury should be informed and asked for comment. Finally, a consultation with industry and other stakeholders should be undertaken.

The Proposed Changes

This paper is seeking the Treasury Board's consent to draft secondary legislation to make two amendments to regulations:

1. An amendment to the days on which a LBO cannot be open; and
2. An amendment to regularise a position in law which defines the hours an LBO can be open on weekdays, but is silent about the same on weekends.

In Summary - Opening Days

A Licensed Betting Office cannot be open on Good Friday and Christmas Day. The Gambling Supervision Commission has received representation from the licensed betting office sector seeking amendments to regulations to revise the restriction so allowing for opening on Good Friday.

The Gaming, Betting and Lotteries (Amendment) Act 2001 sets out the days on which LBOs cannot be open. Currently these are Good Friday and Christmas Day. Representation has been made by the LBO sector seeking a change to the regulations to allow opening on Good Friday.

Good Friday has become a significant day in the sporting calendar particularly in the sports of horse racing and football. The regulations prohibit LBOs from offering their services on what is generally a public holiday and the start of an extended key sporting weekend. Further, the online industry does not have such a restriction and a change would go some way to providing parity for the local land based operators with their online counterparts. The Gambling Supervision Commission sees no additional consumer risk arising from LBOs being open on Good Friday.

The proposed change:

At Present:

The Gaming, Betting and Lotteries (Amendment) Act 2001 - Conduct of Betting Offices includes:

1. *"Opening hours...The premises shall be closed throughout Good Friday and Christmas Day." as if it were contained in regulations under section 20(1) of that Act, as substituted by subsection (1), and may be amended or revoked accordingly.*

Proposed:

1. *"Opening hours...The premises shall be closed throughout Christmas Day." as if it were contained in regulations under section 20(1) of that Act, as substituted by subsection (1), and may be amended or revoked accordingly.*

In Summary - Opening Hours

The hours during which a Licensed Betting Office can be open are set out by Order. The Order specifies the opening hours for weekdays only and makes no mention of weekends. The Gambling Supervision Commission will regularise this position by specifying the opening hours during weekends.

The Licensed Betting Offices (Opening Hours) Order 2000 (The Order) sets out the hours a Licensed Betting Office can be open. The Order states that LBOs may be open on weekdays between 8:00am and 10:00pm. The Order does not set out the hours an LBO can be open at the weekend. Theoretically an LBO could be open for 24 hours on Saturdays and Sundays. This amendment will bring certainty to the hours during which LBOs can be open.

The proposed change:

At Present:

The Licensed Betting Offices (Opening Hours) Order 2000 includes:

2. Opening Hours for licensed betting offices

The hours during which licensed betting offices may be open on weekdays are between 8:00am and 10:00pm.

Proposed:

2. Opening Hours for licensed betting offices

The hours during which licensed betting offices may be open are:

- *Monday to Saturday between 8:00am and 10:00pm; and*
- *Sunday between 10:00am and 10:00pm.*