
GAMBLING (PROHIBITION OF ADVERTISING) BILL 2021

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ACTS REFERRED TO

Broadcasting Act 2009 (No. 18)

Finance Act 1992 (No. 9)

Gaming and Lotteries Act 1956 (No. 2)

GAMBLING (PROHIBITION OF ADVERTISING) BILL 2021

Bill

entitled

An Act to regulate in the public interest advertising and sponsorship of gambling; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Interpretation

1. (1) In this Act –

“advertisement” –

- (a) means any form of commercial communication with the aim or effect of promoting or recommending the services of a gambling undertaking, whether to the public generally or to a class of members of the public,
- (b) save in relation to the sponsorship of broadcast programmes, does not include sponsorship;

“gambling” –

- (a) includes gaming and wagering,
- (b) does not include taking part in a lottery or in bingo or playing an amusement machine of the kind referred to in section 120 of the Finance Act 1992;

“gambling undertaking” means an undertaking engaged for gain in providing facilities for gambling, including the acceptance of wagers;

“sponsorship” means the giving of financial or other assistance by a gambling undertaking to a person, or in relation to an event or to the broadcast of a programme, with a view to promoting the undertaking or its activities or services in association with that person, event or programme.

- (2) A word or expression that is used in this Act and in the Gaming and Lotteries Act 1956 has, unless the context otherwise requires, the same meaning in this Act that it has in that Act.

Non-application of Act

- 2. This Act does not apply to advertising in connection with the promotion of a gambling event for the benefit of a charitable or philanthropic purpose, where –

- (a) the event takes place on a once-off rather than an ongoing basis, and
- (b) the promoter of the event derives no personal profit and has not conducted such an event during the preceding 3 months.

Non-broadcast advertising

3. (1) Subject to *subsection (2)*, a person shall not advertise, or cause to be advertised, by means other than broadcasting, gambling.
- (2) This section does not apply to advertising in printed matter that is published for distribution only at a horse racecourse or dog racetrack, in connection with the races to take place at the racecourse or racetrack concerned on the day it is to be so distributed.
- (3) A person who contravenes *subsection (1)* is guilty of an offence.

Broadcast advertising

4. (1) It is an offence for a broadcaster to broadcast, or for a person to cause a broadcaster to broadcast, an advertisement for gambling.
- (2) In *subsection (1)*, “broadcaster” means –
- (a) a broadcaster to which the Broadcasting Act 2009 applies, or
 - (b) a media service provider, within the meaning of the European Communities (Audiovisual Media Services) Regulations 2010 (S.I. No. 258 Of 2010) –
 - (i) which is, within the meaning of those Regulations, under the jurisdiction of a state that is not a Member State of the European Union, and
 - (ii) which provides an audiovisual media service (including audiovisual commercial communications) which is wholly or mostly directed towards the State.
- (3) *Subsection (1)* does not apply to the sponsorship of broadcast programmes by a broadcaster within the meaning of *subsection (2) (b)*.

Offences

5. (1) A person guilty of an offence under this Act is liable –
- (a) on summary conviction, to a class A fine, or imprisonment for a term not exceeding 6 months, or both, or
 - (b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 3 years, or both.
- (2) If the contravention in respect of which a person is convicted of an offence under this Act is continued after the conviction, the person is guilty of a further offence on every day on which the contravention continues and for each such offence the person is liable, on summary conviction, to a fine not exceeding €2,000.

- (3) In proceedings for an offence under this Act, it is a defence for a person against whom the proceedings are brought to show that he or she made all reasonable efforts to ensure compliance with such provisions of this Act as are alleged to have been contravened.
- (4) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person purporting to act in such capacity, that person is, as well as the body corporate, guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (5) Where the affairs of a body corporate are managed by its members, *subsection (4)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Short title and commencement.

6. (1) This Act may be cited as the Gambling (Prohibition of Advertising) Act 2021.
- (2) This Act comes into operation six months after its enactment.