

**CHURCH OF SCOTLAND  
CHURCH AND SOCIETY COUNCIL**

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Charity Number: SCO11353



## Official Response

**SUBJECT:** A Consultation on the Regulatory Future of Remote Gambling in Great Britain  
**REQUESTED BY:** Department for Culture, Media and Sport  
**REFERENCE:** OR-008  
**DATE:** Friday 18 June 2010  
**SUBMITTED BY:** David Bradwell for the Church and Society Council

**Question 1: Do you agree with the Government's preferred option in relation to EEA and Gibraltar licensed operators? If not, please set out clearly your reasons and let us know if you consider any of the options, or any other option not considered in this paper to be more appropriate.**

Yes. We agree with the Government's analysis of the issue and support the way forward outlined in the consultation document.

**Question 2: Do you agree with the Government's preferred option b) above? If not, please set out clearly your reasons and let us know if you consider any of the options, or any other option not considered in this paper, to be more appropriate.**

Yes. This seems to be a sensible way forward. If the White List process is to be improved and 'streamlined' (para 4.42), we would urge that this does not mean 'with more haste', as it is very important that the highest standards of player protection and keeping vulnerable people and children from being harmed or exploited by gambling are given full consideration.

**Question 3: Do you agree with the Government's preferred overall option in relation to EEA, Gibraltar and white listed operators? If not, please set out clearly your reasons and let us know if you consider any of the options, any other combination of the options, or any other options not considered in this paper, to be more appropriate.**

Yes. We support the approach that is outlined in the consultation paper.

**Question 4: Do you agree with the twin triggers for requiring a licence?**

Yes. Remote gambling operators should be required to apply for a Gambling Commission licence if they have access to the British market as well as if they locate remote gambling equipment in Britain.

**Question 5: Do you agree with the definition of ‘transacting with British consumers’?**

Yes. The definition used in the consultation document is appropriate.

**Question 6: Do you agree that the above definitions of advertising are appropriate?**

Yes, we are largely satisfied that they are appropriate. However, we would like to ask the Department to continue to monitor this area closely, as trends in internet use and advertising may change.

It is important that changing trends and new research can support the development of regulation in this area.

We broadly support the intention of what the Government is trying to achieve, and offer our encouragement to the Department to monitor this issue and be prepared to propose changes to regulations which can easily be implemented should the need arise. Is there a case for amendments to the Gambling Act 2005 to include additional powers for the Secretary of State to make regulations on this question under secondary legislation, for instance?

**Question 7: Do you agree that direct mail and spam etc are a low impact and less successful form of advertising?**

This question does not fall within our area of expertise.

**Question 8: Do you think we should permit the advertising of non-remote foreign gambling without the requirement for the operator to be located in a white listed jurisdiction or to hold a Commission licence?**

No. There is nothing in this proposal which has any merit whatsoever.

The third licensing objective is to protect vulnerable people from being harmed or exploited by gambling. Advertising non-remote gambling in non-whitelisted jurisdictions will not help this licensing objective.

In fact, it will only help the non-remote gambling operator in a country which is outwith the EEA. This is not in the interest of British citizens, British companies or businesses based in fellow European countries.

We urge the Government not to pursue this proposal.

**Question 9: Do you agree with our initial assessment regarding approaches towards compliance of remote gambling operators that may be based wholly or partly overseas? In particular in relation to:**

- a. additional fees**
- b. MOUs or other agreements between regulators.**
- c. Requiring some presence in Britain.**

**If not, please state your reasons why as well as the approach you consider the Government should take.**

Yes. The approach outlined is pragmatic, and as long as the three licensing objectives are always at the forefront of regulatory change then this is an appropriate way forward.

**Question 10: Do you agree with the Government's proposals relating to offences as set out above? If not please clearly state your reasons why as well as your views on the approach you consider the Government should take.**

Yes. These proposals are reasonable.

**Question 11: Do you think we have considered that above two restriction measures adequately? If not, please set out clearly your reasons and your views on the approach you consider the Government should take.**

We do not agree that consideration of possible Internet Service Provider Blocking and Financial Transaction Blocking has been exhausted and would like to ask that they remain on the agenda.

We would like to see the Government build on its work as leading this issue on the international stage, following the October 2006 summit conference. In particular, there may be ideas and good practice that the UK can learn from other countries, as well as sharing the approach that the Government has taken.

If Financial Transaction Blocking is being used or being considered in other jurisdictions, including the USA and EU members, then any technical and financial issues must be small and easy to overcome. This option should be reconsidered.

**Question 12: Do you agree that the Government should consider taking powers in legislation to implement technological enforcement measures in the future in the event it became necessary and appropriate to do so? If not, please set out clearly your reasons and your views on the approach you consider the Government should take**

Yes. This is a very fluid area of regulation as the impact of new technology is felt. It may be that in the future unregulated offshore remote gambling might lead

to considerable social or financial problems, and it is therefore right that it is kept under review in the light of evidence and experience.

**Question 13: Do you agree with the proposed consumer awareness raising measures that we have proposed? If not, please clearly state why as well as the approach you consider should be taken.**

Yes, this is a welcome step. However, we wonder how many players are actually aware of how and why remote gambling is regulated and what a Gambling Commission licence means. How many players, for instance, would recognise the Gambling Commission logo and feel a sense of security that they are playing on a regulated site? It is not clear from the consultation document whether this will necessarily have the desired effect on the majority of players.

**Question 14: Do you agree with the Government's overall approach to enforcement as set out above? If not, please clearly set out the reasons why as well as your views regarding the approach you consider the Government should take.**

Yes.