

Compliance with consumer law and licence conditions – further clarifications

June 2018

We have received a small number of similar queries from the sector about the interpretation of the undertakings. We have liaised with the CMA and set out below our shared view.

Q1. Undertaking 5: Do operators need to display balance and bonus pots within in-game view?

No. The purpose of Undertaking 5 is to ensure that a consumer can easily determine how much they can withdraw at any point in time. We are satisfied this can be achieved by a consumer switching back to the account home page from the in-game view, provided that both balances are displayed clearly on the account home page. Accordingly, our view is that displaying both the Deposit Balance and Bonus Balance on the account home page, but not within the in-game view, would comply with the Undertaking.

Q2. Undertaking 3: At what point should the customer be notified that they are playing with Restricted Funds; and how will a customer know when they stop playing with these funds?

The key principle embodied by Undertaking 3 is that operators should be proactive in informing consumers so they are aware when they are playing with Restricted Funds – as such, simply including the information in website terms and conditions is insufficient to comply.

As the CMA stated in its [Overview for Industry](#) (page 12), operators could comply with the undertaking by telling consumers when they commence play with Restricted Funds and reminding them of the restrictions. We consider consumers should be told this again whenever they start a new play session where they are playing with Restricted Funds. For example, if a consumer pauses play with Restricted Funds and logs out or their account times out, we consider operators should remind them when they next log in and play that they are playing with Restricted Funds and the implications of that. It is open to operators to determine how best to inform consumers when they are playing with Restricted Funds.

Operators should also note the requirement in the undertaking to inform consumers, if they are playing with Restricted Funds, about the nature of, and consequences of non-compliance with, the Promotional Play Restrictions or Wagering Requirements. Again, it is open to operators to determine how best to provide this information transparently – for instance in (or one click from) the notice or reminder to consumers that they are playing with Restricted Funds.

As we have explained, operators should ensure that they comply with consumer law and avoid misleading practices or practices that contravene the requirements of professional diligence. Whereas the key focus of Undertaking 3 is to ensure that consumers are aware when they are playing with Restricted Funds, and that restrictions apply, we expect operators to ensure that consumers do not mistakenly think they are still playing with Restricted Funds such as bonus funds if they are in fact playing with unrestricted funds. It follows that operators should consider carefully if it might be necessary to inform consumers that they are no longer playing with Restricted Funds and, if so, how to do so.

This may depend on how promotions are structured and how key account information is presented to consumers. However, we consider it unlikely that compliance with consumer law would require operators to inform consumers every time they start a new play session with unrestricted funds.

Please note: Whilst we can confirm the meaning and general requirements of the undertakings themselves, we are unable to offer more detailed or practical advice on how operators should implement the undertakings. This is particularly so where compliance is contingent on many contextual factors which we cannot know. Operators should review their practices and consider whether, if challenged, they could demonstrate that any changes they have made meet the principles in the undertakings.