

GAMBLING COMMISSION

Conditions and Codes of Practice applicable to:

Remote External Lottery Manager Licences
Remote non-commercial Society Lottery Licences
Remote Local Authority Lottery Licences

December 2008

Your licence is subject to certain conditions and codes of practice, these are detailed in the following pages

Statutory conditions attached by virtue of the Act

Social responsibility

This licence is subject to a condition that the licensee ensures compliance with any relevant social responsibility provision of a code of practice issued by the Commission. The social responsibility provisions that are relevant to the activities authorised by this licence are set out in the section entitled Codes of Practice.

(Sections 24 and 82(1) Gambling Act 2005)

Return of stakes to children

This licence is subject to a condition that if the licensee (or anyone employed by the licensee to perform an operational function within the meaning of Section 80 of the Act) becomes aware that a child is using or has used facilities for gambling provided in reliance on the licence, the licensee;

- (a) must return any money paid in respect of the use of those facilities (whether by way of fee, stake or otherwise) by the child as soon as is reasonably practicable, and
- (b) may not give a prize to the child.

This condition does not apply to use of a Category D gaming machine.

(Section 83(1))

Other statutory conditions

The following condition applies to remote lottery manager operating licences only

To the extent this licence is relied on to authorise action as an external lottery manager in respect of lotteries promoted by societies or local authorities whose lottery operating licences require them to ensure that all the arrangements for the lottery are made by the holder of a lottery manager's licence, this licence is subject to any conditions attached to those licences by virtue of section 99(1).

Commission General Conditions

The Commission's complete suite of Licence Conditions to be attached to operating licences pursuant to section 75 of the Act includes some conditions which may not apply to your licence. Where that is the case the irrelevant conditions have not been reproduced below. The full list of Licence Conditions and Codes of Practice are contained within the Commission's Publication "Licence Conditions and Codes of Practice"

Qualified persons and personal licences

Qualified persons

The following condition applies to all remote operating licences issued to small-scale operators

In this condition the terms 'small-scale operator', 'qualifying position' and 'qualified person' have the meanings respectively ascribed to them by the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.

Schedule X¹ lists those individuals notified to the Commission as qualified persons.

If, whilst the licensee remains a small-scale operator, an individual begins or ceases to occupy a qualifying position in relation to the licensee, the licensee must within 28 days apply to the Commission under s104(1)(b) for amendment of the details of the licence set out in Schedule X¹.

An application for amendment under s104(1)(b) may be made in advance of an individual beginning or ceasing to occupy a qualifying position provided it specifies the date from which the change to which it relates is to be effective.

Personal licences

The following condition applies to remote lottery manager operating licences only

(a) Subject to (e) and (f) below licensees must ensure:

- (i) that each individual who occupies one of the management offices specified in (b) below in or in respect of the licensee or in connection with the licensed activities holds a personal licence authorising the performance of the functions of that office (hereafter 'a personal management licence')
- (ii) that at least one person occupies at least one of those offices.

(b) The specified management offices are those offices (whether or not held by a director in the case of a licensee which is a company, a partner in the case of a licensee which is a partnership or an officer of the association in the case of a licensee which is an unincorporated association) the occupier of which is by virtue of the terms of their appointment responsible for:

- the overall management and direction of the licensee's business or affairs
- the licensee's finance function as head of that function
- the licensee's gambling regulatory compliance function as head of that function
- the licensee's marketing function as head of that function
- the licensee's information technology function as head of that function in so far as it relates to gambling-related information technology and software
- oversight of the day to day management of the licensed activities at an identified number of premises licensed under Part 8 of the Act or across an identified geographical area
- in the case of casino and bingo licences only, oversight of the day to day management of a single set of premises licensed under Part 8 of the Act.

(c) Licensees must take all reasonable steps to ensure that anything done in the performance of the functions of a specified management office is done in accordance with the terms and conditions of the holder's personal management licence.

(d) Where an individual is authorised by a personal licence and that licence comes under review under section 116(2) of the Act, the operating licensee must comply with any conditions subsequently imposed on that licence by the Commission about redeployment, supervision, or monitoring of the individual's work and any requirements of the Commission in respect of such matters applicable during the period of the review.

(e) Paragraphs (a) to (d) above shall not apply to a licensee for so long as the licensee is a 'small-scale operator' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006 ('the Regulations').

¹ The schedules mentioned here will be attached to individual licences.

(f) During the period of 3 years commencing with the date on which a licensee ceases to be a small-scale operator paragraphs (a) to (e) above shall apply subject to the proviso that the phrase 'each individual' in paragraph (a)(i) shall not include any individual who was a 'qualified person' (as defined in the Regulations) in relation to the licensee 28 days immediately prior to the licensee ceasing to be a small-scale operator.

The following condition applies to all remote lottery operating licences issued to non-commercial societies and local authorities

(a) Subject to (e) below licensees must ensure that the individual who occupies the management office specified in (b) below in or in respect of the licensee or in connection with the licensed activities holds a personal licence authorising the performance of the functions of that office (hereafter 'a personal management licence').

(b) The specified management office is that director's post in the case of a licensee which is a company, that partner in the case of a licensee which is a partnership, or that office in a licensee which is an unincorporated association or local authority, the occupier of which has overall management responsibility for the promotion of the lottery.

(c) Licensees must take all reasonable steps to ensure that anything done in the performance of the functions of a specified management office is done in accordance with the terms and conditions of the holder's personal management licence.

(d) Where an individual is authorised by a personal licence and that licence comes under review under section 116(2) of the Act, the operating licensee must comply with any conditions subsequently imposed on that licence by the Commission about redeployment, supervision, or monitoring of the individual's work and any requirements of the Commission in respect of such matters applicable during the period of the review.

(e) Paragraphs (a) to (d) above shall not apply to a licensee for so long as the licensee is a 'small-scale operator' as defined in the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.

Technical standards and equipment specifications

Licensees must comply with the Commission's technical standards and with requirements set by the Commission relating to the timing and procedures for testing.

Financial robustness

Notification of shareholders

All company licensees must notify the Commission of the name and address of any person who becomes a shareholder in the company or its holding company holding 3% or more of the issued share capital of the company or its holding company; or any existing shareholder who acquires a holding of 3% or more of the issued share capital of the company or its holding company.

In this condition 'holding company' has the meaning ascribed to that term by section 1159 of the Companies Act 2006 or any statutory modification or re-enactment thereof.

Protection of customer funds

The following condition applies to remote lottery manager operating licences only

Licensees who hold customer funds for use in future gambling must set out clearly, in information made available to customers in writing, whether they protect customers' funds in the event of insolvency and the method by which this is achieved.

The following condition applies to remote lottery manager operating licences only

Licensees must credit all lottery proceeds to a bank account or accounts having trustee status and at all times maintain a separation between those funds and their own trading income, or have in place other arrangements which provide legal protection, in the event of the licensee's insolvency, for society and local authority lottery funds the licensee manages.

General 'fair and open' provisions

Licensees must satisfy themselves that the terms on which gambling is offered are not unfair under the Unfair Terms in Consumer Contracts Regulations 1999 and, where applicable, meet the reasonableness test under the Unfair Contract Terms Act 1977. An accurate summary of the contractual terms on which gambling is offered must be made available to customers and set out in plain and intelligible language.

Customers must be notified of changes to terms before they come into effect.

Display of licensed status

Lottery promoters must display 'licensed by the Gambling Commission' and details of the Gambling Commission website on lottery tickets.

Lotteries

Licensees must ensure that at least 20% of the proceeds of any lottery promoted in reliance on the licence are applied to a purpose for which the promoting non-commercial society is conducted or the promoting local authority has power to incur expenditure.

The proceeds of any lottery promoted in reliance on this licence must not exceed £2,000,000 and the aggregate of the proceeds of lotteries promoted wholly or partly in a calendar year in reliance on the licence must not exceed £10,000,000.

The rules of any lottery promoted in reliance on this licence must be such as to ensure:

a) that it is not possible for the purchaser of a ticket in the lottery to win by virtue of that ticket (whether in money, money's worth, or partly the one and partly the other and including any winnings arising from a rollover) more than:

- £25,000
- if more, 10% of the proceeds of the lottery

b) that membership of the class among whom prizes are allocated does not depend on making any payment (apart from payment of the price of a ticket).

A lottery promoted in reliance on this licence must not be linked to any other lottery, free draw or prize competition.

For the purposes of this condition:

a) two or more lotteries are linked if any of them is so structured that a person who wins a prize in that lottery will also win a prize in some or all of the others, unless the maximum amount which a person can win is no more than £200,000 in aggregate. In determining whether two or more lotteries are linked it is immaterial how many of them are promoted in reliance on this licence.

b) a lottery is linked to a free draw or prize competition if:

- (i) a person's participation in, or his being allocated a prize in, the lottery is a means of establishing his eligibility to enter the draw or competition; and
- (ii) the arrangements for the lottery and/or the draw or competition are such that a person may win more than £200,000 in aggregate as a result of his participation in the lottery and the draw or competition.

If a lottery, whilst not a linked lottery, has the feature that by selecting the same numbers, or combination of numbers in the lottery and in one or more other lottery or lotteries the participant in those lotteries may win prizes which, in aggregate, exceed £200,000, no advertisement for, nor other marketing of, the lottery may make any reference to that feature.

In the case of lottery operating licences issued to non-commercial societies and lottery managers' operating licences, licensees must ensure that each person who purchases a ticket in a lottery promoted in reliance on this licence, or promoted on behalf of a society in reliance on this licence, receives a document which:

- identifies the promoting society
- states the name and address of a member of the society who is designated, by persons acting on behalf of the society, as having responsibility within the society for the promotion of the lottery
- either states the date of the draw (or each draw) in the lottery, or enables the date of the draw (or each draw) in the lottery to be determined.

Licensees must display 'licensed by the Gambling Commission' and details of the Gambling Commission website on lottery tickets.

The price payable for purchasing each ticket in a lottery promoted in reliance on this licence:

- must be the same
- must be shown on the ticket or in a document received by the purchaser; and
- must be paid to the promoter of the lottery before any person is given a ticket or any right in respect of membership of the class among whom prizes are to be allocated.

For the purposes of these conditions, reference to a person receiving a document includes a reference to a message being sent or displayed to him electronically in a manner which enables him, without incurring significant expense or delay, to:

- retain the message electronically
- print it.

Licensees must lodge with the Commission a description of, and a copy of the rules of, any lottery intended to be promoted in reliance on this licence, and any amendment to the rules of a lottery previously notified to the Commission, at least 28 days before any tickets in such lottery, or amended lottery, are put on sale.

Lottery tickets must not be sold to a person in any street. But tickets may be sold by a person present in a kiosk or shop premises having no space for the accommodation of customers or door to door. For the purposes of this condition 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not.

In respect of each lottery promoted in reliance on this licence, a lottery submission must be sent to the Commission within three months of the date of the determination of the lottery or, in the case of an 'instant lottery', within three months of the last date on which tickets in the lottery were on sale. It must show the total proceeds and how they have been distributed between prizes and expenses and the amount applied directly to the society's purposes or, in the case of licences issued to local authorities, the amount applied directly to purposes for which the authority has power to incur expenditure.

Every lottery submission must contain or be accompanied by a declaration that the information given in it is correct to the best of the signatory's knowledge and belief. The submission must be signed by:

- a) the holder of a personal licence issued under Part 6 of the Act; or
- b) a 'qualified person' as defined in the Gambling Act 2005 (Definition of Small scale Operator) Regulations 2006; or
- c) the designated person named on tickets in a lottery promoted by or on behalf of a non-commercial society as having responsibility within the society for the promotion of the lottery.

Accounting records and copies of lottery submissions must be retained for a minimum of three years from the date of any lottery to which they relate and be made available for inspection by the Commission on request. Accounting records must contain, in respect of each lottery, details of the total proceeds of the lottery, the expenses of the lottery and the sum allocated from the proceeds to cover those expenses, and the number of sold and unsold tickets.

For any calendar year in which the cumulative proceeds of lotteries promoted in reliance on this licence exceed £1,000,000 the licensee must provide the Commission with written confirmation from a qualifying auditor confirming that the proceeds of those lotteries have been fully accounted for in their annual audited accounts. Such confirmation must be provided within ten months of the date to which the accounts are made up.

A qualifying auditor means a person who is eligible for appointment as a company auditor under section 25 of the Companies Act 1989 but, in the case of a lottery promoted by or on behalf of a non-commercial society, is not:

- a) a member of the society;
- b) a partner, officer or employee of such a member; or
- c) a partnership of which a person falling within (a) or (b) is a partner.

Accurate records for each lottery must be kept by the operator to support the data in the lottery submissions and must be made available for inspection by the Commission when required. Such records must include:

- the total proceeds in each lottery
- the percentage of proceeds allocated to prizes in each lottery
- the amount of proceeds allocated to expenses and details of those expenses for each lottery
- the number of sold and unsold tickets in each lottery.

In the case of lottery managers' operating licences only, all licensees must have procedures in place designed to ensure that funds belonging to a society or local authority whose lotteries they manage in reliance on this licence are accounted for to them in a timely manner.

Access to premises

Licensees must have and put into effect policies and procedures (including staff training programmes) designed to ensure that their staff co-operate with the Commission's enforcement officers in the proper performance of their compliance functions and are made aware of those officers' rights of entry to premises contained in Part 15 of the Act.

Information requirements

Reporting suspicion of offences etc

Licensees must provide the Commission with any information that they know relates to or suspect may relate to the commission of an offence under the Act, including an offence resulting from a breach of a licence condition or a code provision having the effect of a licence condition.

Reporting 'Key Events'

A key event is an event that could have a significant impact on the nature or structure of a licensee's business. Licensees must notify the Commission of the occurrence of any of the

following key events as soon as reasonably practicable and in any event within five working days of the licensee becoming aware of the event's occurrence².

- in the case of licensees which are companies, a petition being presented for their winding up or the winding up of any group company of theirs, or they or any group company being placed in administration or receivership: in this condition a 'group company' is any subsidiary or holding company of the licensee – as those terms are defined in section 1159 of the Companies Act 2006 or any statutory modification or re-enactment thereof – and any subsidiary of such holding company
- in the case of a licensee who is an individual (or a partner in a partnership licensee) their being presented with a petition for their bankruptcy or sequestration or their entering into an individual voluntary agreement
- where the licensee is required to have their accounts independently audited, any unplanned change of auditor including a change prompted by a dispute or resulting from auditors being unable or unwilling to sign an unqualified audit report
- the departure from the licensee's business of any person occupying a 'qualifying position' as defined by Regulation 2(2) of the Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006
- any breach of a covenant given to a bank or other lender
- any default in making repayment of the whole or any part of a loan on its due date
- any court judgments remaining unpaid 14 days after the date of judgment
- the commencement of any material litigation against the licensee
- the imposition of a disciplinary sanction, including dismissal, against the holder of a personal licence or a person occupying a qualifying position for gross misconduct; or the resignation of a personal licence holder or person occupying a qualifying position following commencement of disciplinary proceedings in respect of gross misconduct against that person
- in the case of remote gambling, the commencement or cessation of trading on website domains (including WAP URLs) or broadcast media through which the licensee provides gambling facilities.

General and Regulatory Returns

On request, licensees must provide the Commission with such information as the Commission may require about the use made of facilities provided in accordance with this licence, and the manner in which gambling authorised by this licence and the licensee's business in relation to that gambling are carried on, including in particular information about:

- the numbers of people making use of the facilities and the frequency of such use
- the range of gambling activities provided by the licensee and the numbers of staff employed in connection with them
- the licensee's policies in relation to, and experiences of, problem gambling.

In particular, within 28 days of the end of each quarterly or annual period as the case may be, licensees must submit a Regulatory Return to the Commission containing such information as the Commission may from time to time require³.

Secretary of State General Conditions

None at present

² Key events can be reported securely online at the Commission's website at www.gamblingcommission.gov.uk or by email to key.events@gamblingcommission.gov.uk or posted to Key Events, Compliance Administration Team, Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP

³ Regulatory returns can be submitted securely online at the Commission's website at www.gamblingcommission.gov.uk For operators unable to access this system, the forms and a guide to completing them can be requested from the Commission and returned by email to Regulatory>Returns@gamblingcommission.gov.uk or by post to Regulatory Returns, Compliance Administration Team, Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP

Codes of practice

Introduction

This is the Commission's principal code of practice, issued under section 24 of the Gambling Act 2005, as revised with effect from 1 January 2009. There are two types of provision in the code:

- social responsibility provisions: compliance with these is a condition of licences; therefore any breach of them by an operator may lead the Commission to review the operator's licence with a view to suspension, revocation or the imposition of a financial penalty and would also expose the operator to the risk of prosecution; and
- ordinary code provisions: these do not have the status of licence conditions, but are admissible in evidence in criminal or civil proceedings and must be taken into account in any case in which the court or tribunal think them relevant and by the Commission in the exercise of its functions. Any breach of ordinary code provisions by an operator may be taken into account by the Commission on a licence review, but cannot lead to imposition of a financial penalty. These code provisions are in italics in this section and generally set out good practice in these areas.

Financial requirements

Ordinary code provision

In order to help prevent activities related to money laundering licensees should take into account the Commission's advice on the Proceeds of Crime Act 2002, *Duties and responsibilities under the Proceeds of Crime Act 2002. Advice for operators (excluding casino operators)*.

Protection of children and other vulnerable persons

Combating problem gambling

Social responsibility code provision

Licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

Licensees' policies and procedures for socially responsible gambling must include but need not be confined to:

- the specific policies and procedures required by the following provisions of section 2 of this code
- a commitment to and how they will contribute to research into the prevention and treatment of problem gambling
- a commitment to and how they will contribute to public education on the risks of gambling and how to gamble safely
- a commitment to and how they will contribute to the identification and treatment of problem gamblers.

Access to gambling by children and young persons

Social responsibility code provision

Licensees must have and put into effect policies and procedures designed to prevent underage gambling, and monitor the effectiveness of these.

Such procedures must include:

- a) warning potential customers that underage gambling is an offence;
- b) requiring customers to affirm that they are of legal age;
- c) regularly reviewing their age verification systems and implementing all reasonable improvements that may be made as technology advances and as information improves;
- d) ensuring that relevant staff are properly trained in the use of their age verification procedures; in particular customer services staff must be appropriately trained in the use of secondary forms of identification when initial verification procedures fail to prove that an individual is of legal age;
- e) enabling their gambling websites to permit filtering software to be used by adults (such as parents or within schools) in order to restrict access to relevant pages of those sites;
- f) in the case of any UK resident customer who deposits money using any type of payment method other than a credit card, and unless the licensee has established that a third party has satisfactorily carried out age verification, the following age verification procedures:
 - i) verifying additional information about the customer, such as carrying out searches of credit reference and other databases that list names and addresses of individuals over the age of 18;
 - ii) carrying out secondary age verification checks in any circumstances which give the operator reason to suspect that the person may be underage;
 - iii) not permitting the customer to withdraw any winnings from their account until age verification has been satisfactorily completed; and
 - iv) in any event, a requirement that if age verification has not been satisfactorily completed within 72 hours of the customer applying to register to gamble and depositing money:
 - the account will be frozen
 - no further gambling will be permitted until age verification has been successfully completed
 - if on completion of age verification the customer is shown to be underage, the operator must return to the customer any money paid in respect of the use of the gambling facilities, but no winnings shall be paid.
- g) in the case of any non-UK resident customer who deposits money using any type of payment method other than a credit card, and unless the licensee has established that a third party has satisfactorily carried out age verification, the following age verification procedures:
 - i) taking all reasonable steps to make use of information available for age verification purposes from whichever country the potential customer is resident in; and
 - ii) each of the following steps, unless they can not reasonably be implemented or, in the case of the fourth bullet point, a period of more than 72 hours was reasonably required:
 - verifying additional information about the customer, such as carrying out searches of credit reference and other databases that list names and addresses of individuals over the age of 18
 - carrying out secondary age verification checks in any circumstances which give the operator reason to suspect that the person may be underage
 - not permitting the customer to withdraw any winnings from their account until age verification has been satisfactorily completed
 - a requirement that if age verification has not been satisfactorily completed within 72 hours of the customer applying to register to gamble and depositing money:
 - the account will be frozen;
 - no further gambling will be permitted until age verification has been successfully completed; and

- if on completion of age verification the customer is shown to be underage all deposits held by the operator are returned to the customer and no winnings paid.

h) in the case of any customer who registers to gamble and deposits money using a credit card, conducting a programme of random checks of credit card users for compliance with age restrictions.

Ordinary code provision

Licensees should, and should request their contracted partners to, draw attention to parental responsibility as part of the purchasing process of facilities such as mobile phones and interactive television.

Information on how to gamble responsibly and help for problem gamblers

Social responsibility code provision

Licensees must make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling.

The information must cover:

- any measures provided by the licensee to help individuals monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend
- timers or other forms of reminders or 'reality checks' where available
- self-exclusion options
- information about the availability of further help or advice.

The information must be directed to all customers whether or not licensees also make available material which is directed specifically at customers who may be 'problem gamblers'.

For gambling premises, information must be available in all areas where gambling facilities are provided and adjacent to ATMs where these are not located in a gambling area. As a minimum, information must be displayed prominently on posters appropriate to the size and layout of the premises and contained in leaflets that may be taken away. Licensees must take all reasonable steps to ensure that this information is also readily accessible in locations which enable the customer to obtain it discreetly.

Ordinary code provision

Licensees who market their services in one or more foreign languages should make available in that, or those, foreign languages:

- the information on how to gamble responsibly and access to help referred to above
- the players' guides to any game, bet or lottery required to be made available to customers under provisions in this code
- the summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.

Customer interaction

Social responsibility code provision

Licensees must put into effect policies and procedures for customer interaction where they have concerns that a customer's behaviour may indicate problem gambling. The policies must include:

- identification of the appropriate level of management who may initiate customer interaction and the procedures for doing so

- the types of behaviour that will be logged/reported to the appropriate level of staff and which may trigger customer interaction at an appropriate moment
- the circumstances in which consideration should be given to refusing service to customers and/or barring them from the operator's gambling premises
- training for all staff on their respective responsibilities, in particular so that they know who is designated to deal with problem gambling issues.

But such policies and procedures must be consistent with, and implemented with due regard to, licensees' duties in respect of the health and safety of their staff.

Self-exclusion

Social responsibility code provision

Licensees must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.

Licensees must, as soon as practicable, take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.

Licensees must take steps to remove the name and details of a self-excluded individual from any marketing databases used by the company or group (or otherwise flag that person as an individual to whom marketing material must not be sent), within two days of receiving the completed self-exclusion notification.

This covers any marketing material relating to gambling. However, it would not extend to blanket marketing which is targeted at a particular geographical area and where the excluded individual would not knowingly be included.

Licensees must close any customer accounts of an individual who has entered a self-exclusion agreement and return any funds held in the customer account. It is not sufficient merely to prevent an individual from withdrawing funds from their customer account whilst still accepting wagers from them. Where the giving of credit is permitted, the licensee may retain details of the amount owed to them by the individual, although the account must not be active.

Licensees must put into effect procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling. These procedures must include:

- a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator)
- a record of the card numbers to be excluded
- staff training to ensure that staff are able to enforce the systems
- the removal of access from those persons found to have gambled or who have attempted to gamble on the facilities.

Ordinary code provision

Self-exclusion procedures should require individuals to take positive action in order to self-exclude:

- over the **internet**; this can be a box that must be ticked in order to indicate that they understand the system
- by **telephone**; this can be a direct question asking whether they understand the system.

Before an individual self-excludes, licensees should provide or make available sufficient information about what the consequences of self-exclusion are.

Licensees should encourage the customer to consider extending their self exclusion to other remote gambling operators currently used by the customer.

Customers should be given the opportunity to self-exclude by contacting customer services and in addition, where technically possible, by entering an automated process using remote communication. In order to avoid inadvertent self-exclusion it is acceptable for an automated process to include an additional step that requires the customer to confirm that they wish to self-exclude. The licensee should ensure that all staff who are involved in direct customer service are aware of the self-exclusion system in place, and are able to direct that individual to an immediate point of contact with whom/which to complete that process.

Within the licensee's information about self-exclusion policies, the licensee should provide a statement to explain that software is available to prevent an individual computer from accessing gambling internet sites. The licensee should provide a link to a site where further information is available.

Licensees should take all reasonable steps to ensure that:

- the self-exclusion period is a minimum of six months and give customers the option of extending this to a total of at least five years
- a customer who has decided to enter a self-exclusion agreement is given the opportunity to do so immediately without any cooling-off period. However, if the customer wishes to consider the self-exclusion further (for example to discuss with problem gambling groups) the customer may return at a later date to enter into self-exclusion
- at the end of the period chosen by the customer (and at least six months later), the self-exclusion remains in place, unless the customer takes positive action in order to gamble again. No marketing material should be sent to the individual unless the individual has taken positive action in order to gamble again, and has agreed to accept such material
- where a customer chooses not to renew the self-exclusion, and makes a positive request to begin gambling again, the customer is given one day to cool off before being allowed access to the gambling facilities. The contact must be made via telephone or in person; re-registering online is not sufficient.

The licensee should retain the records relating to a self-exclusion agreement at least until the agreement has been formally ended.

(Please note that the Commission does not require the licensee to carry out any particular assessment or make any judgement as to whether the previously self excluded individual should again be permitted access to gambling. The requirement to take positive action in person or over the phone is purely to a) check that the customer has considered the decision to access gambling again and allow them to consider the implications; and b) implement the one day cooling-off period and explain why this has been put in place.)

Employment of children and young persons

Ordinary code provision

Licensees who employ young persons (16 and 17 year olds) to sell tickets, collect payments or pay out winnings should have and put into effect policies and procedures designed to ensure that all staff, including staff who are young persons themselves, are made aware that the law prohibits underage gambling, and that tickets may only be sold to persons aged 16 or over.

Provision of credit by licensees and the use of credit cards

Social responsibility code provision

Licensees who choose to accept credit cards must:

- accept payment by credit card for gambling only where that payment is made to a customer account
- make available for gambling, funds deposited via credit card only after the card issuer has approved the transaction.

Ordinary code provision

Licensees who choose to offer credit to members of the public who are not themselves gambling operators should also:

- have procedures for checking and scoring applications for credit from such customers, for setting, and for the increase of, credit limits
- explain these procedures to customers
- set a maximum credit limit for each customer and not permit customers to exceed that limit without further application
- apply a 24-hour delay between receiving a request for an increase in a credit limit and granting it in those cases where the limit exceeds that which the operator had previously set
- not require a minimum spend within a set time period
- take all reasonable steps to ensure that offers of credit are not sent to vulnerable persons, including those who have self-excluded from gambling
- ensure that information about an offer of credit includes a risk warning of what may happen in the event of default.

Identification of individual customers

Social responsibility code provision

Licensees must have and put into effect policies and procedures designed to identify separate accounts which are held by the same individual.

Where licensees allow customers to hold more than one account with them, the licensee must link all of a customer's such accounts to that customer and ensure that:

- if a customer opts to self-exclude from one account they are excluded from all accounts they hold with the licensee
- all of a customer's accounts are monitored and decisions that trigger customer interaction are based on the observed behaviour and transactions across all the accounts
- where credit is offered or allowed the maximum credit limit is applied on an aggregate basis across all accounts
- individual financial limits can be implemented across all of a customer's accounts.

Ordinary code provision

Where a licensee:

- i) is a company, the licensee should take all reasonable steps to comply with the above social responsibility code provision as if it also applied to accounts held in respect of gambling carried on in reliance on a remote operating licence held by any Group Company;
- ii) also holds a licence in another jurisdiction permitting it to provide facilities for remote gambling (a 'foreign licence') or is a company one or more of whose Group Companies holds one or more foreign licences, the licensee should take all reasonable steps to comply with the above social responsibility code provision as if it applied also to accounts held in respect of gambling carried on in reliance on a foreign licence held by the licensee or any Group Company.

A company is a Group Company in relation to a licensee if it is the holding company of, subsidiary of, or shares a common holding company with, the licensee. For these purposes 'holding company' and 'subsidiary' respectively have the meanings ascribed to them by section 1159 of the Companies Act 2006 or any statutory modification or re-enactment thereof.

'Fair and open' provisions

Social responsibility code provision

Licensees must be able to provide evidence to the Commission, if required, showing how they satisfied themselves that their terms are not unfair.

Social responsibility code provision

Licensees must make the following available to customers:

- a player's guide to each gambling opportunity (bet, game or lottery) made available by the operator
- such additional information relating to the available gambling as the Commission shall from time to time publish to licensees: the current requirements are set out in an Annex to the Commission's Technical Standards.

Ordinary code provision

Where practicable, the player's guide and additional information referred to in the social responsibility code should be made available through the medium in which the remote gambling is to be conducted. Where that is not practicable, licensees should either:

- send a copy of the guide and required additional information by post, fax or email; or
- make these available to the customer in another medium to which he has access.

Ordinary code provision

Licensees should ensure that the terms on which they contract with third parties who provide user interfaces enabling customers to access their remote gambling facilities:

- include a term that any such user interface comply with the Commission's technical standards for remote gambling systems
- enable them to terminate the third party's contract promptly if, in the licensee's opinion, the third party is in breach of that term.

Marketing

Social responsibility code provision

If a licensee makes available to any customer or potential customer any incentive or reward scheme or other arrangement under which the customer may receive money, goods, services or any other advantage (including the discharge in whole or in part of any liability of his) ('the benefit') the scheme must be designed to operate, and be operated, in such a way that:

- a) the circumstances in which, and conditions subject to which, the benefit is available are clearly set out and readily accessible to the customers to whom it is offered;
- b) neither the receipt nor the value or amount of the benefit is:
 - (i) dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency; or
 - (ii) altered or increased if the qualifying activity or spend is reached within a shorter time than the whole period over which the benefit is offered;
- c) if the value of the benefit increases with the amount the customer spends it does so at a rate no greater than that at which the amount spent increases;

and further that:

- d) if the benefit comprises free or subsidised travel or accommodation which facilitates the customer's attendance at particular licensed premises the terms on which it is offered are not directly related to the level of the customer's prospective gambling.

Ordinary code provision

Licensees should only offer incentive or reward schemes in which the benefit available is proportionate to the type and level of customers' gambling.

Ordinary code provision

With a view to minimising the risk of fraud, licensees who are non-commercial societies or external lottery managers should adopt one or more of the following measures:

- prohibit the unsolicited mailing of tickets to non-members of the promoting society
- limit the value of tickets sent to any one address which is not that of a member of the promoting society to £20
- maintain records of tickets distributed and not returned.

Ordinary code provision

All advertising of gambling products and services should be undertaken in a socially responsible manner. In particular, licensees should comply with the advertising codes of practice which apply to the form and media in which they advertise their gambling facilities or services, and for media not explicitly covered should apply the principles included in these codes of practice as if they were explicitly covered. Licensees should also follow any relevant industry code of practice on advertising.

However, the particular restriction on allowing people aged under 25 to appear in adverts need not be applied to point of sale advertising material, provided that the images used depict the sporting activity that may be gambled on and not the activity of gambling itself and do not offend any other aspect of the advertising codes.

Ordinary code provision

Licensees should ensure that the terms on which they contract with their affiliates (that is those who are given a right to advertise, or provide a hyper-link to, a licensee's gambling website) enable them to terminate the affiliate's rights promptly if, in the licensee's opinion, the affiliate is in breach of the advertising codes.

Complaints and disputes

Social responsibility code provision

Licensees must put into effect a written procedure for handling customer complaints and disputes.

In this code a 'complaint' means a complaint about any aspect of the licensee's conduct of the licensed activities, and a 'dispute' is any complaint which:

- a) is not resolved at the first stage of the complaints procedure; and
- b) relates to the outcome of the complainant's gambling transaction.

Licensees must ensure that:

- customers are told the name and status of the person to contact about their complaint
- customers are given a copy of the complaints procedure on request or on making a complaint
- all complaints are handled in accordance with the procedure.

Licensees must also ensure that they have arrangements in place for disputes to be referred to an independent third party. Customers whose disputes are not resolved to their satisfaction by use of the operator's complaints procedure may refer those disputes to this independent third party. The arrangements under which such complaints are referred may, but need not, provide for the third party's decision to be binding on the licensee and the customer.

Licensees must keep a record of all complaints that are not resolved at the first stage of the complaints procedure.

Licensees must arrange for a copy of the decision on, or a note of the outcome of, each dispute referred to the independent party to be provided to the Commission quarterly, either by the independent party or by the licensee.

Gambling licensees' staff

Social responsibility code provision

Licensees must take all reasonable steps to ensure that staff involved in the provision of facilities for gambling are made aware of advice on socially responsible gambling and of where to get confidential advice should their gambling become hard to control.

Information requirements

Ordinary code provision

The Commission expects licensees to work with the Commission in an open and cooperative way and to inform the Commission of any matters that the Commission would reasonably need to be aware of in exercising its regulatory functions. These are matters that will have a material impact on the licensee's business or on the licensee's ability to conduct its business. Such matters, which should be notified to the Commission as soon as reasonably practicable⁴, include the following:

- the departure from the licensee's business of any person named in the licence application, or that person's successor, who holds a personal management licence, but who does not occupy a 'qualifying position'
- any reduction in the number of staff employed by the licensee where that has a material impact on the licensee's business
- the acquisition or disposal by the licensee of gambling premises or pitches where that has a material impact on the size or nature of the licensee's business
- in the case of corporate licensees, the disposal or acquisition of any group company where that has a material impact on the licensee's ability to conduct its business
- any disposal of the licensee's assets where that has a material impact on the licensee's business
- any investigation by a professional, statutory, regulatory or government body into the licensee's activities, or the activities in relation to the licensed entity of a personal licence holder or a person occupying a qualifying position employed by them, where such an investigation could result in the imposition of a sanction or penalty which, if imposed, could reasonably be expected to raise doubts about the licensee's continued suitability to hold a Gambling Commission licence
- any instance of criminal activity, including repeated instances of small-scale theft or fraud, where that has a material impact on the licensee's business
- any major breach in the licensee's information security where that adversely affects the confidentiality of customer data or prevents customers from accessing their accounts for a substantial period of time
- any other matters that have a material impact on the licensee's business or on the licensee's ability to conduct its business.

⁴ These matters can be reported securely online at the Commission's website at www.gamblingcommission.gov.uk or by email to key.events@gamblingcommission.gov.uk or posted to Key Events, Compliance Administration Team, Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP

Gambling Commission December 2008

Keeping gambling fair and safe for all

For further information or to register your interest in the Commission please visit our website at: **www.gamblingcommission.gov.uk**

Copies of this document are available in alternative formats on request.

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