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IGA SUMMIT 2019

# A NEW CALIFORNIA GAMING GOLD RUSH

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where sports betting is the clear centre of attention

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A federal court is preventing Codere from  
expanding its gaming operations in Mexico  
**MEXICO P10**



ECA launches campaign highlighting the  
licensed casino industry's positive impact  
**EMEA P20**



A bizarre period for Wynn Resorts sees massive  
acquisition and sale decisions come to nothing  
**MASSACHUSETTS P24**



Interblock installs 100 seat stadium at Resorts  
World Manila, Newport City in Pasay, Philippines  
**PHILIPPINES P30**

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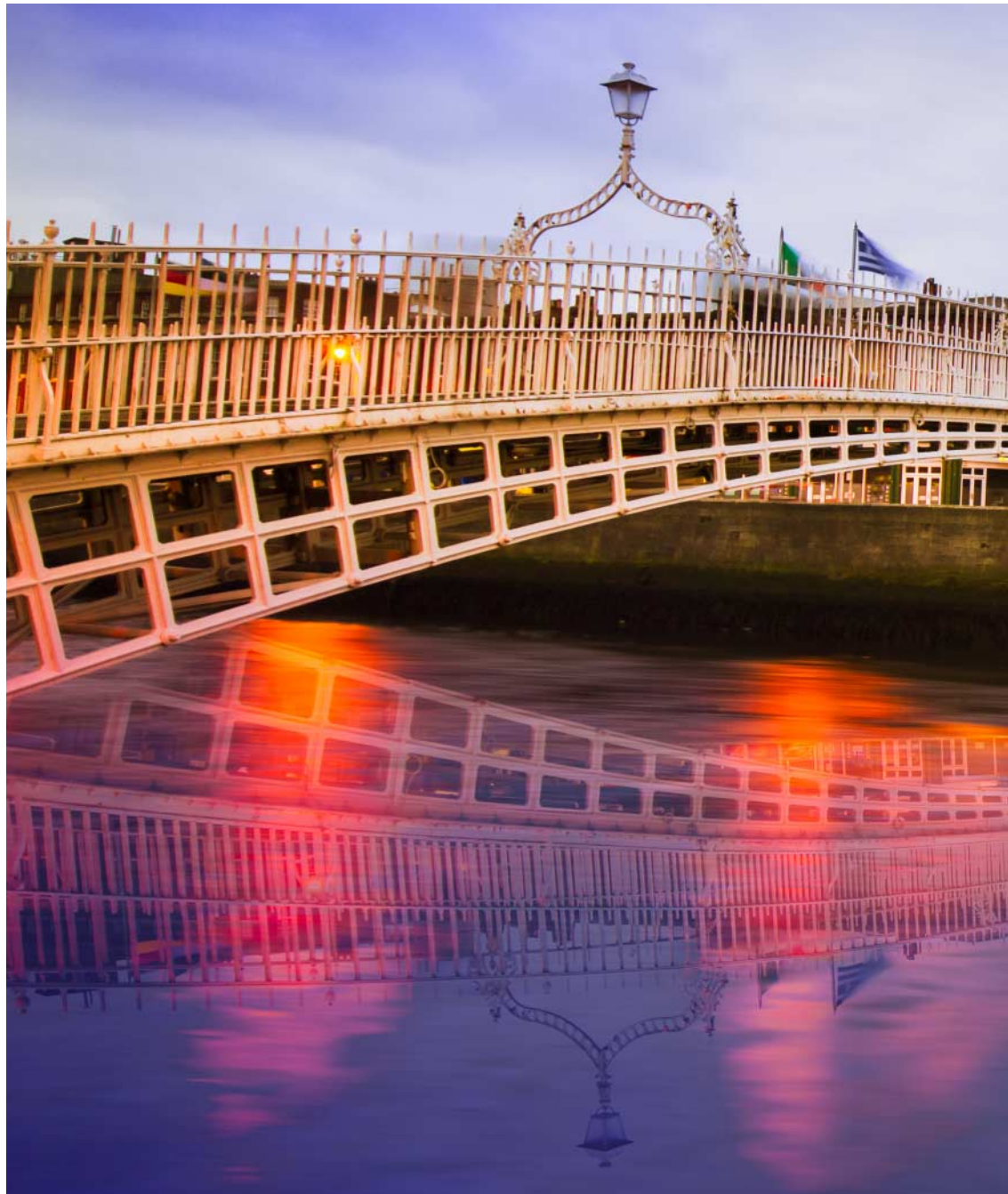
## IAGA SUMMIT

San Francisco 2019



**Máire Conneely,**  
Senior Associate, A&L Goodbody

Máire Conneely is a Senior Associate in the Litigation and Dispute Resolution Department of A&L Goodbody and is co-head of the firm's Gaming and Betting Group. Máire has over 15 years of experience advising on all aspects of intoxicating liquor licensing, gaming and lotteries and betting law. Máire also has extensive experience in High Court and Commercial Court litigation. Máire advises a variety of domestic and international gaming, lottery and betting operators in relation to their Irish operations. She also advises operators in the gaming, lottery and betting industry who are interested in entering the Irish market. Máire also advises extensively on all aspects of licensing for public houses, hotels, cinemas, nightclubs, off licences, and restaurants. Máire regularly appears before the courts in relation to licensing applications and disputes relating to licensed premises.



### WHAT'S HAPPENING IN IRELAND?

Irish gambling legislation dates back to 1853 when the Betting Houses Act 1853 made it illegal to use any house, office, room or place for betting. Reflecting Irish society's attitude to betting at that time, the stated purpose of the 1853 Act was the suppression of "a kind of gaming [that] has of late sprung up tending to the injury and demoralisation of improvident persons by the opening of betting houses... and the receiving of money by owners... to pay money on events of horse races and the like contingencies".

The prohibition on betting remained until 1931 when the Irish government decided to move away from a complete prohibition on betting and introduced the Betting Act 1931 to regulate betting activities.

The Betting Act 1931 still regulates bookmaking in Ireland today, though it was amended in 2015 to include remote bookmakers. The 1931 Act places an obligation on bookmakers to obtain a licence and pay betting duty. It does not impose

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The Act does not expressly state that it has extra territorial effect and therefore arguably gambling or lotteries services provided from outside of Ireland to customers in Ireland are not prohibited."

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*Senior Associate, A&L Goodbody*

any specific technical or consumer protection obligations on operators.

### GAMING AND LOTTERIES IN IRELAND

Gaming and lotteries are dealt with under a separate piece of legislation, the Gaming and Lotteries Act 1956. Unlike betting, gaming in Ireland is still prohibited except in very limited circumstances such as in licensed amusement halls and at funfairs. Licensed lotteries are

permitted, but only if they are for a charitable or philanthropic purpose.

There has been very little amendment to the 1956 Act since it was enacted. Unlike the 1931 Act, the 1956 Act was never updated to deal with online gaming or lotteries. The Act does not expressly state that it has extra territorial effect and therefore arguably gambling or lotteries services provided from outside of Ireland to customers in Ireland are not prohibited. This point has never been tested before the Irish Courts, but many operators offer gaming and lottery products to customers in Ireland and to date they remained untroubled by the Irish authorities.

### PROPOSALS TO OVERHAUL IRISH GAMBLING LEGISLATION

The Irish government has acknowledged for many years that regulating rather than prohibiting gaming is the preferred option. However, despite numerous governmental reports over the last 20 years recommending reform of the outdated gambling laws, the 1931 Act and the 1956 Act remain law today.



"The Irish government published the promised interim reform measure, the Gaming and Lotteries Amendment Bill 2019 in late March 2019. The main effect of the proposed Bill is to increase the stakes and prizes for gaming machines. The Bill proposes that the permitted stake be increased from 3c to €10 and the permitted prize limit from 50c to €750."

In 2013 the government (which is similar to the government in power today) published a Scheme for a Gambling Control Bill. That Scheme outlined the policy that government intended to adopt in its proposed Gambling Control Bill. However, that follow on Bill was never published.

#### **OPPOSITION PARTY'S GAMBLING CONTROL BILL**

In January 2018, the main opposition party in parliament published its own Gambling Control Bill. That Bill was based on the policy outlined by the government in its 2013 Scheme. However, by then the government's thinking on what shape it wanted the legislation to take, had moved on.

The government announced that it no longer wanted the new gambling regulator to sit within the Department of Justice as was outlined in the 2013 Scheme. Instead, the government announced that it wanted to establish an independent regulator that would have responsibility for all gaming, betting and lottery activity in Ireland.

#### **INTERDEPARTMENTAL WORKING GROUP**

In 2018, the government set up yet another interdepartmental working group to review the changes that needed to be made to the 2013 Scheme. That group met throughout 2018 and published its report in March 2019. Some of the main recommendations in that report provide for the establishment of an independent regulator and a reduction in the number of gambling licences that that regulator can issue.

As an interim reform measure, the report also recommended that certain parts of the current Gaming and Lotteries Act 1956 be updated pending the introduction of a comprehensive Gambling Control Bill.

#### **GAMING AND LOTTERIES AMENDMENT BILL 2019**

The Irish government published the promised interim reform measure, the Gaming and Lotteries Amendment Bill 2019 in late March 2019. The main effect of the proposed Bill is to increase the stakes and prizes for gaming machines. The Bill proposes that the permitted stake be increased from 3c to €10 and the

permitted prize limit from 50c to €750. The Bill also proposes to standardise the legal age for all gambling activities at 18 years. The 2019 Bill still has to pass through a number of stages in parliament before it becomes law. However, the Minister with responsibility for the Bill, has said he hopes that the Bill will become law this year.

#### **GAMBLING CONTROL BILL 2020?**

That Minister has also said that he hopes to bring forward an updated Scheme for a comprehensive Gambling Control Bill in late 2019 with a view to publishing the Gambling Control Bill itself in 2020. It remains to be seen whether the recommendations in the 2019 interdepartmental report will be acted upon so that 2020 will see the introduction of a modern, comprehensive framework for gambling. If it does, it has the potential to make Ireland a very attractive jurisdiction for operators.



The International Association of Gaming Advisors (IAGA) will hold its 38th Annual International Gaming Summit June 4 - 6 at The Ritz Carlton Half Moon Bay in California