

General Scheme of the Gambling Regulation Bill

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Part 1 – Preliminary and General

Head 1 - Short title, commencement and collective citation

Provide that:

1. This Act may be cited as the Gambling Regulation Act 2022.
2. This Act, [other than the sections concerning Licensing, the Social Impact Fund etc...], shall come into operation on such day or days as may be fixed by order or orders made by the Minister, either generally or by reference to any particular purpose or provision, and different days may be so fixed for different purposes or different provisions.

Head 2 – Interpretation / Definitions

Provide that:

“Authority” means the Gambling Regulatory Authority of Ireland established under Head 10 (Establishment of the Authority);

“bet” means to make a wager on an event, (including a virtual event) to be decided in the future, and cognate words shall be construed accordingly.

“betting” means making or accepting a bet, including when made or accepted through a betting service or a betting exchange, and where the odds on the bet may still fluctuate to the benefit of the person who placed the bet, after the bet has been placed, on –

- a. the outcome of a race, competition or other event or process, including virtual events,
- b. the likelihood of anything occurring or not occurring, or
- c. whether anything is or is not true,

and includes pool betting, spot betting and spread betting.

“betting service” means a service for the placing, making, receiving or acceptance of bets and may include the services of a betting exchange (as well as direct service providers).

“betting exchange” or “betting intermediary” means a facility that enables persons to -

- a. place or accept, through the betting exchange operator, bets with other persons; or the likelihood of anything occurring or not occurring, or
- b. place with the betting exchange operator bets that, on acceptance, are matched with opposing bets placed with and accepted by the operator (so as to offset all risk to the operator).

“bingo” means a game where players mark off numbers on cards or screens (whether or not they pay an amount before the game commences) as the numbers are drawn randomly, the winner being the first to mark off all the numbers on the card or screen that are required to win, and it includes any version of that game, by whatever name called, including the playing of the game by electronic means or by remote communication.

“charitable or philanthropic cause” means -

1. a cause supported by or promoted by -
 - i. a charity registered in accordance with Part 3 of the Charities Act 2009,
 - ii. a non-profit sports or recreational club, facility, organisation or enterprise, or

- iii. a person or grouping (whether the grouping is permanent or temporary or ad hoc but has a defined structure) and the person or grouping has as a major purpose the relief or improvement in the material or educational facilities available to a defined group or category, whether defined by geographic location or otherwise, or the pursuit or promotion of cultural or artistic aims, or the repair or restoration of places having environmental, historical, cultural or community interest, but only where the person or grouping has adequate record keeping systems, including records of accounts.
2. It shall, unless exempted by the Authority, be required to demonstrate a link between the charitable or philanthropic cause, and in the case of a lottery, the locality where the lottery is to be held, and
 3. at a minimum, 25% of the proceeds of sales shall be allocated to charitable or philanthropic causes.

“cheating” means –

- a. improving the chances of winning or of altering the outcome by deception, interference or manipulation of a game or of any equipment (including software pertaining to or used in relation to the equipment), used for or in connection with the game or with a real or virtual event on which bets are placed or are invited, and includes attempts and conspiracy to cheat, or
- b. the corruption by any means of an individual working for a licensed supplier to alter the odds/prices whether in-running or upon settlement/completion for personal gain.

“chief executive” means the Chief Executive Officer of the Authority as provided for in Head 23 (Chief Executive Officer of the Authority).

“child” means a person under the age of 18 years.

“gaming” means playing for a stake, a monetary prize, for progression in the game or other form of reward.

“gaming activity” shall be construed as “gaming”.

“gaming machine” means a machine constructed or adapted for playing a game of chance for reward by means of it having the means to accept those payment types specified by the Authority.

“gaming service” means any service that is required for or comprises any component of the activities of gaming [and may be provided by an intermediary].

“gambling” means -

- a. gaming,
- b. betting,

- c. participating in a lottery, or
- d. participating in a bingo,

and “gambling activity” should be construed as the context requires.

“gambling service” means either a “betting service” or “gaming service” as the context requires.

“licence”, within the meaning of Head 35 (Power of Authority to issue a licence), is an authorization to carry on or provide or make available a service or services specified in a licence issued under those Heads.

“licence holder” has the same meaning as provided for in Head 38 (The Licence Holder).

“lottery” means all competitions and games for money or money's worth involving guesses or estimates of future events or of past events the results of which are not yet ascertained or not yet generally known and does not apply to a lottery operated by the National Lottery under the National Lottery Act 2013.

“newspaper” means a printed periodical publication that publishes materials, including via electronic means or online, about current events in a local or national context.

“Minister” means the Minister for Justice.

“Order” means an order made by the Minister or Authority pursuant to this Act and the Statutory Instruments Act 1947.

“pool betting” is a means of betting in which all bets are pooled and winnings are paid in accordance with the size of the pool and the number of winners.

“product” means a product, including forms of gambling that may be offered or supplied to any person (consumer, business or other) by a licence holder under this Act, and gambling product shall be construed as the context requires.

“record” means a document, or an object, in any form (including any electronic form) that is, has been or ought to have been, kept by reason of:

- a. any information or matter that it contains or that can be obtained from it; or
- b. its connection with any event, person, circumstance or thing.

“register” means the register of licences provided for under Head 37 (Register of licences) which is maintained by the Authority.

“remote gambling” means gambling in which persons participate by the use of remote communication.

“remote communication” or “remote means” means communication using -

- a. the internet,
- b. telephone,
- c. television,
- d. radio, or
- e. any other kind of electronic or other technology for facilitating communication.

“spot bet” means –

1. where a player places a bet on a particular circumstance occurring during an event or events according to specific criteria / the minutiae of the bet.
2. a spot bet may be placed on in relation to an event or events either before the event or events take place or while they are taking place.

“spread betting” means - a form of gambling in which stakes are placed not just on the results of an event or events but may also include stakes being placed on individual or multiple aspects of that event or events. Winnings and losses are calculated according to the accuracy or inaccuracy of the prediction.

“stake” means a payment made for a right to play or as a condition of taking part in a game of chance, but does not include payment for using facilities provided for the playing of the game.

“table” means -

1. subject to paragraph 2, as the circumstances require, a table, including virtual tables, used for gambling either in person or via remote means, and
2. a table does not include a table where poker is played and shall not be counted when counting the number of tables in a casino (as specified in Part 3).

“table games” means games played on a table.

“turnover” means a licence holder’s total income from gambling, less the total winnings on those gambling activities paid by that licence holder.

Head 3 - Expenses

Provide that:

1. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Head 4 - Regulations and orders

Provide that:

1. A regulation or order made under this Act may contain such incidental, supplementary and consequential provisions as the Minister or the Authority considers necessary or expedient.
2. Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Head 5 - Repeals

Provide that:

1. Any enactments to be repealed, or the extent to which they are to be repealed, shall be determined during drafting.

Head 6 – Transitional arrangements

Provide that:

1. Any licence issued under the Totalisator Act 1929 and which is in place / current at the commencement of this Act remains valid until it expires and the conditions, terms, duties and liabilities (including proceedings for any breach) under which it was issued continue to apply and shall be the responsibility of the body that issued it.
2. Any licence issued under the Betting Acts 1931 to 2015 and which is in place / current at the commencement of this Act remains valid until it expires and the conditions, terms, duties and liabilities (including proceedings for any breach) under which it was issued continue to apply and shall be the responsibility of the body that issued it.
3. (a) Any licence or permit issued under the Gaming and Lotteries Acts 1956 to 2019, and which is in place / current at the commencement of this Act remains valid until it expires and the conditions, terms, duties and liabilities (including proceedings for any breach) under which it was issued continue to apply and shall be the responsibility of the body that issued it.

(b) Any lottery licences granted under the Gaming and Lotteries Acts 1956 to 2019 shall remain valid for a period of 12 months following the commencement of Part 3 of this Act.
4. (a) Following commencement of Part 3 of this Act, where a licence issued under the Acts referred to in subheads (1) to (3) is suspended, withdrawn or revoked, the licensing provisions of those Acts shall no longer have effect and an application must be made to the Authority for a new licence under this Act.

(b) The Authority established under this Act shall have unrestricted access to all information concerning an application for a licence by an applicant, including in relation to the suspension, withdrawal or revocation of that applicant's previous holding of a licence under the Acts referred to in subheads (1) to (3) in considering applications for a licence.
5. Any proceedings which are ongoing under the provisions of the Acts referred to in subheads (1) to (3) shall not be affected by this Act, and the commencement of any of its provisions.
6. Any proceedings under subhead (5) shall remain the responsibility of the relevant bodies referred to in subheads (1) to (3) and shall proceed to conclusion.
7. Proceedings may be initiated under the Acts referred to in subheads (1) to (3) by the body that has prosecutorial powers under the relevant Act, after the commencement of this Act, where those proceedings concern events relating to a licence issued under those Acts (e.g. licences awarded before and continuing in force after the commencement of this Act.)
8. Where a person -

- i. holds a licence under the Acts referred to in subheads (1) to (3) , or
- ii. is issued with a licence under the Acts referred to in subheads (1) to (3) ,
 - a. before the commencement of this Act (or Part 3),
 - b. at the time of commencement of this Act (or Part 3),
 - c. or following commencement of this Act,

the holding or issuance of such a licence does not confer any expectation, entitlement or presumption as to the granting of a licence under this Act in relation to the same or similar service.

9. Following commencement of Part 3 or those sections commenced, the Authority shall publish a notification that it is accepting applications for licences under this Act.
10. The notification issued under subhead (9) may specify the dates from when the Authority shall accept applications for each of the licence types under this Act.
11. (a) If a licence issued to an operator under the Acts referred to in subheads (1) to (3) expires at any time following the establishment of the Authority, the onus and responsibility shall remain on that operator to hold a valid licence and continue to comply with the requirements of the Acts referred to under subheads (1) to (3) until the Authority makes a determination in respect of issuing a licence under this Act.

(b) The reference to “issuing a licence” under paragraph (a) does not confer any expectation, entitlement or presumption as to the issuing of a licence in relation to the same or similar service.
12. Where an operator holds a licence under the Acts referred to in subheads (1) to (3), and wishes to apply for a licence under this Act they must do so as soon as is practicable but not less than three months before the expiry of that licence.
13. Where the Authority approves an application and issues a licence under Part 3, any licence issued under the Acts referred to in subheads (1) to (3) shall expire on the date the licence for the same or similar service or activity is issued by the Authority.
14. Following commencement of Part 3 of this Act, the Authority shall consult with the issuing bodies for licences under the Acts referred to in subheads (1) to (3) and with any other person or persons it considers necessary and shall make recommendations to the Minister concerning the commencement of Head 5 (Repeals).

Part 2 – Gambling Regulatory Authority of Ireland

Head 7 – Definitions for this Part

Provide that:

“Chairperson” means the chairperson of the Authority designated under Head 10 (Membership of the Authority and terms of membership);

“code” means a code published or approved of under Head 21 (Powers of the Authority in relation to codes) as it is in effect from time to time;

“establishment day” means the day appointed under Head 8 (Establishment day);

“Service” means the Public Appointments Service.

Head 8 - Establishment day

Provide that:

1. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Head 9 - Establishment of the Authority

Provide that:

1. On establishment day there shall stand established a body to be known as [Irish title of the Authority] or, in the English language, the Gambling Regulatory Authority of Ireland (in this Act referred to as the “Authority”).
2. The Authority—
 - a. is a body corporate with perpetual succession and a seal,
 - b. may sue, and be sued, in its corporate name,
 - c. may, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, acquire, hold and dispose of land, and
 - d. may acquire, hold and dispose of any other property.
3. The seal of the Authority may be authenticated by—
 - a. the signature of the Chairperson or another member of the Authority authorised by the Authority to act in that behalf, and
 - b. the signature of the Chief Executive or a member of the staff of the Authority so authorised.
4. Judicial notice shall be taken of the seal of the Authority and, accordingly, every document—
 - a. purporting to be a document made by the Authority, and
 - b. purporting to be sealed with the seal of the Authority authenticated in accordance with subhead (3),

shall be received in evidence and be deemed to be such document without further proof unless the contrary is proved.
5. Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Authority by any person generally or specially authorised by the Authority in that behalf.

Head 10 - Membership of the Authority and terms of membership

Provide that:

1. The Authority shall consist of not more than seven (7) members.
2. The Minister shall invite the Service to undertake a selection competition for the purpose of identifying and recommending to the Minister persons who are suitable for appointment as members of the Authority.
3. Subject to subhead (4), the Minister shall agree with the Service the selection criteria and process that are to apply to the selection competition.
4. In making recommendations of persons who are suitable for appointment as members of the Authority under this Head, the Service shall have regard to the desirability of the members of the Authority possessing knowledge of, and experience in, matters connected with the following—
 - a. the policy / legislative environment in which a regulatory and licensing body such as the Authority operates,
 - b. commercial, business and consumer affairs,
 - c. expertise on the gambling sectors (both commercial and non-commercial) (i.e. charity) or on matters related to that sector (i.e. sectors providing relevant, ancillary, or support services to the gaming sectors, consultants or academics),
 - d. expertise on gambling addiction and safer gambling (i.e. service provision, support services, consultants or academics),
 - e. advanced ICT / online expertise,
 - f. expertise in forensic financial matters, including auditing and anti-money laundering,or any other subject which would, in the opinion of the Service, be of assistance to the Authority in performing its functions under this Act.
5. Subject to subhead (4), a person shall not be recommended by the Service under this Head unless the Service is satisfied that the person is suitable for appointment as a member of the Authority by reason of his or her possessing such relevant experience, qualifications, training or expertise as is appropriate having regard, in particular, to the functions of the Authority under this Act.
6. The Service shall provide the Minister with particulars of the experience, qualifications, training and expertise of each person whom it recommends under this Head as suitable for appointment as a member of the Authority.
7. The members of the Authority shall be appointed by the Minister.

8. The Minister shall appoint one of the members of the Authority to be the chairperson of the Authority (to be referred to as the “Chairperson” in this Act).
9. In appointing members to the Authority, the Minister shall, in so far as is practicable and having regard to the knowledge or experience of matters relevant to the functions of the Authority of the persons concerned, ensure that at least three (3) of the members of the Authority are women and three (3) who are men.
10. This Head shall, with any necessary modifications, apply in relation to the filling of any vacancy that arises in the membership of the Authority.

Head 11 - Terms of appointment

Provide that:

1. Subject to subhead (2), a member of the Authority shall hold office for a period not exceeding four (4) years from the date of his or her appointment.
2. (a) Of the members appointed to the Authority on the establishment day other than the Chairperson, half the members plus one shall, subject to this Act, hold office for a period of three (3) years from the date of their respective appointments as such members.

(b) The members of the Authority referred to in paragraph (a) who will hold office for a period of three (3) years shall be selected by the drawing of lots, conducted in such manner as the Chairperson thinks proper, at the first meeting of the Authority referred to in Head 15.

(c) A member of the Authority may be selected as one of the members who shall hold office for a period of 3 years referred to in paragraph (a) notwithstanding the fact that he or she is not present at the first meeting of the Authority referred to in Head 15 (Meetings and business).

(d) The quorum for the first meeting of the Authority referred to in Head 15 shall be half the members plus one in so far as that meeting relates to selecting the members of the Authority referred to in paragraph (a).

(e) A member is eligible for reappointment for a second term but shall not serve more than two terms.

(f) A member of the Authority may at any time resign from office by letter addressed to the Minister and the resignation shall take effect on the date the letter is received by the Minister.

(g) A member of the Authority shall, unless he or she sooner dies, becomes disqualified, resigns, is removed from office or otherwise ceases to be a member, hold office as such member until the expiration of his or her term of office.

(h) The Chairperson shall hold office as Chairperson until his or her term of office as a member of the Authority expires, unless that person sooner dies, becomes disqualified from holding office, resigns, is removed from office or otherwise ceases to be a member, but, if reappointed as a member, shall be eligible to be designated as the Chairperson.

(i) Each member of the Authority—

 - I. shall hold office on a part-time basis and on such other terms (other than the payment of remuneration and allowances for expenses) as the Minister may determine, and

- II. shall be paid by the Authority, out of the resources at its disposal, such remuneration (if any) and allowances for expenses (if any) as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.

Head 12 - Disqualification for office of member of the Authority

Provide that:

1. A person shall be disqualified from holding and shall cease to hold office as a member of the Authority if he or she—
 - a. is convicted on indictment of an indictable offence,
 - b. is convicted of an offence involving fraud or dishonesty,
 - c. is adjudicated bankrupt,
 - d. makes a composition or arrangement with his or her creditors,
 - e. has a declaration under section 150 of the Companies Act 1990 made against him or her or is subject or is deemed to be subject to a disqualification order by virtue of Part VII of that Act,
 - f. has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,
 - g. is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provisions of that Act,
 - h. ceases to be ordinarily resident in the State, or
 - i. falls within any of paragraphs (a) to (d) of Head 16 (Membership of either House of the Oireachtas, European Parliament, etc.).
2. A person may be disqualified from holding and may cease to hold office as a member of the Authority if he or she accrues debts through gambling which it shall be a person's own responsibility to declare.
3. Where a member of the Authority dies, becomes disqualified from holding office, resigns, is removed from office or otherwise ceases to be a member, the Minister may appoint a person to be a member of the Authority to fill the resultant casual vacancy.
4. A person appointed to be a member of the Authority under subhead (3) shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy.
5. (a) A member of the Authority who, pursuant to Head 11(2)(a), holds office for a period of three (3) years from the date of his or her appointment shall be considered to have served a term as a member of the Authority even though he or she did not hold office for the period of four (4) years referred to in Head 11(1).

(b) A person who occasions or fills a vacancy shall, for the purposes of Head 11(2)(e)

be considered to have served a term as a member of the Authority even though he or she held office for only part of the term.

6. Subject to Head 15 (Meetings and business), the Authority may act notwithstanding one or more vacancies in its membership.

Head 13 – Removal of member of the Authority

Provide that:

1. (a) The Minister may remove a member of the Authority from office, following compliance with paragraphs (b), (c), and (d), where one or more of the following grounds apply, that in the opinion of the Minister:
 - i. the member has become incapable through ill health of effectively performing the functions of the office;
 - ii. the member has committed stated misbehaviour;
 - iii. the member has a conflict of interest of such significance that he or she should cease to hold the office; or
 - iv. the member is otherwise unfit to hold the office or unable to discharge its functions.
- (b) When removing a member, the Minister must comply with subheads (2) to (6).
- (c) The Minister may remove the member where no appeal against the decision of the Minister under subhead (6) has been made to the High Court within the period specified in subhead (7) or, where such an appeal has been made under subhead (8), the High Court has affirmed the decision.
- (d) The Minister may remove the member where a resolution is passed by both Houses of the Oireachtas calling for the member's removal from office.
2. When removing a member, the Minister must notify the member in writing and that notification must include a statement with the reasons for the removal.
3. The member may, within 30 working days of the sending of the notification or such other period as the Minister, having regard to the requirements of natural justice, may specify, make representations in the prescribed manner to the Minister as to why the member should not be removed from office.
4. The notification referred to in subhead (2) shall include a statement that, where no representations are received within the period specified in subhead (3), the Minister will, without further notice, proceed with the removal of the member from office in accordance with this Head.
5. In considering whether to remove a member from office, the Minister shall take into account:
 - a. any representations made pursuant to subhead (3); and
 - b. any other matter that the Minister considers relevant for the purpose of his / her decision.
6. Where, having taken into account the representations and matters referred to in subhead (5), the Minister decides to remove the member from office, the Minister shall notify the member in writing of his / her decision and of the reasons for it.

7. The member may, within 30 working days of the sending of the notification under subhead (2), appeal to the High Court against the decision of the Minister.
8. On hearing an appeal under subhead (7), the High Court may, as it thinks proper, either affirm or overturn the decision concerned.

Head 14 – Functions of the Authority

Provide that:

1. The Authority shall be independent in the performance of its functions.
2. The Authority shall be the sole authority with responsibility for regulating the provision of gambling services and activities in the State.
3. The Authority shall regulate gambling services and activities by commercial and non-commercial providers of such services, including the advertising of such services, in order to achieve a high degree of compliance and may undertake or have undertaken such inspections and other measures with the aim of verifying compliance with the licensing requirements of this Act.
4. The Authority shall develop appropriate safeguards to protect individuals from the harms of problem gambling through the regulation of gambling-related advertising and to ensure the effective protection of users of gambling services, products and activities.
5. The Authority shall be the sole authority for the licensing of gambling services and activities in the State and shall have the exclusive authority to develop, grant, renew, revoke and revise any licence (including its terms and conditions, if any) or any category of licence provided by this Act. This responsibility also includes:
 - a. establishing appropriate licence fees for gambling activities;
 - b. maintaining a list / register of all licensees and the activities they are licensed to engage in; and
 - c. supervising licensees and overseeing gambling operations, through compliance and monitoring activities, on-site inspections, etc.
6. The Authority shall be the competent authority for anti-money laundering and counter terrorism financing supervision in respect of gambling activity operators.
7. To ensure compliance with its regulatory and licensing functions as set out in subheads (3), (4) and (5), the Authority may:
 - a. detect and investigate whether an offence has been committed under this Act or other Acts provided for;
 - b. institute proceedings / prosecutions in respect of an offence under this Act or other Acts provided for; and
 - c. impose sanctions in accordance with Part 4.
8. The Authority may discharge the functions referred to in subheads (3), (4) and (5) by:
 - a. issuing, or having issued, codes;

- b. making orders / regulations that relate to compliance and standards and that may specify matters in relation to games and machines, including:
 - i. standards and types of software;
 - ii. records of maintenance, including where seals were placed;
 - iii. calibration checks;
 - iv. other technical standards; and
 - v. standards for recording of transactions (either electronically and by other means);
- c. receiving, investigating and addressing complaints in relation to the provision of gambling services and activities;
- d. receiving, investigating and addressing complaints in relation to the licensing of gambling services and activities, including by utilising the Appeal Board for such purposes;
- e. undertaking own volition investigations under the powers of investigation provided for in paragraphs (c) and (d);
- f. maintaining a register of all licences issued for all gambling services and activities;
- g. keeping the Minister informed of developments in respect of the regulation and licensing of gambling services and activities by providers, and making recommendations to assist the Minister in co-ordinating and developing policy in that regard;
- h. undertaking, commissioning or assisting in research projects and other activities in respect of gambling services and activities, which in the opinion of the Authority may promote an improvement in standards for the regulation and licensing of those services and public awareness of them, and make recommendations to the Minister arising from those projects or activities;
- i. promoting public awareness and disseminating information to the public in respect of the regulation and licensing of gambling services and activities, including the cost of such services;
- j. possessing powers to ensure that the integrity of the gambling sector is not compromised by the licensing of persons seeking ownership or control of gambling businesses using criminal funds, or who would manage licensed gambling in ways which facilitate money laundering or terrorist financing;
- k. operating the standard anti-money laundering / counter terrorist financing supervisory practice of concentrating efforts where the risks are greatest;

- l. participating in the revision of the money laundering / terrorist financing risk assessment as it relates to gambling biennially in collaboration with the Anti-Money Laundering Steering Committee, liaising with the An Garda Síochána (Financial Intelligence Unit), the Revenue Commissioners, and other relevant bodies on Suspicious Transaction Reports;
 - m. liaising with relevant anti-money laundering authorities in other states as necessary;
 - n. ensuring its staff are trained and equipped to take appropriate decisions on the suitability of anti-money laundering / counter terrorist financing systems and controls;
 - o. appointing an appropriate representative to the Anti-Money Laundering Steering Committee;
 - p. ensuring that operators have a written anti-money laundering framework in place as a condition of licensing; and
 - q. ensuring that operators are effectively supervised for compliance with anti-money laundering / counter terrorist financing requirements.
9. The Authority shall have power to authorise or prohibit the provision of certain forms of gambling activities, services or products in the State.
10. The Authority shall establish and maintain a social impact fund to:
- a. assist in funding research, training and community interventions into treatment of gambling addiction;
 - b. assist in funding public education and awareness raising programmes and the production of relevant information materials; and,
 - c. assist in appropriately supporting funding the provision of services to treat gambling addiction by appropriate / suitable bodies, through other State bodies and agencies;
11. The Authority shall, in performing its functions of the regulation of gambling services and activities under this Act, have regard to the objectives of:
- a. licensing, supervising and enforcing the provision of gambling services and activities in the State;
 - b. protecting and promoting the interests of consumers relating to the provision of gambling services and activities;
 - c. addressing money laundering activities in the context of gambling services and activities under any relevant legislation including, but not limited to, the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, the

Criminal Justice Act 2013 and the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018;

- d. preventing, detecting, investigating or prosecuting offences relating to gambling related match fixing / the manipulation of sporting events;
 - e. securing and maintaining consumer choice in the provision and availability of gambling services and activities;
 - f. ensuring competition and promoting innovation in the gambling industry, and protecting the State's revenues / financial interests;
 - g. ensuring the promotion of innovation and technology through employment and research; and
 - h. protecting and promoting the public interest and society, in particular children, from the ill-effects of gambling.
12. Subject to this Act, the Authority may do anything which it considers necessary or expedient to enable it to perform its functions, including liaising and co-operating with other statutory bodies or authorities, professional or consumer bodies or authorities, whether in the State or elsewhere.
13. Any function of the Authority may be performed through or by the Chief Executive or any member of its staff duly authorised in that behalf by the Authority.
14. The Chief Executive or member of staff of the Authority who performs any of its functions is presumed in any proceedings to have been authorised by it to do so on its behalf, until the contrary is proved.
15. The Authority may provide for the performance, under the general direction of the Authority, of one or more of its functions by a committee.
16. The Minister may confer on the Authority by order or regulation such other additional functions in relation to gambling services and activities as he or she may from time to time consider necessary.

Head 15 - Meetings and business

Provide that:

1. a. The Authority shall hold such and so many meetings as may be necessary for the due performance of its functions, but in each year shall hold not less than one meeting in each period of three months.

b. In addition to a meeting with all participants physically present, the Authority may hold or continue a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time.
2. The quorum for a meeting of the Authority shall be half the members plus one.
3. The Chairperson shall fix the date, time and place of the first meeting of the Authority which shall take place within one year of its establishment.
4. At a meeting of the Authority—
 - a. the Chairperson shall, if present, be the chairperson of the meeting, and
 - b. if and so long as the Chairperson is not present or if the office of Chairperson is vacant, the members of the Authority who are present shall choose one of their number to act as the chairperson of the meeting.
5. Each member of the Authority (including the Chairperson) present at a meeting of the Authority shall have a vote.
6. At a meeting of the Authority, a question on which a vote is required shall be determined by a majority of the votes of the members of the Authority present and voting on the question and, in the case of an equal division of votes, the Chairperson of the meeting shall have a second or casting vote.
7. Subject to this Act, the Authority may determine its own procedures.

Head 16 - Membership of either House of the Oireachtas, European Parliament, etc.

Provide that:

1. Where a member of the Authority, a member of a committee, the Chief Executive or a member of the staff of the Authority is—
 - a. nominated as a member of Seanad Éireann,
 - b. elected as a member of either House of the Oireachtas or to be a member of the European Parliament,
 - c. regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament or
 - d. elected or co-opted as a member of a local authority,

he or she shall thereupon—

- i. in the case of a member of the Authority, a member of a committee established under Head 17 (Committees of the Authority) or the Chief Executive cease to be a member of the Authority or the committee, or the Chief Executive, as the case may be, and
 - ii. in the case of a member of the staff of the Authority, stand seconded from employment by the Authority and shall not be paid by, or be entitled to receive from, the Authority any remuneration or allowances for expenses in respect of the period commencing on such nomination or election or appointment, or when he or she is regarded as having been so elected or on such election or co-option, as the case may be, and ending when he or she ceases to be a member of either such House or a member of such Parliament or a member of the local authority.
2. Without prejudice to the generality of subhead (1), that subhead shall be construed as prohibiting the reckoning of a period mentioned in subparagraph (ii) of that subhead as service with the Authority for the purposes of any superannuation benefits payable under Head 24 (Superannuation).
3. A person who is for the time being—
 - a. entitled under the Standing Orders of either House of the Oireachtas to sit therein,
 - b. a member of the European Parliament, or
 - c. entitled under the standing orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled under paragraph (a) or (c) or is such a member under paragraph (b), be disqualified from holding and shall cease to hold office as a member of the Authority, a member of a committee, the Chief Executive or a member of the staff of the Authority.

Head 17 - Committees of the Authority

Provide that:

1. The Authority may establish committees to—
 - a. assist and advise it in relation to the performance of all or any of its functions, and
 - b. perform such functions of the Authority as may stand delegated to them under Head 14 (Functions of the Authority).
2. In appointing members of a committee, the Authority shall—
 - a. have regard to the range of qualifications and experience necessary for the proper and effective discharge of the functions of the committee, and
 - b. have regard to the desirability of there being such balance between men and women on the committee as is appropriate.
3. A committee shall consist of such number of members as the Authority may determine.
4. A committee may include persons who are not members of the Authority or its staff.
5. There may be paid by the Authority, out of the resources at its disposal, to members of a committee such fees (if any) or allowances for expenses (if any) incurred by them as the Authority, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform may from time to time determine.
6. A member of a committee may at any time be removed from a committee by the Authority for stated reasons.
7. The acts of a committee shall be subject to confirmation by the Authority, unless the Authority otherwise determines.
8. The Authority may determine the terms of reference and regulate the procedures of a committee but, subject to any such regulation, the committee may regulate its own procedures and business.
9. The Authority may appoint a person to be chairperson of a committee.
10. A committee shall provide the Authority with such information as the Authority may from time to time require, in respect of its activities and operations, for the purposes of the performance of the functions of the Authority.
11. The Authority may at any time dissolve a committee.
12. A committee may act notwithstanding one or more vacancies in its membership.

Head 18 - Non-disclosure of confidential information

Provide that:

1. Save as otherwise provided by law, and subject to subhead (3), a person shall not, without the consent in writing of the Authority, disclose confidential information obtained by that person while performing, or as a result of having performed, functions as—
 - a. a member of the Authority or a committee,
 - b. the Chief Executive,
 - c. a member of the staff of the Authority, or
 - d. an authorised officer appointed under Part 4.
2. A person who contravenes subhead (1) is guilty of an offence and liable on summary conviction to the appropriate penalty.
3. Nothing in subhead (1) shall prevent the disclosure of information—
 - a. to the Authority,
 - b. which, in the opinion of a person referred to in that subhead, and subject to section 41 of the Data Protection Act 2018, may relate to the commission of an offence to—
 - i. the Director of Corporate Enforcement,
 - ii. the Competition and Consumer Protection Commission,
 - iii. a member of the Garda Síochána,
 - iv. an officer of the Revenue Commissioners,
 - v. the Central Bank of Ireland, or
 - vi. such other person as may be prescribed after consultation by the Minister with any other Minister of the Government appearing to the Minister to be concerned.
4. If information disclosed in accordance with this head is subject to legal professional privilege, that information may not be used by the persons to whom the information is disclosed as against the client in respect of whom the privilege is vested.
5. Where any question arises as to whether information is or is not subject to legal professional privilege, or the use to which such information may be put, the client of the legal practitioner asserting such privilege may apply to the High Court for the determination of any matter relating to such information and the use to which such information may be put and the Court may make such orders as it considers appropriate in determining the matter before it.
6. Nothing in subhead (1) shall prevent the disclosure of information by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995.

7. In this Head, “confidential information” includes information that is expressed or perceived by the Authority or a committee to be confidential either as regards particular information or as regards information of a particular class or description.

Head 19 - Strategic plans

Provide that:

1. The Authority shall, as soon as practicable after the establishment day and thereafter within 6 months before each third anniversary of the establishment day, prepare and submit to the Minister, for approval by the Minister with or without amendment, a strategic plan for the ensuing 3 year period.
2. A strategic plan shall—
 - a. set out the key objectives, outputs and related strategies of the Authority, including the use of its resources, and
 - b. have regard to the need to ensure the most beneficial and efficient use of the Authority's resources.
3. The Minister shall, as soon as practicable after a strategic plan has been approved, cause a copy of it to be laid before each House of the Oireachtas.
4. The Authority shall ensure the publication of the strategic plan as soon as practicable after copies of a strategic plan are laid before both Houses of the Oireachtas in accordance with subhead (3).

Head 20 - Reports to Minister

Provide that:

1. The Authority shall, not later than 30 April in each year, make a report (in this Head referred to as the “annual report”) to the Minister on the performance of its functions during the preceding year.
2. The annual report shall be in such form and shall include information in respect of such matters as the Authority considers appropriate.
3. The Authority may make such other reports to the Minister relating to its functions as it considers appropriate.
4. The Authority shall give to the Minister such other information as the Minister may require in respect of—
 - a. the performance by the Authority of its functions and its policies in respect of such performance,
 - b. any specific document or account prepared by it, or
 - c. the annual report or any report referred to in subhead (3).
5. For the purposes of subhead (1), the period between the establishment day and the following 31 December shall be deemed to be a preceding year.
6. The Minister shall, as soon as is practicable, cause copies of the annual report or, as the case may be, a report referred to in subhead (3), to be laid before each House of the Oireachtas.
7. The Authority shall publish its annual report in such form and manner as it considers appropriate as soon as is practicable after subhead (6) has been complied with in respect of the report.

Head 21 - Powers of the Authority in relation to codes

Provide that:

1. The Authority may, having regard to the objectives specified in Head 14 (Functions of the Authority) and in accordance with this Head, issue a code where it considers it necessary to do so for the purpose of setting and improving standards for the provision of gambling services and activities in the State.
2. Where the Authority issues a code, it shall also have the power to vary or amend that code in accordance with the provisions of this Head.
3. A code issued under subhead (1), or amended or varied under subhead (2) may relate to the provision of gambling services and activities by any persons or legal persons as may be specified in the code.
4. Before exercising its powers under subheads (1) or (2), the Authority shall consult, in such manner as it considers appropriate, with—
 - a. any parties which shall be subject to the proposed code, and
 - b. such other interested parties as the Authority considers appropriate.
5. Where the Authority engages in consultation under subhead (4), it shall, before issuing the code concerned, consider representations (if any) made by the bodies or parties so consulted.
6. Where the Authority, under this Head, issues, amends or revokes a code, it shall without delay cause a notice to that effect to be published in *Iris Oifigiúil*, which notice shall—
 - a. specify the code concerned, and
 - b. specify the date from which the code, or the amendment to or the revocation of the code, as the case may be, shall have effect.
7. (a) The Authority shall make available for inspection free of charge to members of the public in an appropriate format a copy of every code issued by it under subhead (1).

(b) A copy of a code made available under paragraph (a) shall state the date on which the code has effect and, where applicable, the date on which the revocation of the code has effect.

(c) Where a code referred to in paragraph (a) has been amended in accordance with this section, a reference in that paragraph to a code is to that code as amended.

Head 22 - Chief Executive Officer of the Authority

Provide that:

1. There shall be a chief executive officer of the Authority who shall be appointed by the Minister and who shall be known, and is referred to in this Act as the “Chief Executive”.
2.
 - (1) The Minister shall invite the Service to undertake a selection competition for the purpose of identifying and recommending to the Minister a person who is suitable for appointment as the Chief Executive.
 - (2) The Minister shall agree with the Service the selection criteria and process that are to apply to the selection competition.
 - (3) The Service shall provide the Minister with particulars of the experience, qualifications, training and expertise of each person whom it recommends under this section as suitable for appointment as the Chief Executive.
 - (4) The Chief Executive shall:
 - a. be appointed by the Minister on the recommendation of the Chief Executive of the Service after a competition has been held under section 47 of the Public Service Management (Recruitment and Appointment) Act 2004;
 - b. have such relevant experience, qualifications, training or expertise as is appropriate having regard, in particular, to the functions of the Authority under this Bill.
 - (5) Subject to subheads (2)(1), (2), (3) and (4), the Minister may, before the establishment day of the Authority, designate a person to be appointed as the first Chief Executive officer of the Authority from establishment day under the terms otherwise set out under this Act.
 - (6) If, immediately before the establishment day, a person stands designated by the Minister under subhead (2)(5)—
 - a. the Minister may appoint that person to be the first Chief Executive officer of the Authority, and
 - b. for the purposes of subhead (4), the date of that person’s designation under subhead (2)(5) shall be deemed to be the date of his or her appointment under this Head.
3. The Chief Executive shall hold office under a written contract of service (which may, at the discretion of the Authority, be renewed for such period as is specified in the contract, and subject to such terms and conditions (including terms and conditions relating to remuneration and those set out in subheads (4) and (5))) as are determined by the Authority with the approval of the Minister for Justice with the consent of the Minister for Public Expenditure and Reform.

4. Subject to subhead (3), the Chief Executive shall hold office for such period, not exceeding five (5) years from the date of his or her appointment under this Head, as may be determined by the Minister, and this shall be specified in the contract referred to in subhead (3).
5. Subject to subhead (3), the Chief Executive may be reappointed for a second term [by the Minister on the recommendation of the Authority] and that second term shall not exceed five (5) years in duration. This shall also be a term of the contract referred to in subhead (3) and shall not convey entitlement to a role of a permanent nature or a contract of indefinite duration.
6. The Chief Executive shall:
 - a. implement the policies and decisions of the Authority;
 - b. manage and control generally the Authority's staff, administration and business;
 - c. be responsible to the Authority for the performance of his or her functions; and
 - d. perform such other functions (if any) as may be required by the Authority or as may be authorised under this Bill.
7. The Chief Executive may be removed or suspended from office by the Authority for stated reasons.
8. The Chief Executive shall not be a member of the Authority or a committee but may, in accordance with procedures established by the Authority or such a committee, as the case may be, attend meetings of the Authority or the committee, as the case may be, and shall be entitled to speak at and give advice at such meetings.
9. The Chief Executive shall provide the Authority with such information, including financial information, in respect of the performance of the Chief Executive's functions as the Authority may require.
10. The Chief Executive shall not hold any other office or position in respect of which remuneration is payable, or carry on any business, trade or profession without the consent of the Authority.
11. Such of the functions of the Chief Executive as the Chief Executive may specify may, with the consent of the Authority, be performed by such member or members of the staff of the Authority as the Chief Executive may authorise for that purpose, and that member or those members of staff shall be accountable to the Chief Executive for the performance of the functions so delegated.
12. The Chief Executive shall be accountable to the Authority for the performance of functions delegated by him or her in accordance with subhead (11).
13. The Chief Executive may, with the consent of the Authority in writing, revoke a delegation made in accordance with this section.

14. The functions referred to in subhead (11) do not include a function delegated by the Authority to the Chief Executive subject to a condition that the function shall not be delegated by the chief executive to anyone else.

15. If the Chief Executive—

- a. dies, resigns, becomes disqualified or is removed from office, or
- b. is for any reason temporarily unable to continue to perform his or her functions,

the Authority may designate such member or members of the staff of the Authority as it considers appropriate to perform the functions of the Chief Executive until—

- i. in the circumstances mentioned in paragraph (a), a new Chief Executive is appointed in accordance with this section,
- ii. in the circumstances mentioned in paragraph (b), the Chief Executive is able to resume the performance of his or her functions, or
- iii. the Authority decides to revoke or alter a designation made under this subhead.

Head 23 - Staff of the Authority

Provide that:

1. The Authority may appoint persons to be the staff of the Authority and may determine their duties.
2. The Authority, with the approval of the Minister for Public Expenditure and Reform, shall determine—
 - a. the terms and conditions of employment (including terms and conditions relating to remuneration and allowances) of staff appointed under this section, and
 - b. the grades of the staff of the Authority and the numbers of staff in each grade.
3. The remuneration and allowances of the Authority's staff are payable by the Authority to the staff out of funds at the Authority's disposal.
4. A member of staff of the Authority shall be a public servant.

Head 24 – Superannuation

Provide that:

1. The Authority may, with the approval of the Minister for Public Expenditure and Reform, make a scheme or schemes for the granting of superannuation benefits to or in respect of any person appointed Chief Executive or any person who, on becoming a member of staff of the Authority, does not become a member of the Single Public Service Pension Scheme.
2. A scheme under this section shall fix the time and conditions of retirement of all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.
3. The Authority may, with the approval of the Minister for Public Expenditure and Reform, make a scheme amending a scheme under this Head including a scheme under this subhead.
4. A scheme under this Head shall, if approved by the Minister for Public Expenditure and Reform, be carried out by the Authority in accordance with its terms.
5. A scheme under this Head shall include a provision for appeals from a decision relating to a superannuation benefit under the scheme.
6. If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable pursuant to a scheme or schemes under this Head, such dispute shall be submitted to the Minister who shall refer it to the Minister for Public Expenditure and Reform, whose decision shall be final.
7. No superannuation benefits shall be granted by the Authority to or in respect of a person on ceasing to be the Chief Executive or a member of the staff of the Authority otherwise than—
 - a. in accordance with a scheme or schemes under this Head, or
 - b. with the approval of the Minister for Public Expenditure and Reform.
8. A scheme under this Head shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
9. Subhead (8) shall, with all necessary modifications, apply to an amendment to a scheme under this Head as it applies to a scheme under this Head.
10. In this Head—

“amending”, in relation to a scheme under this Head, includes revoking the scheme,

“superannuation benefit” means any pension, gratuity or other allowance payable to or in respect of a person ceasing to be the Chief Executive or a member of the staff of the Authority.

Head 25 - Accounts and audit

Provide that:

The Chief Executive, with the agreement of the Authority, shall—

1. (a) submit estimates of income and expenditure to the Minister in such form, in respect of such periods and at such times as may be specified by the Minister, and

(b) provide to the Minister any information which the Minister may require regarding those estimates and also regarding the proposals and plans of the Authority in respect of a period specified by the Minister,

and the Minister shall, as soon as practicable, cause copies of the information so submitted by the Authority to be laid before each House of the Oireachtas.

2. The Chief Executive, under the direction of the Authority, shall keep in such form and in respect of such accounting periods as may be approved of by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of moneys received and spent by the Authority, including an income and expenditure account and a balance sheet.
3. (a) The accounts of the Authority shall be approved by it as soon as is practicable (but not later than 3 months after the end of the accounting period to which they relate) and submitted by it to the Comptroller and Auditor General for audit.

(b) A copy of the accounts and the report of the Comptroller and Auditor General on them shall be presented to the members of the Authority and the Minister as soon as is practicable, and the Minister shall cause a copy of the accounts and report to be laid before each House of the Oireachtas.
4. (a) The Authority, the Chief Executive and any relevant member of the staff shall, whenever so required by the Minister, permit any person appointed by the Minister to examine the accounts of the Authority in respect of any financial year or other period and shall facilitate any such examination, and the Authority shall pay to the Minister such fee for the examination as may be fixed by the Minister.

(b) In this subhead, “relevant member of the staff” means a member of the staff of the Authority to whom duties relating to those accounts have been duly assigned.
5. The Chief Executive is the accounting officer in relation to the appropriation accounts of the Authority for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.

Head 26 - Accountability of Chief Executive to Oireachtas Committees established to examine etc. appropriation accounts etc.

Provide that:

1. The Chief Executive shall, whenever required in writing by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General (in this section referred to as the “Committee”), give evidence to that Committee on—
 - a. the regularity and propriety of the transactions recorded or required to be recorded in any account kept under Head 25(2) (Accounts and audit),
 - b. the economy and efficiency of the Authority in the use of its resources,
 - c. the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and
 - d. any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.

Head 27 - Accountability of Chief Executive to Oireachtas Committees

Provide that:

1. Subject to subhead (2), the Chief Executive shall, at the request in writing of the Committee attend before it to give account for the general administration of the Authority as is required by the Committee.
2. The Chief Executive shall not be required to give account before the Committee for any matter which is or has been or may at a future time be the subject of—
 - a. proceedings before a court or tribunal in the State, or a decision or determination by the Authority in respect of a particular matter under this Act.
 - b. where the Chief Executive is of the opinion that a matter, the subject of a request under subhead (1), is a matter to which subhead (2) applies, he or she shall inform the Committee concerned of that opinion and the reasons for that opinion and, unless the information is conveyed to the Committee at a time when the Chief Executive is before it, the information shall be so conveyed in writing.
3. Where the Chief Executive has informed the Committee of his or her opinion in accordance with subhead (2) and the Committee does not withdraw the request referred to in subhead (1) in so far as it relates to a matter the subject of that opinion—
 - a. the Chief Executive may, not later than 21 days after being informed by the Committee of its decision not to withdraw the request, apply to the High Court in a summary manner for determination of the question whether the matter is one to which subhead (2) applies, or
 - b. the chairperson of the Committee may, on behalf of the Committee, make such an application,and the High Court shall determine the matter.
4. Pending the determination of an application under subhead (3), the Chief Executive shall not attend before the Committee to give account for the matter the subject of the application.
5. If the High Court determines that the matter concerned is one to which subhead (2) applies, the Committee shall withdraw the request referred to in subhead (1), but if the High Court determines that subhead (2) does not apply, the Chief Executive shall attend before the Committee to give account for the matter.
6. In this section “Committee” means the Committee established jointly by Dáil Éireann and Seanad Éireann known as the Committee on Justice, or any Committee established to replace that Committee.

7. In the performance of his or her duties under this Head, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Head 28 – Power to charge and recover fees

Provide that:

1. The Authority shall specify and publish by regulations, the fees to be paid to it and when they fall due in respect of—
 - a. the performance of functions,
 - b. the provision of services, and
 - c. the carrying on of activities,

under this Act.

2. Without prejudice to the generality of subhead (1), the Authority's power under that subhead to specify and publish fees includes the power to provide for exemptions where it determines appropriate to do so, from the payment of fees, or waiving, remitting or refunding fees (in whole or in part), having regard to the circumstances of each case.
3. The Authority may recover as a simple contract debt in any court of competent jurisdiction, from a person by whom the fee is payable, any amount due and owing to the Authority in respect of a fee charged under this Head.

Head 29 - Advances by the Minister to the Authority

Provide that:

1. The Minister shall advance to the Authority out of moneys provided by the Oireachtas such amount or amounts as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine for the purposes of expenditure by the Authority in the performance of its functions.

Head 30 - Power to borrow

Provide that:

1. The Authority may borrow money (including money in a currency other than the currency of the State) for the purpose of performing any of the functions of the Authority, subject to the consent of the Minister and the Minister for Public Expenditure and Reform and any conditions they may determine.

Head 31 - Funding of the Authority

Provide that:

1. The Authority shall charge and collect such administrative and licensing fees as provided for in-
 - a. Head 28 – Power to charge and recover fees, and
 - b. Head 35 – Power to set and charge licence fees.
2. Following appropriate provision to cover the financial costs incurred by the Authority at the end of each financial period, any remaining fees collected by the Authority under the Heads referred to in paragraphs (a) or (b), or anywhere else under this Act if appropriate, shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform directs.
3. Where the Authority is unable to meet its financial costs incurred at the end of a financial period, the Authority may address that shortfall by–
 - a. seeking an advance from the Minister under Head 29 (Advances by the Minister to the Authority), or
 - b. borrowing money under Head 30 (Power to borrow)
4. For the purposes of this Head, “financial costs” shall include–
 - a. the operating and administrative costs incurred by the Authority and Appeals Board in the performance of their functions under this Act,
 - b. the salary and pension / superannuation obligations of the Authority (and Appeals Board if staff are to be seconded full-time),
 - c. the remuneration of the members of the Authority and the Appeals Board,
 - d. the cost of premises,
 - e. the cost of consultants and advisors engaged by the Authority, and
 - f. any expenses incurred by the Authority and Appeals Board in the performance of their functions under this Act not referred to in (a) to (e) above.
5. For the purposes of this Head, “financial period” shall mean –
 - a. from when Part 3 (the licensing Heads specifically) is commenced until 31st December that year, and from 1st January to 31st December the following year, and,
 - b. each 12 month period from 1st January to 31st December thereafter.

Head 32 - Reports on specified matters to the Minister

Provide that:

1. The Authority shall, following appropriate public consultation processes, prepare and furnish reports to the Minister in relation to the following:
 - a. in respect of new and emerging trends in relation to gambling services and activities and relevant matters, both domestically and internationally, and to make recommendations to assist the Minister in co-ordinating and developing policy in that regard;
 - b. to undertake, commission or assist in research projects and other activities in relation to the regulation of gambling and relevant matters in the State, which in the opinion of the Authority may promote an improvement in standards for the provision of those services and activities and to make recommendations to the Minister arising from those projects or activities; and
 - c. any such other matters as the Minister may, from time to time, request the Authority to report on to him or her.
2. The fact that the Authority has provided a report under subhead (1) in respect of a matter referred to in that subhead shall not, of itself, preclude the Minister from requiring another report in respect of that matter or the Authority from providing that report.
3. A report in respect of the matters referred to in subhead (1)(b) shall—
 - a. be provided to the Minister within a period specified by the Minister in a written notice to the Authority requesting the report, and
 - b. contain such details and make recommendations as to such matters as may be specified by the Minister in the notice referred to in paragraph (a).
4. (a) The Authority shall, either at the request of the Minister or on its own initiative, prepare an interim report for the Minister in relation to any of the matters in respect of a report being prepared under this Head.

(b) An interim report referred to in paragraph (a) may refer generally to the progress of the public consultation process concerned or it may refer to—

 - i. where the Minister has requested the interim report, to such matters as the Minister requests, or
 - ii. where the interim report is prepared on the initiative of the Authority, to such matters as the Authority considers appropriate, and may contain recommendations in respect of such matters.
5. Except where, in the opinion of the Minister, it would compromise the prevention or investigation of a criminal offence, the security of systems used by the Authority or

be otherwise contrary to the public interest, the Minister shall cause copies of any report referred to in this Head to be laid before each House of the Oireachtas within 30 days of having received it.

Part 3 – Licensing

Chapter 1 – Licensing (General)

Head 33 – Definitions for this Part

Provide that:

“beneficial owner” has the meaning given to it by Article 3 of the Fourth Money Laundering Directive.

“Fourth Money Laundering Directive” means Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC;

“Licence Holder” means a person granted a licence under Head 37 (The Licence Holder);

“relevant officer”—

- a. in relation to a body corporate, means any person who is—
 - i. the proprietor (where it is a body corporate with a sole owner),
 - ii. the owner (where it is a body corporate with a sole owner),
 - iii. any member of the board of the body corporate, including the chair person,
 - iv. the chief executive officer
 - v. a director, manager, secretary or other officer or agent of the body corporate, or
 - vi. a person purporting to act in any such capacity,
- b. in relation to a partnership—
 - i. means any person who is—
 - (I) a partner in, or a manager or other similar officer of, the partnership, or
 - (II) a person purporting to act in any such capacity, and
 - ii. if any partner in the partnership is both a body corporate and a licence holder or an applicant for a licence, includes any person who is—
 - (I) a director, manager, secretary or other similar officer of such partner, and

(II) a person purporting to act in any such capacity.

"society" includes a club, institution, organisation or other association of persons by whatever name called.

Head 34 – Power of Authority to issue a licence

Provide that:

1. The Authority shall be the sole body in the State to issue licences for the sale or provision of gambling activities, products and services.
2. No person shall provide gambling activities and services from within the State or to any person in the State except when in possession of a valid licence, or when such person is exempt from the requirement of a licence under this Act.
3. No person shall offer licensable gambling activities and services, whether as part of a gambling service or otherwise, unless such service is approved or otherwise recognised by the Authority.

Head 35 - Power to set and charge licence fees

Provide that:

1. The Authority shall determine and set the fees to be charged in respect of each of the licensable activities under this Act.
2. The fees mentioned in subhead (1) shall be known as “licence fees” and shall be paid by the licence holders.
3. The licence fees shall be separate and distinct to the administrative fees charged when making an application under this Act.
4. In setting licence fees, the Authority shall have regard to any information it feels is relevant and consult with any person it feels appropriate.
5. Licence fees shall be set having regard of the need to meet the administrative burden of regulating the gambling sector and shall be based on –
 - a. the size of licence holders’ operations,
 - b. the forms of gambling being offered by licence holders,
 - c. licence holders’ turnover, and
 - d. any other matter that the Authority may specify.
6. The Authority shall set out in detail the fees to be charged for all licensable activities, including the criteria to be used in calculating and when setting same.
7. The Authority shall publish the schedule of fees chargeable and the date it shall be operable from.
8. The Authority shall have the power to revise and vary the fees chargeable for activities licensed under this Act.
9. The revised fees shall apply to the grant of new licences issued after the coming into force of the revised fees. The revised fees shall not apply to any portion of a licence period in respect of which a fee is outstanding on the operative date for the revised fee.
10. Where the Authority revises the licence fees, it shall publish a revised schedule of fees and the date it shall be operable from.
11. A licence fee shall be payable to the Authority in the manner or form specified having regards to the terms and conditions of the licence fees.
12. (i) The Authority shall serve a notice on each licence holder liable to pay a licensing fee stating -
 - a. that a licence fee is payable,
 - b. the amount of the licence fee,

- c. the date by which a licence fee shall be paid, or where a fee may be paid by instalments, the numbers of instalments, the amount of each instalment and the date on which each instalment is to be paid.
- (ii) Where there are multiple licence fees due from a single applicant or licence holder, the Authority may request a combined licence fee from the applicant (or licence holder in the case of a renewal) and shall provide an itemised list of the individual licence fees that make up those combined fees.

Head 36 – Register of licences

Provide that:

1. The Authority shall, as soon as is practicable establish and maintain a register of licence holders to be known as the Gambling Licensing Register (the “register” for the purposes of this Part).
2. The register shall be in such form as the Authority thinks fit and shall contain—
 - a. the name and trading name (if different) of each licence holder,
 - b. the address of the premises (if any) at which the licence holder carries on gambling or where remote gambling is provided, the location of the operator’s servers,
 - c. in the case of a licence holder that is a body corporate, the name of the relevant officers of the body corporate,
 - d. in the case of a licence holder that is a body corporate, the name of the beneficial owner or owners of the licence holder,
 - e. and such other identifying particulars of licence holders as the Authority considers appropriate, and
 - f. contain such other entries in respect of licence holders (including licence holders whose licences are suspended) as the Authority considers appropriate.
3. The Authority shall make the register available for inspection free of charge by members of the public—
 - a. at its principal office during normal working hours, and
 - b. on its Internet website in such a manner that the section of that website which contains the register is readily accessible by members of the public.
4. A copy of an entry in the register shall, on request, be issued by the Authority on payment of the appropriate fee (as specified by the Authority).
5. The Authority may divide the register into different divisions for different types of licences as it sees fit.
6. In any legal proceedings, a certificate signed by the Chief Executive, or a member of the staff of the Authority authorised by the Chief Executive to give a certificate under this subhead, stating that a person—
 - a. is registered in the register or in a specified division of the register,
 - b. is not registered in the register or in a specified division of the register,

- c. was at a specified date or during a specified period registered in the register or in a specified division of the register,
- d. was not, at a specified date or during a specified period, registered in the register or in a specified division of the register or was suspended from the register at that time in consequence of a suspension of the person's licence, or
- e. has never been registered in the register,

shall, without proof of the signature of the person purporting to sign the certificate or that the person was the Chief Executive or a member of the staff of the Authority so authorised, as the case may be, be evidence, unless the contrary is proved, of the matters stated in the certificate.

- 7. The Authority shall ensure that the register is accurate and, for that purpose, the Authority shall make any alteration requiring to be made in the information contained in an entry.
- 8. The Authority shall, as soon as is practicable after doing anything under subhead (7), give notice in writing of that fact to the licence holder to whom the alteration relates.
- 9. A licence holder to whom an entry in the register relates shall give notice in writing to the Authority of—
 - a. any error that the person knows of in the entry, and
 - b. any change in circumstances that is likely to have a bearing on the accuracy of the entry,

as soon as may be after the person becomes aware of that error or change in circumstances, as the case may be.

Head 37 – The Licence Holder

Provide that:

1. (i) Any person or persons, whether resident in the State or elsewhere, may apply to the Authority for and, subject to this Act, may be granted a licence, and the person to whom a licence is granted shall, subject to subhead (2), be the licence holder.

(ii) Subject to paragraph (i) above, licence holders and their operations must be based within the European Economic Area, the United Kingdom of Great Britain and Northern Ireland, or any country or territory which may be specified.
2. The licence holder shall be any person, that is –
 - a. an individual,
 - b. a body corporate, or
 - c. a partnership,that provides gambling services, products or activities either in or from the State.
3. A licence holder shall be liable for compliance with the obligations of this Act and shall be liable for any consequences arising from a breach of the terms and conditions of a licence.
4. Subject to subhead (5), a licence holder may hold more than one type of licence.
5. A licence holder may not hold a licence or licences under Heads 40 – 43 and a licence under Head 62 (Charitable / Philanthropic Cause Licence) in the same capacity.
6. (i) A licence holder shall, without delay, inform the Authority when it or a relevant officer, as provided for under Head 38 (Relevant officers of the licence holder) –
 - a. has been charged with or convicted of an offence,
 - b. has been declared bankrupt,
 - c. has resigned,
 - d. has retired,
 - e. has become incapacitated, or
 - f. is otherwise not a fit and proper person,as appropriate.

(ii) The Authority shall also be informed of a death of a licence holder, or of a relevant officer as provided for under Head 38 (Relevant officers of the licence holder).

(iii) The Authority shall evaluate the nature, etc. of a conviction and if deemed necessary, it shall require the licence holder to cease acting in that capacity.
7. Nothing in this Head shall prevent the revocation of a licence, if appropriate and necessary in the circumstances.

Head 38 – Relevant officers of the licence holder

Provide that:

1. (i) Where the applicant for a licence is a body corporate or partnership, the application shall be made on the applicant's behalf by relevant officers of the body corporate or partnership that are nominated for that purpose.

(ii) Relevant officers may, together with the licence holder, be liable for any consequences from breaches of a licence or of its terms and conditions.
2. Where an application is made on behalf of a company providing gambling services, and where the company is itself a member of a group of companies whose business in whole or in part, is related to gambling, the application shall be made by the relevant officers of that company, and in respect of each relevant officer named, his or her position in any other company in the group, or holding, or parent company shall be disclosed.
3. (i) The minimum number of relevant officers who are required to act as licence holders shall be as determined and specified by the Authority.

(ii) The number may be increased either by the applicants or where required by the Authority.

Head 39 – Types of licences that may be issued by the Authority

Provide that:

1. Subject to the provisions of this Act, the Authority may issue one or more, or a combination of the following licences under this Act -
 - a. Business to Consumer (B2C) Licence-
 - i. Gambling Licence (In-Person or Remote),
 - ii. Betting Licence (In-Person or Remote), or
 - iii. Lottery Licence (In-Person or Remote),
 - b. Business to Business (B2B) Licence,
 - c. Charitable / Philanthropic Cause Licence under Chapter 2.
2. A licence issued under subhead (1)(a) shall permit a commercial operator to provide a variety of gambling activities, products and services aimed at consumers as authorised by the Authority.
3. A licence issued under subhead (1)(b) shall permit a commercial operator to provide a variety of products and services to other commercial operators as authorised by the Authority.
4. A licence issued under subhead (1)(c) shall permit a person to provide a variety of gambling activities on a charitable / philanthropic basis as authorised by the Authority.
5. The Authority shall specify the types of activities, products and services to which licences shall apply and the terms and conditions applicable to those licenses.
6. A person may apply for one or more of the licences at subhead (1)(a) and where multiple licences are approved / granted by the Authority and it is practical to do so, the Authority may group them as a single Business to Consumer licence clearly specifying what elements have been authorised.

Head 40 - Business to Consumer (B2C) Licence - Gambling Licence (In-Person or Remote)

Provide that:

1. This type of licence shall permit / authorise a licence holder to provide games which –
 - a. are played against the licence holder, the outcome of which is determined by a random factor such as a random number generator (e.g. online non peer-to-peer games); or
 - b. are not played against the licence holder where the operator is not exposed to gaming risk but generates revenue by taking a commission.
2. A Gambling (In-Person) Licence shall permit / authorise a licence holder to offer and provide the types of games described in subhead (1) to be played in person at the licence holder's premises.
3. A Gambling (Remote) Licence shall permit / authorise a licence holder, or person acting on behalf of a licence holder to offer and provide the types of games, including software representations of those games specified in subhead (1), via remote means.
4. The Authority shall specify the games and activities which may be licensed / authorised under this type of licence.
5. Where a licence holder offers the same game to players via both in person and via remote means, they shall be required to hold both categories of licence as set out in (2) and (3) above.

Head 41 - Business to Consumer (B2C) - Betting Licence (In-Person or Remote)

Provide that:

1. This type of licence shall authorise betting [wagering] involving played against a licence holder, the outcome of which is not generated randomly but is determined by the result of an event or competition and where the operator manages his or her own risk by managing the odds offered to the player.
2. A Betting (In-Person) Licence shall authorise a licence holder to offer and provide the types of betting described in subhead (1) to be played in person at the licence holder's premises or place [or location] at an event or series of events specified in the licence.
3. A Betting (Remote) Licence shall authorise a licence holder to provide the types of betting described in subhead (1), with the exception of betting intermediary or betting exchange services / activities, via remote means, that could otherwise be played in person at the licence holder's premises or at an event or series of events specified in the licence.
4. A Betting (Remote Intermediary / Exchange) Licence shall authorise a licence holder to provide betting intermediary or betting exchange services via remote means that could otherwise be played in person at the licence holder's premises or at an event or series of events specified in the licence.
5. The Authority shall specify the betting activities which may be licensed / authorised under this type of licence.

Head 42 - Business to Consumer (B2C) – Lottery Licence (In-Person or Remote)

Provide that:

1. This type of licence shall authorise the provision of lotteries by licence holders.
2. A Lottery (In-Person) Licence shall authorise a licence holder to offer and provide the types of lotteries described in subhead (1) to be played in person at the licence holder's premises.
3. A Lottery (Remote) Licence shall authorise a licence holder, or person acting on behalf of a licence holder to offer and provide the types of lotteries, including software representations of those games specified in subhead (1), via remote means.
4. The Authority shall specify the lottery products and activities which may be authorised under this type of licence.
5. As provided for under this Act, the Authority shall specify the maximum stakes and prize limits in relation to lotteries under this Head.
6. Where a licence holder offers entry to the same lottery to players via both in person and via remote means, they shall be required to hold both categories of licence as set out in (2) and (3) above.

Head 43 – Business to Business (B2B) Licence

Provide that:

1. Any person who:
 - a. inside or outside the State, provides gambling products or related services, as defined in subhead (2), to licence holders (B2C and other B2B licence holders), either directly or indirectly, within the State; or
 - b. inside the State, that provides gambling products or related services, either directly or indirectly (such as hardware, software and equipment), to parties outside the State;

shall hold a Business to Business licence as issued by the Authority.

2. For the purpose of this Head, “gambling products or related services” means in relation to any type of betting, lottery or game-
 - i. the supply and management of any type of betting, lottery and gaming (including games, components of games or equipment in relation to gaming, and those in relation to bingo) or services,
 - ii. the supply and management of components of a game that are indispensable for the operation of a game,
 - iii. the provision of support and maintenance which is indispensable to the provision of a game,
 - iv. the supply and management of software, whether as a stand-alone or as part of a system, to generate, capture, control or otherwise process any essential regulatory record and, or the supply and management of the control system itself on which such software resides,
 - v. the supply and management of online hosting services to facilitate the provision of gambling services and activities under this Act.
 - vi. the provision of an indispensable component in the process and, management of essential regulatory data that ensures compliance with regulatory obligations and standards as set by the Authority,
 - vii. the manufacturing, assembling, placing on the market, distributing, supplying, selling, leasing or transferring gaming equipment / machines / devices,
 - viii. the provision of risk management services for the operation of a licensable game,
 - ix. the provision of event, content and, or odds,

- x. the provision of fraud management services for the operation of a licensable game,
- xi. the holding and, or managing of player funds,
- xii. the provision of services relating to customer due diligence,
- xiii. the provision of services related to player identity verification,
- xiv. the provision of co-location services and other managed information technology services, including cloud computing services and, or decentralised hosting protocols where the latter do not amount to a critical gaming supply,
- xv. the provision of any other product or service that the Authority may specify.

Head 44 - Public notice of intention to apply for licence

Note:

It is intended that a head will be prepared and developed during drafting of the Bill, following modern best practice, to outlining the requirement and procedure necessary to notify the public where an application for a licence has been submitted to the Authority.

Head 45 – Application for a new licence or to renew a licence

Provide that:

1. A person may make an application for a licence or to renew a licence to provide the activity or service specified in the application (or, if more than one category of licence / licence-type is specified in the application, a licence for each element specified in the application) unless the person is prohibited from making such an application by virtue of the provision of a head under this Act.
2. In the case of a renewal, the applicant must apply for a renewal of a licence before the expiry of the corresponding held licence and within any timeframes specified by the Authority.
3. The Authority shall specify:
 - a. the manner and form in which a person may make an application for, or for renewal of, a licence;
 - b. the format in which a person may make an application for, or for renewal of, a licence;
 - c. the information a person shall be required to provide when making an application for a licence or a renewal including -
 - i. the type of licence being applied for or, for renewal, and the activities to be authorised by that licence,
 - ii. an address at which a document issued by the Authority may be served on the applicant,
 - iii. details of the beneficial owner of the licence holder, where applicable,
 - iv. information relating to any criminal convictions,
 - v. information relating to any past infringements / convictions under this Act, including where an applicant was previously sanctioned in a prior capacity,
 - vi. copies of the applicant's business plan,
 - vii. any information or documents relating to the financial circumstances / position where an applicant is a body corporate, of that body corporate, or a partner in a partnership, references to the character, competence and financial position of any of the relevant officers of the body corporate or partnership, as the case may be,
 - viii. financial information relating to the ability and capacity of an applicant to provide the kinds of activities / services under the licences being applied for,

- ix. information relating to the applicant's current and previous holding of other licence types issued by the State and their compliance history with same (i.e. alcohol licensing, planning terms and conditions related to a licence and the application for that licence, licences under existing gambling statutes etc.),
 - x. copies of up to date tax-clearance certificates, or where the applicant is established or operating outside the State, equivalent documentation from where they're established, and
 - xi. where the applicant applies for a category of licence to provide gambling products, service or activities by remote means -
 - (I) details and locations of all servers and providers (contracted third parties, operators, sub-contractors etc.) used to provide the remote gambling,
 - (II) details of all software and systems, including technical specifications and a full, detailed description of the system and components to be used to provide the remote gambling, and
 - (III) any other information the Authority may require concerning the provision of remote games under those categories of licence,
 - xii. details of the premises that the licensed activities (including activities provided by remote means) will be provided from including its -
 - I. location(s),
 - II. size,
 - III. layout,
 - IV. details of all entry and exit points,
 - V. lighting sources and density of same,
 - VI. size of the proposed area where gaming devices are to be allocated,
 - VII. the position of games, machines, tables within the premises,
 - VIII. details and positioning of all CCTV systems including for outdoor surveillance,
 - IX. details of all security measures on the premises,
 - X. details of all non-gaming areas and features to separate and distinguish them from gaming areas,
 - XI. details of all external spaces and features including any proposed signs or lighting etc., and
 - XII. all relevant health and safety, and planning documentation related to the premises;
- d. the fee or fees (non-refundable) to accompany an application for a licence(s);

- e. closing dates for receipt of applications in respect of each category of licence, and may set more than one date in each calendar year in respect of each category of licence; and
 - f. any other information or documents as the Authority may specify.
4. The onus shall be on the applicant to satisfy the requirements of the Authority when submitting an application to the Authority.

Head 46 – Determination (Decision to grant, part-grant or refuse a licence or renewal of a licence)

Provide that:

1. Where an application for a licence or a renewal of a licence is submitted to the Authority, the Authority shall assess that application.
2. The Authority may issue a licence to a person, or renew a licence held by a licence holder, to provide the activity, products or services specified in the licence, and such licence shall contain the registration number assigned to such person for the purposes of the register in so far as it relates to that licence.
3. The Authority may issue a licence to a person, or a renewed licence, to provide one or more of the activities, products or services specified in the licence, as per / as specified in the application in accordance with Head 45(3)(c)(i), and such licence shall contain the registration number assigned to such person for the purposes of the register in so far as it relates to that licence.
4. In deciding whether to issue a licence, the Authority shall –
 - a. have regard to the principles and licensing objectives set out under this Act,
 - b. have regard to any representations made under Head 44 (Public notice of intention to apply for licence) or that it feels are appropriate,
 - c. consider an applicant's fitness and suitability to carry out the licensed activities, and shall consult with An Garda Síochána and any other persons the Authority considers appropriate in this regard,
 - d. have regard to the applicant's compliance with other licences issued by the State;
 - e. have regard to the number of (similar) licences issued,
 - f. consult with local authorities, where appropriate, in respect of the application,
 - g. consider the particulars of the application such as the games, services and machines proposed to be offered and used etc., and their suitability in for use in connection with the licensed activities,
 - h. consider the suitability of any equipment to be used in connection with the licensed activity,
 - i. in the case of a renewal, have regard to the licence holder's history as regards the holding of a licence under this Act,
 - j. in relation to premises where gambling activities are to be offered –

- I. the extent to which gaming is offered to the public in the general area where premises are proposed to be situated,
- II. the suitability or otherwise of a premises in the general area, having regard to the proximity to schools,
- III. any local authority development plans, etc.,
- IV. whether alternative entertainment exists within the general area or venue or establishment in which the premises are proposed to be situated; and
- V. whether the general layout design and plan meet the objectives and requirements of this Act and all other regulatory instruments,

and

- k. any other matters the Authority considers appropriate.
5. The Authority may take whatever steps it deems necessary to satisfy itself about the accuracy and completeness of the information supplied in an application before deciding whether or not to issue or renew a licence. The Authority may:
- a. conduct interviews in relation to an application for a licence;
 - b. consider any references sought by the Authority or provided by the applicant;
 - c. consider any information or opinions provided to it (provided at the Authority's request or not).
6. The Authority may:
- a. carry out, or have carried such checks, analysis or scrutiny as it deems reasonable;
 - b. visit any premises where licensed activities will be provided from, for the purpose of inspecting those premises, any IT systems and other gambling related equipment;
 - c. without prejudicing the eventual decision on the application, seek additional information from the applicant, and may set deadlines for receipt;
 - d. seek information from any statutory or listed body which holds or has access to information about the applicant relevant to their application (in accordance with data protection principles);
 - e. seek information from any relevant body concerning the applicants' (previous) holding of licences under the Totalisator Act 1929, the Betting Acts 1931 to 2015, the Gaming and Lottery Acts 1956 to 2019, and the Alcohol Licensing Acts 1833 to 2011;

- f. seek access to, or verify material held in another jurisdiction relevant to an application.
7. In deciding whether to issue or renew a licence, the Authority shall take into account any information supplied to it under this Act, or in the case of a renewal any information already held by the Authority,
8. In deciding whether to issue a licence, the Authority shall assess the applicant's fitness, suitability and character (and in the case of a renewal, assess the applicant's continued fitness, suitability and character) to hold a licence and carry out the licensed activities and shall consult with An Garda Síochána in this regard.

The Authority may, in particular, have regard to -

- a. any information received under subhead (5), in particular from other statutory, regulatory or listed bodies in the State or elsewhere,
 - b. the competence of the applicant or of a person relevant to the application to carry on the licensed activities in a manner consistent with pursuit of the licensing objectives,
 - c. the financial and other circumstances of the applicant or of a person relevant to the application (including, in particular, the resources likely to be available for the purpose of carrying out the licensed activities), and
 - d. the aim of protecting persons from being harmed or exploited by gambling.
9. In deciding whether to issue a licence, the Authority may assess the premises referred to in Head 45(3)(c)(xii) to ensure those premises and the details provided in respect of those premises match.
10. (1) Where an applicant applies for a category of licence involving the provision of remote gambling and activities, as part of the assessment of that application, the Authority or a third party appointed by the Authority (i.e. a qualified systems auditor) shall assess -
 - a. all technical information provided under Head 45(3)(c)(xi) as part of that application, and
 - b. a practical implementation of the system outlined in the application in a technical environment by the applicant,

to ensure that system operates in accordance with the details supplied in the application and in accordance with the Authority's requirements in this regard.

- (2) Where the details and, or operation of the system –
 - a. vary from that which was provided in the application, or
 - b. do not meet the standards set by the Authority under this Act,

the Authority shall inform the applicant of the outcome of the assessment conducted under subhead (1), including details of any issues identified during the course of the assessment, and having regard to all the circumstances -

- a. may require the applicant to resubmit their application (addressing any issues identified in that assessment) along with the specified fees, or
- b. may refuse to approve the application.

(3) Where an applicant is required to resubmit an application on the basis of subhead 10(2), the application fee shall not be refunded to the applicant.

(4) The applicant shall be responsible for the cost of the systems assessment specified in subhead 10(1) in addition to any application fees. This fee shall be specified by the Authority.

11. The Authority may refuse to issue or renew a licence if any or all of the following apply:

- a. where an application is considered not to satisfy the conditions specified by the Authority or as required under any part of this Act;
- b. any information sought by the Authority, or specified by the Authority, is not supplied by the applicant;
- c. any information that reveals convictions of such gravity and, having regard to the service for which a licence being sought, relevance or short comings in relation to financial, taxation or regulatory matters of such a degree that the Authority cannot be satisfied of the suitability / fitness of the applicant to hold a licence;
- d. the Authority is made aware or becomes aware of other relevant material, facts or information which gives rise to concern as to the suitability of the applicant and which, on being presented to the applicant (if necessary, in a form that protects the source of the material), his or her response fails to allay the concerns held by the Authority;
- e. the Authority is not satisfied that the applicant has the requisite capacity or resources to fulfil their obligations as a licence holder;
- f. any required fees [or other charges as have been prescribed] have not been paid;
- g. sufficient proof has not been furnished to show that the necessary financial assurances required are available to the applicant to be able to provide the games, activities, products or services under the licence sought;
- h. in the case of an individual (not being a partner in a partnership), the applicant is an undischarged bankrupt;

- i. in the case of a body corporate (not being a partner in a partnership), any relevant officer of the body corporate is an undischarged bankrupt;
 - j. in the case of a partner in a partnership, any relevant officer of the partnership is an undischarged bankrupt;
 - k. in the case of an individual (not being a partner in a partnership), the Authority is satisfied that the applicant—
 - i. is not a fit and proper person to provide the games, activities, products or services specified in the licence applied for, or
 - ii. does not comply with any requirement of this Act or of regulations made under this Act applicable to the applicant;
 - l. in the case of a body corporate (not being a partner in a partnership), the Authority is satisfied that—
 - i. any relevant officer of the body corporate is not a fit and proper person to hold the position concerned in a body corporate which is providing the licensed games, activities, products or services concerned, or
 - ii. the body corporate does not comply with any requirement of this Act or of regulations made under this Act applicable to a body corporate; or
 - m. in the case of a partner in a partnership, the Authority is satisfied that—
 - i. if the partner is an individual, the partner is not a fit and proper person to provide the licensed games, activities, products or services concerned,
 - ii. any other relevant officer of the partnership is not a fit and proper person to hold the position concerned in a partnership which is providing the licensed games activities, products or services concerned, or
 - iii. the partnership does not comply with any requirement of this Act or of regulations made under this Act applicable to the partnership.
12. A licence, unless sooner surrendered or revoked or otherwise ceasing to be in force, shall remain in force for a period of time as may be specified by the Authority for the purposes of this subsection.

Head 47 – Notification to applicant of decision of the Authority

Provide that:

1. The Authority shall notify an applicant for a licence of its decision to either grant, renew or refuse the application as soon as practicable from the date of its decision.
2. Where an applicant has been refused a licence or a renewal of a licence, any gambling activities carried out prior to the date of notification of the Authority's decision shall not be deemed unlawful
3. The Authority shall set the manner and form by which it notifies applicants of its decision.

Head 48 - Application to vary licence

Provide that:

1. The Authority shall have the power to vary a licence under Head 50 (Power of Authority to vary or alter conditions of a licence) or following an application for variation by a licence holder.
2. Where the Authority has issued a licence to a licence holder, that licence holder may apply to the Authority to vary an unexpired licence by—
 - a. adding, amending, substituting, reducing or removing an authorised activity, product or service,
 - b. adding a new officer or replacing a current officer as a licence holder (i.e. when the person has, for example, died, retired, resigned, been convicted, or declared bankrupt),
 - c. amending another detail of the licence,
 - d. excluding a condition attached by virtue of Head 49 (Power of Authority to specify terms and conditions of a licence), or
 - e. adding, amending or removing a condition attached to a licence under Head 50 (Power of Authority to vary or alter conditions of a licence).
3. Where a licence has been issued in relation to a particular premises (i.e. where one of the factors in issuing the licence was the size of the premises etc.), it may not be varied so as to relate to premises to which it did not previously relate.
4. An application to vary the licence must:
 - a. be made in the form and manner specified by the Authority;
 - b. contain or be accompanied by any information or documents specified by the Authority, including when it is intended that the variations sought shall have effect; and
 - c. be accompanied by the fee specified by the Authority.
5. In deciding whether to vary a licence, the Authority shall –
 - a. have regard to the principles and licensing objectives set out under this Act,
 - b. consider an applicant's suitability concerning the variation sought,
 - c. have regard to the applicant's compliance in respect of the licences for which variation is sought and their compliance with other licences issued by the Authority,

- d. have regard to the applicant's compliance with other licences issued by the State,
 - e. consider the particulars of the variation sought such as the games, services and machines proposed to be offered and used etc. and their suitability in for use in connection with the licensed activities and the nature and impact of that variation, and
 - f. consider the suitability of equipment to be used in connection with the licensed activity.
6. The Authority may take whatever steps it deems necessary to satisfy itself about the accuracy and completeness of the information supplied in an application to vary a licence. The Authority may:
- a. carry out, or have carried such checks, analysis or scrutiny as it deems reasonable;
 - b. without prejudicing the eventual decision on the application, seek additional information from the applicant, and may set deadlines for receipt;
 - c. seek information from any statutory or listed body which holds or has access to information about the applicant relevant to their application (in accordance with data protection principles),
 - d. seek information from any relevant body concerning the applicants' (previous) holding of licences under the Totalisator Act 1929, the Betting Acts 1933 to 2015, the Gaming and Lottery Acts 1956 to 2019, the Alcohol Licensing Acts 1833 to 2011 and compliance with planning laws.
 - e. seek access to, or verify material held in another jurisdiction relevant to an application.
7. Where the Authority decides to grant, part-grant or refuse an application to vary a licence, it shall inform the applicant of its decision as soon as is practicable from the date of its decision / approval.
8. The Authority shall specify the manner and form by which it notifies applicants.
9. In granting an application for variation the Authority—
- a. shall specify the time when the variation shall begin to have effect, and
 - b. may specify any transitional arrangements as are necessary to the applicant for the variation to be able to take effect.
10. Where the Authority grants or part-grants an application for a variation, the Authority shall notify the applicant of the variation fee to be paid before the varied / revised licence shall be issued.

11. The Authority shall update its records and the register to reflect the variation in the licence.
12. A variation of a licence shall not extend the duration of the licence.

Head 49 - Power of Authority to specify terms and conditions of a licence

Provide that:

1. The Authority shall have power to determine and specify the terms and conditions to be attached to a licence issued according to the provisions of the Act.
2. The Authority shall in the case of each licence issued, set out in writing the terms and conditions, fees and any other relevant matters.
3. The licence holder shall acknowledge receipt and acceptance of all terms and conditions specified by the Authority and pay all fees before the licence enters into force.
4. Where a licence is issued, the Authority shall attach terms and conditions, where appropriate, relating to -
 - a. duration of the licence,
 - b. details of scheduled compliance reviews of the licence,
 - c. payment of the specified fee or fees,
 - d. the gambling activities and services that are authorised to be provided under the licence (including any devices and equipment used to do so),
 - e. the minimum and maximum stakes and prizes applicable to all games and activities authorised by the licence, where applicable,
 - f. the upkeep and maintenance of premises where licensed activities are to be provided from, where applicable,
 - g. maintaining full, accurate and current details of staff,
 - h. the adequate provision for staff training (in particular an obligation to provide training to employees who interact with players to ensure that those employees understand problem-gambling issues, are able to liaise with the players appropriately and to take any interventions having regard to the circumstances of a situation.),
 - i. the obligation to co-operate with the Authority,
 - j. the obligation to comply with all codes (where applicable) issued by the Authority (particularly in relation to the advertising, sponsorship and promotion of gambling),
 - k. having due diligence policies,
 - l. the obligation not to contact a person registered or participating in an exclusionary measure for the purpose of promoting gambling,

- m. an obligation not to advertise, display their name or any promotional signage that is visible to a school, a playground, a sports training ground, playing field or fields, or a sports venue or venues, that may be accessible or used by children,
- n. the obligation to intervene and take all necessary steps (including any pre-emptive measures) in accordance with any codes issued by the Authority, or where a licence holder suspects / is of the opinion that a customer displays or is suspected of displaying problematic / addictive behaviours or patterns of activities to indicate such a concern,
- o. the obligation to maintain adequate financial reserves to meet customer entitlements,
- p. the obligation to maintain full, up-to-date records and accounts,
- q. the retention of records for such periods as specified by the Authority (having regard to any anti-money laundering or other regulatory requirements concerning the retention of records),
- r. hours of business (other than for remote operations),
- s. the obligation to report suspected suspicious betting activity or suspicious patterns of betting activity to the Authority,
- t. the obligation to resolve customer complaints without escalation to the Authority insofar as possible (and in accordance with codes issued by the Authority in relation to customer service),
- u. the obligation to admit and produce at any reasonable time, equipment and information, including records, as reasonably requested by officers of the Authority,
- v. the obligation, on request by a customer, and where practicable to do so, to provide a receipt for any transaction,
- w. the obligation on –
 - i. Business to Consumer licence holders, and
 - ii. Business to Business licence holders, as determined by the Authority based on the types of activities those licence holders are engaged in,
 to contribute to the Social Impact Fund established under Part 5,
- x. those areas of the premises referred to in a licence, that children may enter or access on the premises (if applicable),
- y. the obligation not to –

- i. employ children, or
 - ii. accept a wager / stake from a child,
 - z. the obligation to comply with the requirements of the “Exclusionary Register” provided for under Part 5.
5. The Authority may attach any other terms and conditions to a licence, as it feels are appropriate and necessary, having regard to the principles and objectives set out under Part 2 of this Act.
 6. The Authority may establish criteria to apply the distribution of licences nationally and regionally, to ensure reasonable access and choice within the categories provided for under this Act.
 7. The Authority shall, in addition, prepare and publish criteria that will be taken into account in determining whether locations used for certain activities are, prima facie, appropriate or not for use as gambling service providers. The suitability or otherwise of a location may be determined by the type of neighbourhood concerned, proximity to schools, local authority development plans, etc.
 8. The Authority may make it a condition of certain licences that each person attending or playing games via remote means may be required to enter details in a database maintained by the licence holder. It may also be a condition that the identity of each person has to be verified by the production of approved identity documents, including photo ID documents (e.g. passport, drivers licence). The content of the material to be recorded and rights of access to it shall be in conformity with the Data Protection Act 2018, but the database shall be made available to the Authority upon request.

Head 50 - Power of Authority to vary or alter conditions of a licence

Provide that:

1. The Authority, having regard to the principles and objectives set out under Part 2 of this Act, and where it is in the public interest to do so, may vary or alter the terms and conditions of an issued licence or licences, or category of licences, including the duration of any licences where the Authority is of the opinion it is appropriate and necessary to do so.
2. Where the Authority intends to vary the terms and conditions -
 - a. of an issued licence or group of issued licences, or
 - b. or a category or categories of licences

it shall notify the licence holders of its intention to do so and shall consult with any person or persons it necessary concerning the proposed variation.

3. Following notification from the Authority under subhead (2), any affected licence holders may make representations to the Authority concerning the proposed variation within 14 days of the notification being issued.
4. The Authority shall consider all representations received by it and where it decides to proceed with the variation, it shall -
 - a. subject to Head 51 (Notification to licence holder concerning decision to vary or alter terms and conditions of a licence), notify all affected licence holders, and
 - b. update the register accordingly, and
 - c. update all documentation and information to reflect the change in the licensing terms and conditions.
5. Where the Authority intends to alter or vary the terms and conditions of a category or categories of licence, it shall –
 - a. publish a notification of its intention to do so, in a clear and easily accessible manner,
 - b. specifically consult with any potentially affected licence holders,
 - c. consult with any interested stakeholders,
 - d. consult with any other person or persons it feels necessary concerning the proposed variation, and
 - e. consider any representations received in response to its notification under (a).

6. Where the Authority decides to proceed with the variation under subhead (5), it shall -
 - a. subject to Head 51 (Notification to licence holder concerning decision to vary or alter terms and conditions of a licence), notify all affected licence holders,
 - b. publish a general notice and the reasons for proceeding with the variation,
 - c. specify any transitional arrangements for the variation to take effect,
 - d. specify the date and time that the variation will take effect,
 - e. update the register accordingly, and
 - f. update all documentation and information to reflect the change in the licensing terms and conditions.
7. As per Head 49(3), a licence holder must acknowledge receipt and acceptance of all terms and conditions specified by the Authority and pay all fees before the licence enters into force.

Where a licence holder is found to be in breach of licence's terms and conditions, the Authority may, as part of the sanction for that breach, alter or vary the terms of the licence, as it deems appropriate and proportionate, taking into account the nature and severity of the breach.

Head 51 - Notification to licence holder concerning decision to vary or alter terms and conditions of a licence

Provide that:

1. Where the Authority decides to vary or alter the terms and conditions of a licence under Head 50 (Power of Authority to vary or alter conditions of a licence) it shall inform the affected licence holders of its decision as soon as is practicable but within 14 days from the date of its decision.
2. The Authority shall -
 - a. provide reasons for the variation to affected licence holders,
 - b. specify any transitional arrangements for the variation to take effect, and
 - c. specify the date and time that the variation will take effect.

Head 52 – Compliance and Review

Provide that:

1. The Authority shall, in accordance with the terms and conditions set out in a licence, perform a review of a licence holder's compliance in respect of the licence issued to them. Such a review may constitute an assessment or an inspection under Part 4 of this Act.
2. The Authority –
 - a. where it has reasonable suspicion that a licence holder has not complied with the terms and conditions of a licence, or
 - b. of its own volition (i.e. a random check),may initiate a review of a licence holder's compliance with the terms and conditions of the licence held, of all or part of the licence holder's conduct, and of the licence holder's operation.
3. Where the review is conducted by virtue of subhead (1), the licence holder shall pay the appropriate fee as specified by the Authority.
4. Where the Authority conducts a review under subhead (2) and determines that the licence holder has engaged in conduct, and / or operations which are or may not be in accordance with the terms and conditions of the licence holder's licence, the licence holder shall be liable for the cost of the review and shall pay the appropriate fee as specified by the Authority.
5. In conducting a review / compliance check under subheads (1) or (2), the Authority may request and consider any other information, including from other regulatory or statutory bodies, relevant third parties, that directly or indirectly, receive goods and / or services from the licence holder or provide goods and / or services to the licence holder, which it feels are relevant to the issue or issues under review.
6. Where the Authority intends to request information from any party other than the licence holder, where such information is relevant to the Authority's review, it shall not require the licence holder's consent to do so.
7. Where the Authority determines that the licence holder has engaged in conduct, and / or operations which are or may not be in accordance with the terms and conditions of a licence holder's licence, it shall -
 - a. notify the licence holder of its determination along with reasons and details for it, and
 - b. give the licence holder a reasonable period of time to make any representations and provide any additional documentation or information which may support the licence holder's position.

8. Where the licence holder fails to respond to the Authority within the allocated time, the Authority may reach a decision based on the information available to it, or it may, at its own discretion, extend the period under subhead (7)(b).
9. The details referred to under subhead (7)(a) shall include –
 - a. the reason or reasons for which the review was initiated,
 - b. details of any breach(es) of the licence and its terms and conditions by the licence holder,
 - c. any information and documentation supporting the Authority's determination, and
 - d. details of any measures which the Authority has deemed fit to take in the circumstances.
10. The measures referred to in subhead (9)(d) shall include –
 - a. any remedial measures, specified by the Authority to the licence holder and the timeframe for their implementation,
 - b. and may also include any combination of the following-
 - i. issue a warning under Part 4 of this Act,
 - ii. suspend (or part suspend) the licence,
 - iii. revoke the licence,
 - iv. impose a fine, subject to court confirmation, or
 - v. the prosecution of an appropriate offence under Part 4 of this Act.
11. In performing its functions under this Head, the Authority may carry out the activities described in this Head or may engage a third party, specialising in compliance audit and assessments in relation to the gambling sector, to assist in carrying out those activities.

Head 53 - Surrender and seizure of licence following suspension or revocation

Provide that:

1. Where a licence is suspended or revoked, the licence holder shall surrender the licence (and every duplicate of the licence) to the Authority and the Authority shall cause the register to be updated accordingly.
2. An authorised officer (as provided for in Part 4 of this Act) may seize and retain a licence (and every duplicate of the licence) which has been suspended or revoked or has expired.
3. This Head does not apply to a licence that has been part suspended. In that case the Authority shall cause the register to be updated accordingly and may issue an updated licence to the licence holder to reflect the partial suspension or revocation.

Head 54 – Expiry / Lapse of a licence

Provide that:

1. A licence issued to an individual shall lapse / expire where -
 - a. the licence holder fails to renew a licence or the Authority refuses to renew a licence,
 - b. the licence holder dies,
 - c. the licence holder becomes, in the opinion of the Authority as notified to the licence holder, incapable of carrying on the licensed activities by reason of incapacity, or
 - d. the licence holder is declared bankrupt.
2. A licence issued to a partnership or body corporate shall lapse / expire where -
 - a. the licence holder fails to renew a licence or the Authority refuses to renew a licence,
 - b. the licence holder ceases to exist as a partnership or body corporate,
 - c. the licence holder is declared bankrupt.
3. Where a licence expires or lapses, the Authority shall update the Gambling Licensing Register.

Head 55 - Power of Authority to impose penalties where a licence holder fails to report suspected suspicious activities

Provide that:

1. As provided for in Head 49(4)(s), where a licence holder suspects or becomes aware that suspicious betting activity is taking place, they must report any suspicion to the Authority as soon as is practicable but no longer than three days from the date on which the licence holder first becomes aware of the irregular activity.
2. In reporting such activity, the licence holder must supply the Authority with the following information -
 - a. reasons as to why the activity is being deemed as suspicious,
 - b. description of the markets on which suspicious activity has occurred,
 - c. geographic origin of the account holder,
 - d. details of all bets including the timing of same,
 - e. notification of any new accounts created,
 - f. profile information of all suspected account or accounts,
 - g. possible links to participants partaking in event being betted on,
 - h. details of what other bodies/agencies that have been, or are to be notified of the activity reported; and
 - i. any other information or documents as the Authority may request.
3. A licence holder who suspects or becomes aware that suspicious betting activity is taking place may –
 - a. refuse to accept the bet or bets,
 - b. suspend betting on the game or event in question, or
 - c. withhold payment on a bet.
4. Where a licence holder refuses to accept a bet or bets as per subhead (4)(a) above, that licence holder shall be obliged to provide the person or persons attempting to place the bet or bets with a “Bet Refused” docket or display a similar message on screen, in the case of a bet placed via remote means, setting out the reasons for the refusal to accept the bet.
5. Where a licence holder takes any of the actions under subhead (4), the licence holder shall without delay –

- a. notify the Authority of its actions and the reasons for its decision,
 - b. provide any information the Authority may request in the specified form and manner, and
 - c. inform An Garda Síochána and any concerned relevant bodies (including sports governing bodies).
6. Where the Authority notifies An Garda Síochána or any other relevant bodies of any suspected activity, it shall inform the concerned licence holder that the Gardaí and those bodies have been notified.
7. Any withholding of payment under this Head should be for a period as long as required by the Authority, An Garda Síochána, other betting regulators or concerned sports governing bodies to investigate the matter.
8. The Authority shall, where it has reason to believe that the event is on-going or where payments have not been made, take such steps as are appropriate to inform other licence holders, bearing in mind the need to avoid jeopardising any investigation that may be under way or any proceedings that may have commenced.
9. Any information disclosed under subhead (8) should respect the principles of data protection and commercial confidentiality and should not be specific as to which operator the information has come from.
10. The Authority may alert any relevant agency in another state, with functions the same as or similar to its own, of the information in its possession concerning any suspected or suspicious activity as it feels is necessary / relevant.
11. Where a licence holder fails to report any suspicious betting activity or suspicious patterns of betting activity, the Authority may –
 - a. undertake a review of the licence, and
 - b. suspend the licence holder's licence pending the outcome of the review.
12. The Authority may, at the conclusion of the review, do one or more or all of the following -
 - a. issue a warning under Part 4 of this Act,
 - b. revoke the licence, or
 - c. impose a fine, subject to court confirmation.

Head 56 - Power of Approval and Certification

Provide that:

1. The Authority shall be the sole body for the approval and certification of equipment, machines, devices and systems used by a licence holder for the purposes of gambling in the State or directed from the State.
2. In performing its responsibilities under this Head, the Authority may carry out the activities described in subhead (1) or may engage a third party to carry out those activities on its behalf.
3. No person shall service, place on the market, distribute, supply, sell, lease, transfer, host, operate or in any other manner make available for use any equipment, machine, device or system for the purposes of gambling without the approval or certification of the Authority.

Head 57 - Obligation to notify the Authority of issues of material matter

Provide that:

1. A licence holder shall give notice in writing to the Authority, after that matter comes to the knowledge of the licence holder, of any material matter which would be likely to affect the validity of an issued licence or of a change in the licence holder's circumstances.
2. This Head shall apply to an applicant for a licence or licences from the Authority, where that person holds a licence in another jurisdiction that is comparable to any game, activity, product or service licensed under this Act.
3. For the purpose of this Head, a material matter in relation to a licence holder or an applicant for a licence holder includes -
 - a. in the case of a licence holder or an applicant which or who is a body corporate or a partner in a partnership, where any person becomes or ceases to be a relevant officer of the body corporate or the partnership, as the case may be,
 - b. details of any change in financial circumstances including -
 - i. levels of capital,
 - ii. issues concerning bankruptcy,
 - iii. the imposition of a significant debt,
 - iv. anything which may affect their ability to carry out any licensed activity under this Act, or
 - v. anything which may affect their ability to meet any obligation to a customer,
 - c. any conviction for an offence (whether imposed in or outside the State),
 - d. any proceedings pending for an offence which falls within paragraph (c), or
 - e. the imposition of conditions on any registration or licence or other authorisation, the revocation, suspension, withdrawal or removal of any registration or licence or other authorisation, or the refusal to grant registration or a licence or other authorisation, by any regulatory body in or outside the State in respect of any capacity or former capacity of the applicant or licence holder, as the case may be, as a provider of any game, product, activity or service authorised by a licence issued by the Authority.

Head 58 - Power of Authority to impose penalties where a licence holder fails to report an issue of material matter

Provide that:

1. Where a licence holder or applicant for a licence is determined by the Authority not to have given the appropriate notification under Head 57 (Obligation to notify the Authority of issues of material matter), the Authority may -
 - a. issue a warning under Part 4 of this Act,
 - b. revoke or suspend a licence,
 - c. prohibit (which may be a permanent prohibition, a prohibition for a specified period or a prohibition subject to specified conditions) that licence holder or applicant from holding, or applying for a new licence as the case may be,
 - d. issue a fine, subject to court confirmation, or
 - e. apply any combination of any of the sanctions specified in paragraphs (a) to (d),
2. The Authority shall notify the affected party of the licence or applicant of any penalty or penalties under this Head as soon as is practicable,
3. Where a penalty (other than a penalty under 1(b) or 1(d)) is imposed by the Authority under subhead (1), the licence holder or applicant may appeal that decision to the Gambling Regulatory Appeal Board.

Head 59 – Issue of replacement licence, etc.

Provide that:

1. The Authority, if satisfied that a licence or a duplicate of the licence has been lost or unintentionally destroyed, may issue a replacement licence or duplicate, as the case may be, on payment of the appropriate fee.

Head 60 – Display and Production of Licences

Provide that:

1. Where a licence holder is an individual (including an individual who is a partner in a partnership), he or she shall—
 - a. have the licence or a duplicate of the licence (as authorised by the Authority) in his or her possession when providing to any person any activity, product or service authorised by the licence, and
 - b. upon the request of such person, immediately produce the licence or a duplicate of the licence and permit such person to inspect it.
2. The licence holder shall, at its place of business that is registered with the Authority—
 - a. cause the licence to be—
 - i. kept, and conspicuously displayed, in the licence holder’s principal place of business as a licence holder, and
 - ii. upon the request of an authorised officer, as provided for under Part 4 of this Act, or any person for whom the licence holder is providing any activity, product or service authorised by the licence, made available for inspection by the authorised officer or such person, as the case may be, and
 - b. cause a duplicate of the licence to be—
 - i. kept, and conspicuously displayed, in every other place of business of the licence holder, relevant to that licence, as a licence holder, and
 - ii. upon the request of an authorised officer or any person for whom the licence holder is providing any activity, product or service authorised by the licence, made available for inspection by the authorised officer or such person, as the case may be.
3. The licence holder shall, where it provides gambling activities and services via websites, apps, or by any other remote means, must display a copy of its licence on those platforms.
4. Where an authorised officer is of the opinion that an individual is providing a product, activity of service licensed under this Act, the authorised officer may require the individual to immediately produce the licence (if any) issued to the individual which authorises the provision of the service.
5. An individual the subject of a requirement under subhead (3) who has a licence shall—
 - a. comply with the requirement, and

- b. permit the authorised officer to inspect the licence.
- 6. A licence holder shall, whilst the licence is in force and at no other time, conspicuously display the licence holder's registration number—
 - a. in any advertisement or sales brochure published by or on behalf of the licence holder in respect of the provision of a product, activity or service authorised by the licence, and
 - b. in all business correspondence relating to the matters authorised by the licence.
- 7. Copies of all licences as they relate to gambling must be displayed on all gaming machines in a premises offering games, activities or services under that licence.

Head 61 - Non-transferability of licences

Provide that:

1. Subject to subhead (2), a licence issued by the Authority shall be non-transferable.
2. A Charitable / Philanthropic licence may be transferred as provided for in Head 67 (Transfer of Charitable / Philanthropic Cause Licence).

Chapter 2 – Licences for Charitable / Philanthropic Causes

Head 62 – Charitable / Philanthropic Cause Licence

Provide that:

1. The Authority may licence the promotion of gambling products or activities, whether conducted as:
 - a. gaming,
 - b. lottery,
 - c. betting [wagering], or
 - d. a combination of one or other of these activities,

for charitable or philanthropic causes [purposes] under this Part.

2. The gambling products or activities permitted under subhead (1) may be promoted [conducted] either at a premises or place [or directed from such premises or place] or online by electronic communications means or a combination of both.
3. The application process for a Charitable / Philanthropic licence and related matters shall be specified by the Authority.

Head 63 - Application for a Charitable / Philanthropic Cause Licence

Provide that:

1. Subject to the provisions of this Head, a person [society, sports club or organisation, community organisation, charitable or philanthropic cause] may apply to the Authority for a licence authorising the person to promote gambling products [and] [or] activity at a premises or place or directed from such premises or place or online or any combination thereof.
2. An applicant for a licence under this Part shall -
 - a. if a natural person, be [resident] [domiciled] in the State, or
 - b. if a sports club or organisation, community organisation, philanthropic cause or body corporate, have [an] [its] [main establishment] [centre of main interest] in the State].
3. An application for a licence under this section shall—
 - a. be in such form as may be specified by the Authority,
 - b. be accompanied by the prescribed fee (if any) in the specified payment method.
4. A person who applies for a licence under this Head shall provide the Authority with all such information, or further information as it may specify or request for the purpose of the performance of its functions under this Part and if the person fails to comply with this subsection, the Authority may refuse to [grant the person the licence] [process the application for a licence].

Head 64 - Consideration of application for a Charitable / Philanthropic Cause Licence

Provide that:

1. In considering an application under Head 63 (Application for a Charitable / Philanthropic Cause Licence), the Authority shall have regard to any or all of the following considerations:
 - a. the character of the applicant, or in the case of a [sports/community organisation, cause] body corporate, of the persons exercising control and management thereof;
 - b. in the case of a [sports / community organisation, cause] body corporate, details relating to the governance structure and financial accountability of that body;
 - c. the purpose of the gambling;
 - d. the intended beneficiary;
 - e. the kind and duration of the gambling;
 - f. how and by what means the gambling is to be promoted;
 - g. the suitability of the premises or place where the gambling is to take place or is to be promoted from;
 - h. the number of similar licences already issued [in the locality];
 - i. the stake and prize amounts proposed;
 - j. the nature and availability of the proposed prizes;
 - k. the nature and type of any agent and facilities or technologies used to conduct the gambling; and
 - l. the proposed cost and fees to be paid in respect of agents, facilitators or commission.
2. The Authority, in consideration of an application under this Part, may consult with such other persons or organisations as it thinks fit.

Head 65 - Issuance of Charitable / Philanthropic Cause Licence

Provide that:

1. The Authority shall, as soon as is practicable after receiving the application under Head 63 (Application for a Charitable / Philanthropic Licence) or receiving of any final information it requires, either—
 - a. grant the application and issue a licence to the applicant in such form and specifying such matters as it may determine, or
 - b. refuse the application.
2. A licence shall not be issued to a person-
 - a. for any kind of gambling in which by reason of nature of the activity, the chances of all the players, including the banker are not equal, or
 - b. to promote gambling for charitable or philanthropic purposes at or from the same premises or place as gambling is being promoted other than for charitable or philanthropic purposes.
3. The Authority shall specify the following information, conditions or matters with regard to a licence it issues:
 - a. the person [society, club, organisation, cause] to whom the licence has been issued;
 - b. kind or kinds of gambling authorised by the licence;
 - c. the intended beneficiary;
 - d. the duration of validity the licence;
 - e. how the gambling is to be promoted;
 - f. the stake and prize amounts permitted;
 - g. the nature and type of any agent and facilities or technologies used to conduct the gambling;
 - h. the proposed cost and fees to be paid in respect of agents, facilitators or commission,
 - i. that no stake is hazarded by the players with the holder of the licence other than a charge for the right to take part in the gambling;
 - j. that the name of the intended beneficiary be prominently displayed at the normal means of access to the premises or place proposed to be used;

- k. the hours during which gambling may be carried on; and
 - l. any other information or condition or matter that the Authority considers necessary.
4. A person who holds a gambling licence shall comply with the conditions of the licence.
5. A person who contravenes subhead (4) shall face any combination of the following sanctions –
 - a. a warning under Part 4 of this Act;
 - b. suspension or part suspension of their licence;
 - c. revocation of their licence; or
 - d. a fine, subject to court confirmation; or
 - e. the prosecution of an appropriate offence under Part 4 of this Act.
6. Where a licence is issued under this Head, the Authority shall update the Register of Licences accordingly

Head 66 - Appeal of refusal of Charitable / Philanthropic Cause Licence

Provide that:

1. A person [society, club, cause] to whom a Charitable / Philanthropic Cause licence has been refused by the Authority, may appeal the refusal to the Appeal Board provided for under Part 6 - Appeals Against Certain Decisions of the Authority.

Head 67 - Transfer of Charitable / Philanthropic Cause Licence

Provide that:

1. An application may be made to the Authority stating the circumstances giving rise to the application that a licence issued to a person [representing a society, club, organisation, cause] for that licence to be transferred into the name of another person representing the same [club, etc.] for the period of validity of the licence.
2. The Authority shall determine such application within 14 days and either approve or refuse the transfer.
3. Where the transfer of the licence -
 - a. has been approved, or
 - b. has been refused

such decision shall be noted in the register to be maintained under Head 36 (Register of licences).

4. In approving the transfer of a licence, the Authority may maintain or alter any conditions attached to the original licence.
5. Where the transfer of the licence has been refused, its validity shall cease and it shall be revoked.
6. A cessation of validity under subhead (5) shall not take effect until a gaming event yet to be completed has been completed.
7. Where a licence is transferred under this Head, the Authority shall update the Gambling Licensing Register accordingly.

Head 68 - Lotteries held for charitable or philanthropic purposes not requiring a licence

Provide that:

1. A person [club, organisation, cause] shall not require a licence to promote gambling where—
 - a. the total value of the prizes available is not more than €1,000,
 - b. the price of each ticket is not more than €5,
 - c. the maximum number of tickets available for sale is not more than 1,500,
 - d. the promoter has not conducted a lottery in accordance with this section during the preceding 3 months, and
 - e. the prizes are [available to be] awarded within 3 months of the conclusion of the gambling.
2. The Authority, may by Order, revise any of the amounts or periods of time specified in subhead (1).

Head 69 - Gambling held in conjunction with certain events to promote a product or service

Provide that:

1. A game or lottery where it is conducted in conjunction with [and wholly for the purpose of] the promotion, selling or marketing of a particular product or service shall not require a licence to be issued by the Authority where-
 - a. the total value of the prizes available for the promotion is not more than €5,000 whether conducted as a single or multiple event,
 - b. there is no charge for taking part in the game or lottery other than;
 - i. the purchase of the product or service concerned (if such is required), and or
 - ii. the collection and submission of tickets, coupons, tokens, bar codes or other items necessary for entry,
 - c. there is no additional charge for the redemption of a prize, and
 - d. the activity is promoted for no more than [6 months] in respect of a particular product or service.

2. The Authority, may by Order, revise the amount specified in subhead (1).

3. In this Head-

“marketing” means any form of commercial communication that is intended to increase or has the effect of increasing, the recognition, appeal or consumption of a particular product or service;

“sell” means sell by retail or wholesale and includes—

- a. offer or expose for sale,
- b. invite the making by a person of an offer to purchase,
- c. distribute free of charge, and
- d. supply for any of these purposes (whether or not for profit).

Part 4 – Enforcement

Chapter 1 – Powers under this Part

Head 70 – Definitions for this Part

Provide that:

“authorised officer” means an individual appointed by the Authority under the provisions of Head 73 of this Part of this Act.

“inspection” means an Authorised Officer looking at and examining something carefully, usually based on a physical visit to a provider’s facilities or premises, or examining a provider’s online service provision (website, apps, etc.), to check that everything is in compliance with the provisions of this Act.

“investigation” means any form or process of thorough examination, consideration, assessment, observation, questioning or audit to discover the true facts of a matter, to identify (where appropriate and necessary) wrong-doing and wrong-doers, to set out the facts of a matter or sequence of events, to identify evidence for proceedings.

”relevant officer” means the same as that defined under Part 3 of this Act.

“mediation or other method of alternative dispute resolution” means a facilitative and voluntary process in which parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute.

“mediator” means a person, persons, or organisation, who or which assists the parties to a dispute in reaching a mutually acceptable agreement to resolve the dispute via a process of mediation.

“person” - shall be read as importing a body corporate (whether a corporation aggregate or a corporation sole) and an unincorporated body of persons, as well as an individual, and the subsequent use of any pronoun in place of a further use of “person” shall be read accordingly” – [section 18(c) of the Interpretation Act, 2005].

“provider” means a provider or operator of gambling services and activities and shall be read as importing a body corporate, an unincorporated body of persons, an individual; this includes unlicensed or licensed individuals or entities or applicants for a licence.

“segregated player funds” means an account which must be set up by a provider to safeguard moneys belonging to players (i.e. deposits, winnings, etc.) so that, in the event of corporate financial difficulties (such as bankruptcy or insolvency) or the imposition of an administrative financial sanction, those moneys will not be used to repay corporate debts or penalties. Segregated player funds must not be used for any illegal or inappropriate purpose. [See UK Gambling Commission <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/page/protecting-customer-funds>]

“standard or requirement” means any provision of this Act or of regulations made under this Act, any Code, reference material, compliance notice or warning notice issued by the Authority.

“systemic examination” means a structured, planned consideration and assessment in relation to activity in part of the gambling sector or across the entire sector in order to identify widespread problems, issues or challenges, particularly with regard to non-compliance with the provisions of this Act.

“personal data” has the same meaning as it has in the General Data Protection Regulation.

“joint controllers” means where two or more data controllers jointly determine the purposes and/or the means of processing personal data.

Head 71 - Core Powers of the Authority under this Part

Provide that:

1. The Authority shall have all such powers as are necessary or expedient for the performance of its functions under this Act, including in respect of the following:
 - (a) setting and promulgating standards and requirements;
 - (b) monitoring of compliance, including conducting inspections and issuing of associated notices and warnings;
 - (c) enforcement, including conducting (or collaborating on) investigations to detect and prevent non-compliance and possible criminal activity;
 - (d) the imposition of appropriate penalties;
 - (e) prosecution of offences.

2. The Authority's powers under this Part shall include, but are not limited to:
 - (a) the power to devise, issue, monitor implementation of, and review and update regulations, codes and reference materials;
 - (b) the power to monitor and inspect providers to ensure compliance with the Authority's licensing and related standards and requirements;
 - (c) the power to issue notices including compliance notices and warnings;
 - (d) the power to request information from providers and to examine, assess and act on that information;
 - (e) the power to conduct investigations and inquiries to detect and prevent inappropriate actions or inaction;
 - (f) the power to appoint Authorised Officers to carry out inspections and investigations (including audits) and to confer such Authorised Officers with such powers as are necessary to fulfil their duties;
 - (g) the power to shut down a provider's operations;
 - (h) the power to stop payments to a provider;
 - (i) the power to impose sanctions, including but not limited to suspension or revocation of licences;
 - (j) the power to impose administrative financial sanctions, subject to court confirmation, and the power to enter into settlement arrangements;

- (k) the power to prosecute summary offences and to refer other possible offences to the Office of the Director of Public Prosecutions for consideration;
- (l) the power to make public, via reports or other official means, the results of the Authority's work in relation to such matters;
- (m) the power to share information (including personal data, commercial data and sensitive information) with third parties where appropriate, necessary and proportionate, in accordance with the provisions of this Act (including, but not limited to, Head 100);
- (n) the power to issue submissions, reports and recommendations to the Minister for Justice, including in relation to systemic issues.

Head 72 - Powers reserved to the Authority

Provide that:

1. (a) A reserved power is one that may be exercised only by the Authority, in accordance with this Head.
 - (b) References to the Authority under this Head are to be understood as meaning the Chairperson of the Authority or, in the unavoidable absence of the Chairperson, by three other members of the Authority.
 - (c) All decisions made in accordance with this Head shall be given due consideration by the Authority, shall be made in advance of any related action and shall be recorded appropriately in writing.
 - (d) All Court applications shall require the approval of the Authority.
2. The following are reserved powers which may only be exercised by the Authority in accordance with this Head—
 - (a) an application to Court for an Order to prevent or block access to remote or online services,
 - (b) the imposition of a sanction following non-compliance,
 - (c) a decision to impose an administrative financial sanction (subject to Court confirmation),
 - (d) a decision to apply to Court for consent to carry out undisclosed compliance audits or tests,
 - (e) a decision to make an application to Court for the freezing and preservation of bank accounts and any other assets of (and associated with) a provider,
 - (f) a decision to make an application to Court to shut down a provider's operations (including but not limited to closing physical premises and any remote or online presence),
 - (g) a decision to make an application to Court for the blocking of advertising by or on behalf of providers,
 - (h) a decision to make an application to Court for the blocking of payments to providers.
3. (a) Further to subhead (2)(a), and in circumstances provided for under this Head, the Authority may apply to Court for an Order to enable the taking of measures to prevent, block, disrupt or obstruct access to remote or online services.
 - (b) The circumstances in which the Authority may make an application to Court under (2)(a), include the following—

- (i) where a provider is operating without a licence issued by the Authority,
 - (ii) where, in the opinion of the Authority, there has been consistent or flagrant non-compliance with the Authority's standards and requirements,
 - (iii) where, in the opinion of the Authority, there is a risk to the public.
- (c) In reaching a decision to apply for a Court Order under this Head, the Authority may consider a report from an Authorised Officer which outlines (to the best extent possible) the activity and, where possible, any efforts made to address the matter with the provider concerned.
- (d) The Authority, in implementing this Head, will be particularly mindful of the need to protect the public against unnecessary or inappropriate risk.
- (e) The Authority shall apply to Court for an Order to direct the relevant Internet Service Provider(s) (and any other relevant service providers) to take necessary action to prevent, block, disrupt or obstruct access to specific remote or online services, and shall specify in the application the measures proposed and the party or parties to whom the direction is addressed. The Court shall grant or refuse the application, or vary or attach such conditions as seem to it to be appropriate.
- (f) The application shall, where it is reasonably possible to do so, be made with 48 hours' notice to the Internet Service Provider(s) (or other service provider) concerned.
- (g) In cases of urgency, the Authority may make an *ex parte* application to the High Court for permission to issue a temporary authorisation, being a period of no more than 21 days.
- (h) In applying for an Order under this Head, the Authority will ask for consideration by the Court for any or all of the following to be included in such an Order—
- (i) the use of electronic means to prevent, disrupt or obstruct receipt of the remote or online service by persons in the State,
 - (ii) the duration of the direction, subject to a maximum of 12 months, (renewable or made permanent, subject to Court permission),
 - (iii) restrictions on making available to persons in this State information that would identify or permit access to the remote or online service, with the restrictions to cover—
 - (I) publicity, including advertising, that refers in any way to the remote or online service,
 - (II) the provision of services or facilities to the service provider by any person or body in the State, including a prohibition on financial transactions, and may include the freezing of bank accounts.

- (i) A breach of a court Order made under this Head shall be a contempt of court and subject to appropriate penalties as directed by the Court.
 - (j) The Authority's application to Court shall identify the gambling provider(s) concerned to the best extent possible unless the Authority has not, despite reasonable efforts, been able to identify such providers.
 - (k) The Authority may apply to Court:
 - (a) from time to time to add new or additional measures or parties or to remove certain of the measures or parties;
 - (b) at the expiry of a permitted period, for an extension to the period, and may do so more than once and for such period as the court may order and the court may at that time grant such variation as may be requested.
4. Further to subhead (2)(b), any decision to impose a sanction following non-compliance where the imposition of such a sanction does not require a court Order shall be made by the Authority and directed in writing by its Chairperson, or in the unavoidable absence of the Chairperson, agreed and directed in writing by three of the other members of the Authority.
 5. Further to subhead (2)(c), the Authority shall decide, subject to Court confirmation, to impose administrative financial sanctions on providers in accordance with the procedure set out under this Part.
 6.
 - (a) Further to subhead (2)(d), an application shall be made by the Authority to Court for an Order to consent to undisclosed tests or audits on compliance for the purpose of ensuring a provider is complying with the provisions of this Act and any standard or requirement set by the Authority whether by way of regulation, code or otherwise.
 - (b) An application to Court for consent to conduct undisclosed tests on compliance shall only be made by the Authority in relation to extraordinary circumstances such as where a risk assessment has indicated a high risk to the public, to other providers, or to specified individuals, or where there are reasons to suspect criminal activity.
 - (c) The tests shall be for the purpose of establishing compliance with requirements on the age of customers, limits on stakes, bets or winnings, appropriate financial accounting, availability on the premises of specified games, use of machines, use of related technology, staff competence and performance and any other factor(s) considered relevant by the Authority.
 - (d) The Authority shall apply for a court Order to consent to undisclosed tests only on foot of a reasoned recommendation from an Authorised Officer, and which shall be implemented only after permission has been granted by the Court on an *ex parte* application.
 - (e) An Order made by Court under this subhead may also include instructions compelling relevant Internet Service Providers (or other service providers) to cooperate fully with the Authority.

- (f) The Authority may decide whether it is in the public interest for a report to be published subsequently on the outcome of undisclosed tests and, if it decides that a report is to be published, shall authorise the timing of the publication of such a report.
7. Further to subhead (2)(e), where the Authority holds a reasonable belief that a provider is involved with or related to matters of a serious criminal nature, including but not limited to money laundering or gambling-related match fixing, the Authority may make an application to Court for an Order to freeze and preserve bank accounts and any other assets of (or associated with) a provider until such time as all relevant investigative steps and any related proceedings have been completed.
- 8.
- (a) Further to subhead (2)(f), the Authority may make an application to Court for an Order to shut down a provider’s operations (including but not limited to closing physical premises) where—
 - (i) the operator is not licensed, or appropriately licensed, by the Authority,
 - (ii) the Authority holds a reasonable belief or suspicion that a provider is involved with or related to matters of a serious criminal nature, such as money laundering or gambling-related match fixing,
 - (iii) there has been consistent or flagrant non-compliance with the Authority’s standards and requirements under this Act,
 - (iv) there is a risk to the public.
 - (b) The Authority may apply for a temporary or permanent closure of the provider’s services (including both physical premises, online and remote) and the duration of the closure shall be specified in the Order.
- 9.
- (a) Further to subhead (2)(g), the Authority may make an application to Court for an Order to block or prevent advertising by, for or, on behalf of or about a provider or providers.
 - (b) An Order issued under subhead (9)(a) may be directed to gambling providers, companies involved in producing or disseminating advertising (whether in print, broadcast or online media) or any other body deemed relevant, or any combination of the aforementioned.
 - (c) The Authority may make an application to Court under subhead (9)(a) where—
 - (i) a provider is not licensed, or appropriately licensed, by the Authority,
 - (ii) there is non-compliance in relation to any restrictions on gambling-related advertising,

- (iii) the Authority holds a reasonable belief or suspicion that a provider is involved with or related to activity of a criminal nature,
 - (iv) an Order has been sought to shut down a provider's operations,
 - (v) an Order has been sought to prevent, block, disrupt or obstruct access to remote or online gambling services,
 - (vi) an Order has been sought to freeze and preserve bank accounts and any other assets of (and associated with) a provider,
 - (vii) the Authority is of the reasonable opinion that there is a risk to the public.
10. (a) Further to subhead (2)(h), the Authority may make an application to Court to direct banks and other financial institutions to block payments to a provider.
- (b) An application by the Authority to Court under subhead (10)(a), shall be made—
- (i) where a provider is not licensed, or appropriately licensed, by the Authority,
 - (ii) where the Authority holds a reasonable belief or suspicion that a provider is involved with or related to activity of a criminal nature,
 - (iii) where an Order has been sought to shut down a provider's operations,
 - (iv) where an Order has been sought to prevent, block, disrupt or obstruct access to remote or online gambling services,
 - (v) where an Order has been sought to freeze and preserve bank accounts and any other assets of (and associated with) a provider,
 - (vi) where the Authority is of the reasonable opinion that there is a risk to the public.
11. With the exception of the powers specified under this Head, all powers provided for under this Act may be delegated by the Authority to staff members of the Authority.

Head 73 – Appointment of Authorised Officers

Provide that:

1. The Authority—
 - (a) may appoint such and so many members of its staff, and such and so many other suitably qualified or experienced persons, as it considers appropriate to be Authorised Officers for the purposes of this Part of the Act.
 - (b) shall ensure that any member of its staff who has made a decision with regard to awarding a licence to a provider will not be appointed as an Authorised Officer for the purpose of conducting inspections or investigations in relation to the same provider.
2. A person appointed under subhead (1) shall, on his or her appointment, be furnished by the Authority with a warrant card (incorporating suitable photographic and other necessary personal details) identifying the person and specifying the provisions of this Act under which the person is authorised to perform functions. When exercising a power conferred by this Act an Authorised Officer shall, on request by any person thereby affected, produce such warrant card for inspection.
3. An appointment shall cease—
 - (a) if the Authority revokes, in writing, the appointment,
 - (b) in the case of a person who at the time of his or her appointment was a member of staff of the Authority, upon the person ceasing to be such a member of staff, or
 - (c) in the case of an appointment for a fixed period, upon the expiry of that period, unless the Authority records in writing a decision to revoke the appointment or extend the period of appointment.
4. In this Head, “suitably qualified person” means a person other than a member of staff of the Authority who, in the opinion of the Authority, has the expertise or experience necessary to perform the functions conferred on an Authorised Officer by this Act.
5. The Authority may, for the purpose of performing its functions under this Act, enter in arrangements with any other bodies or individuals for the engagement of suitably qualified or experienced individuals for a period of temporary service (on contract, or via secondment, or otherwise) with the Authority. For the period of such temporary service, the individuals may be appointed by the Authority as Authorised Officers and be afforded all relevant powers in that regard.
6. In this Act, “Authorised Officer” means a person appointed as such under this Head.

Head 74 - Powers of Authorised Officers

Provide that:

1. For the purposes of this Act an Authorised Officer may—
 - (a) subject to subhead (6), enter any place—
 - (i) where any activity connected with gambling is suspected, understood or intended to take place,
 - (ii) where the Authorised Officer has reasonable grounds for believing any activity connected with gambling has taken place or is intended to take place, or
 - (iii) at which the Authorised Officer has reasonable grounds for believing documents, records (hard copy or electronic), statements, images, equipment (including computers or servers), telecommunication technology or equipment, or other information relating to gambling is located or being kept,
 - (b) search, examine and inspect the place and anything contained therein,
 - (c) utilise real time access to providers' online provision of services (including websites and apps) to monitor gambling activity, spending, etc.,
 - (d) apply for and execute a search warrant in relation to entry to any place associated with an unlicensed provider (other than in any instance where an inspection is being conducted as part of the Authority's consideration of an application by a provider for a licence) or any place where evidence relating to suspected criminal activity may reasonably be found,
 - (e) require any person at the place to produce to him or her any relevant materials which are in that person's power or control and, in the case of information in a non-legible form, to reproduce it in a legible form, and to give to the Authorised Officer such information, equipment or passwords as he or she may reasonably require in relation to any entries in such documents or records,
 - (f) require any person at the place to produce a current licence in respect of the gambling service,
 - (g) question any individual who is present at that location,
 - (h) secure for later inspection or investigation—
 - (i) any documents or records so provided or found and any electronic equipment, including any server or computer, in which those records may be held, or
 - (ii) any such place, or part thereof, in which—

- (I) documents, records (hard copy or electronic), statements, images, equipment (including computers or servers), telecommunication technology or equipment, or other information relating to gambling are kept, or
- (II) there are reasonable grounds for believing that such documents, records (hard copy or electronic), statements, images, equipment (including computers or servers), telecommunication technology or equipment, or other information relating to gambling are kept,

for such period as the Authorised Officer may reasonably consider necessary for the purposes of the performance of his or her functions or the functions of the Authority under this Act,

- (i) inspect and take extracts from or make copies of any such documents or records (including, in the case of information in a non-legible form, a copy of or extract from such information in a permanent legible form),
- (j) where the Authorised Officer reasonably believes that a breach of this Act or of the Authority's regulations, codes, standards or requirements, has occurred (or is intended to occur) or that an offence may have been committed (or is intended to be committed) may, in accordance with any member of An Garda Síochána who is there with the Authorised Officer, arrange for items to be seized, removed and retained for such period as the Authorised Officer reasonably considers necessary for the purposes of the performance of his or her functions under this Act, or require any person referred to in subsection (c) to retain and maintain such documents, records (hard copy or electronic), statements, images, equipment (including computers or servers), telecommunication technology or equipment, or other information relating to gambling for such period of time, as the Authorised Officer reasonably considers necessary for those purposes,
- (k) if a person who is required under (d) to provide a particular record is unable to provide it at that time, require the person to state, to the best of that person's knowledge and belief, where the record is located or from whom it may be obtained,
- (l) require any person referred to in (d) to give to the Authorised Officer any information relating to a gambling service that the Authorised Officer may reasonably require for the purposes of the performance of his or her functions under this Act, and to afford the officer all reasonable assistance in relation thereto,
- (m) request any person concerned to attend a specified location for questioning in relation to the matter under investigation.

2. An Authorised Officer may, in the performance of his or her functions under this Act—

- (a) be accompanied by any such other Authorised Officer(s) or any other individuals (including members of An Garda Síochána) as he or she deems necessary and appropriate to enable him or her to conduct his functions under this Act, particularly with regard to any risk assessment carried out in this regard,
 - (b) operate any equipment, including any computer or telephonic technology, or cause any such equipment or computer to be operated by a person accompanying the Authorised Officer, and
 - (c) require any person who appears to the Authorised Officer to be in a position to facilitate access to the documents, information or records stored in any equipment or computer or which can be accessed by the use of that equipment or computer to give the Authorised Officer all reasonable assistance in relation to the operation of the equipment or computer or access to the records stored in it, including by—
 - (i) providing the documents or records to the Authorised Officer in a form in which they can be taken and in which they are, or can be made, legible and comprehensible,
 - (ii) giving to the Authorised Officer any password necessary to make the documents or records concerned legible and comprehensible, or
 - (iii) otherwise enabling the Authorised Officer to examine the documents or records in a form in which they are legible and comprehensible.
3. An Authorised Officer may require a person to provide him or her with his or her name and address where the Authorised Officer has reasonable grounds for requiring such information for the purpose of applying for a warrant under Head 81.
4. Where an Authorised Officer, in the performance of his or her functions under this Act, is prevented from entering any place, he or she may make an application under Head 81 for a warrant to authorise such entry.
5. An Authorised Officer shall not enter a dwelling, other than—
- (a) with the consent of the occupier, or
 - (b) in accordance with a search warrant under Head 81.
6. In this [Part], “place” includes but is not limited to—
- (a) a dwelling or a part thereof,
 - (b) a building or a part thereof,
 - (c) any other premises or part thereof, and

(d) a vehicle, vessel, aircraft or any other means of transport.

Chapter 2 – Compliance (including inspections and investigations)

Head 75 – Compliance

Provide that:

1. The Authority shall have all necessary legislative and operational powers to issue standards and requirements with regard to what is expected of providers. Such standards and requirements may be as set out in this Act, various regulations, codes, licensing criteria, reference materials, compliance notices, warning notices and any such other forms of notification as the Authority deems operationally suitable.
2. The standards and requirements shall be derived from the provisions of this Act and from any other relevant legislation.
3. The Authority shall, under this Act, compel compliance by providers with its standards and requirements.
4. The Authority may at any time - but with due notice to be given to providers regarding any changes and following consultation with relevant stakeholders, where appropriate, - review, update, clarify, vary, amend or extend its requirements in relation to its regulations, codes or reference materials.
5. Providers shall comply with all relevant standards and requirements set by the Authority and with any compliance notices or warning notices issued by the Authority.
6. The Authority shall make public (via its website or otherwise) up-to-date copies of its standards and requirements in a manner that is accessible to providers and, where appropriate, to members of the public.
7. In order to comply with the provisions of this Act, an applicant (whether in possession of a current licence or not) for a licence shall declare details of any/all previous breaches (and any related penalty or penalties).
8.
 - (a) Where a relevant officer moves from one provider to another for employment, and where that relevant officer has been identified by the Authority as being involved in, or responsible for, breaches of the provisions of this Act in the past, or where they have been convicted of an offence related to the provision of gambling services, that relevant officer shall declare such matters to their new employer.
 - (b) Where a declaration under subhead (8)(a) has been made to a provider, the provider shall declare the details to the Authority.
9. The Authority shall monitor compliance by providers (individually and collectively) with its standards and requirements.

10. The Authority may publish details and conclusions of its findings in relation to subhead (9).

Head 76 - Reference Materials

Provide that:

1. The Authority may issue reference materials on matters relevant to the provision of gambling which shall constitute part of the Authority's standards and requirements.
2. Materials issued under subhead (1) may refer, at the discretion of the Authority, to a range of subjects relevant to the provision of gambling or, alternatively, on discrete or topical matters.
3. Providers shall have regard to these reference materials and, insofar as directed by the Authority, shall comply in their operations with such the content of such materials.
4. In preparing reference materials, the Authority shall have regard to, amongst other relevant issues, each of the following matters as appropriate—
 - (a) new developments in the sector, particularly those of a technological nature,
 - (b) new developments in the legislation covering this or a related field,
 - (c) decisions from the European courts,
 - (d) issues or trends which could raise the level of risk to the sector, to individual providers, to their service users or the wider public,
 - (e) the nature and scale of the provision of gambling or categories thereof,
 - (f) the protection of children and the general public from any harmful aspects of the provision of gambling,
 - (g) the risk posed by any harmful aspects of the provision of gambling to the users of such services,
 - (h) the likelihood of users of gambling being unintentionally exposed, by their own actions or by the actions of others, to any harmful provision of gambling,
 - (i) the rights of users and providers of gambling, including (but not limited to) fair practice, accounting and audit standards, customer service standards and safeguards, and
 - (j) any other such issue or matter as the Authority deems relevant and useful.
5. In issuing any material, under this Head, which contains details of a potential or real risk for members of the public, the Authority will publish the notice in a manner which is easily accessible to the public.
6. In preparing reference materials, the Authority may consult with any persons or bodies it deems appropriate, including members of committees established in accordance with Head 17 of Part 2 of this Act.

7. The Authority may amend, revise or revoke material issued under this Head at any time and shall make any such changes public.
8. Materials issued under this Head shall be considered as annexes or appendices to codes issued by the Authority.
9. The Authority shall monitor compliance by providers with material issued under this Head.
10. If the Authority notes non-compliance by providers with materials issued under this Head, the Authority shall issue a Compliance Notice in accordance with Heads 83 and 84.

Head 77 - Compliance assessments

Provide that:

1. The Authority shall require any provider, on a periodic basis to be specified by the Authority, to report comprehensively to the Authority regarding their compliance with the provisions of this Act and of any standard or requirement set by the Authority.
2. The Authority may, at any time, request information from any provider regarding their compliance with any provision under this Act or any standard or requirement set by the Authority.
3. Providers shall comply with information requests provided for under subheads (1) and (2) and shall be obliged to do so within a timeframe set by the Authority.
4. A provider which contravenes subheads (1) or (2) shall be guilty of an offence and liable to penalty/penalties.
5. The Authority shall examine and assess the compliance of providers with the provisions of this Act or of its standards and requirements on the basis of the information supplied by the provider, any information obtained by the Authority in the course of conducting inspections or investigations or any information received from third parties.
6. The Authority may, at its discretion, conduct its assessment of a provider's compliance based on the information received in accordance with subheads (1) or (2) or (5) or it may decide to conduct an inspection or investigation.
7. The Authority may make a request under subhead (1) at its discretion, or following the receipt of any related complaint or concern.
8. The Authority may appoint Authorised Officers to inspect or investigate the compliance of any provider with regard to any standard or requirement.
9. Upon completion of an assessment, whether that includes an inspection or investigation or otherwise, the Authority may issue a compliance notice in accordance with Head 84 to a provider specifying steps that the provider shall take to comply with the Authority's standards and requirements.

Head 78 – Undisclosed tests or audits

Provide that:

1. As part of the Authority’s monitoring of compliance by providers, undisclosed tests or audits may be utilised for the purpose of ensuring a provider is complying with the provisions of this Act and any standard or requirement set by the Authority whether by way of regulation, code or otherwise.
2. Under this Head, the term “undisclosed” means that no advance notification of such tests or audits is given to the providers concerned.
3. The Authority, if it deems it useful to do so, may publish details regarding any results or outcome of such tests as long as the timing of such publication would not imperil any further investigation or the matter or any related proceedings.
4. Further to subhead (1), undisclosed tests or audits may be conducted in relation to a provider’s online or remote service (including, but not limited to, websites or apps), or in relation to a provider’s physical premises or location.
5. Authorisation for the conducting of undisclosed tests or audits may only be given by the Authority and in accordance with Head 78.
6. The Authority may utilise or contract individuals or companies with specialist expertise to conduct or collaborate on undisclosed tests or audits in accordance with Head 73.
7. Undisclosed tests or audits may form part of an inspection or investigation or may be utilised on their own, at the discretion of the Authority.
8. The findings of undisclosed tests or audits may form all or part of the basis for a compliance warning issued under Head 84.
9. The Authority, where activity of a suspected or alleged criminal nature is detected as a result of undisclosed tests or audits, shall contact An Garda Síochána as soon as practicable.

Head 79 - Inspections

Provide that:

1.
 - (a) The Authority shall devise an annual programme of scheduled inspections of providers, to be undertaken by Authorised Officers, including inspections of any premises and facilities used to provide, or in connection with, gambling services.
 - (b) The main purpose of inspections will be to identify any issues of non-compliance with the provisions of this Act and with the Authority's standards and requirements.
 - (c) In devising the annual programme under subhead (a) and deciding in what order to conduct the inspections, or the nature of those inspections, the Authority shall assess relevant factors including the scale and complexity of the providers concerned, turnover, any previous history of non-compliance by the provider(s) in question and any related risk factors.
 - (d) The Authority shall notify, with reasonable advance notice, the provider(s) on which scheduled inspections are planned.
 - (e) Inspections may be conducted as a result of information obtained in the course of compliance assessments under Head 77, on foot of complaints or information from a third party, or separately as part of the Authority's overall remit to monitor compliance.
2. The Authority may for any operational reason conduct, at its discretion, unscheduled inspections of a provider and shall not have to provide advance notice in this respect.
3. Following a complaint, or a notification from a whistleblower, or based on the Authority's own information sources or that of An Garda Síochána or that of another body, the Authority may conduct an unscheduled inspection of a provider and any associated premises and facilities. Such inspections shall not be subject to advance notice.
4. In conducting an inspection, the Authority will decide whether an Authorised Officer shall be accompanied by other Authorised Officers, by members of An Garda Síochána or by any other(s) to be specified by the Authority.
5. Following an inspection, the Authorised Officer shall prepare a draft report and may to the extent that it is appropriate to do so bearing in mind the nature of the situation concerned, furnish a draft copy to the provider, setting out the outcome of the inspection, unless to do so would imperil the investigation of any suspected or alleged criminal activity or any related proceedings. If it is appropriate at this time to issue a draft report, bearing in mind the principles of natural justice, the Authorised Officer will seek a response from the provider on any concerns raised in the report, with the provider's response to be received by the Authorised Officer within a timeframe set by the Authority.

6. The Authorised Officer's report shall:
 - (a) set out the Authorised Officer's findings, including any noted non-compliance with the provisions of this Act or the Authority's standards and requirements and any other pertinent findings, and
 - (b) notify the provider of the action to be taken by the provider as a result of the said non-compliance, the timing of which notification is dependent on whether there is a need for any related criminal investigation or subsequent proceedings.
7. If the report contains matters relevant to another State body (such as An Garda Síochána), the Authority shall provide a copy to that State body as soon as practicable.
8. Following the expiry of the timeframe set under subhead (5), the Authorised Officer will finalise his or her inspection report (whether a response has been received from the provider or not).
9. Nothing in this Head restricts the entitlement of the Authority to undertake further inspections as it deems appropriate, including a follow-up inspection to evaluate the steps, if any, taken by a provider to address any issues of non-compliance identified by the Authority, or any other scheduled or unscheduled inspections.
10. Nothing in this Head shall prevent the Authority from deciding during the course of an inspection, or following on from an inspection, that an investigation is required, either by the Authority, by An Garda Síochána, by another body, or by any combination including the Authority.

Head 80 - Investigations

Provide that:

1. The Authority shall, subject to subhead (2), appoint an Authorised Officer from among its own staff members or such other person as the Authority considers to be suitably qualified or experienced to conduct an investigation for the purposes of this Act.
2. An investigation shall be conducted where the Authority is of the opinion that there are circumstances or information suggesting an apparent or alleged breach by a provider in terms of this Act or a standard or requirement set by the Authority.
3. An investigation may be conducted by the Authority of its own volition, based on the outcome of an inspection, or following a warning notice to a provider, following receipt or collation of relevant information, on foot of a complaint or other issue raised by a third party (such as, but not limited to, correspondence of a whistleblowing nature) submitted to the Authority, or as part of a systemic investigation.
4. The Minister may request the Authority to consider conducting an investigation into a matter of public concern.
5. The Authority shall conduct a risk assessment at the outset of an investigation and may conduct a risk assessment at any subsequent stage of the investigation if it is of the view that the gravity of the matters under investigation merits such further assessment.
6. The Authority may request the assistance and collaboration of any other body or individual in relation to the conducting of all or part of an investigation, including with regard to obtaining expertise in particular matters (including but not limited to technology, financial auditing and forensic accounting, banking, statistical calculation of odds, gambling pattern analysis, money laundering, etc.) as it requires.
7. (a) Where the Authority appoints an Authorised Officer to investigate and report on an apparent or alleged breach by a provider, the Authorised Officer shall—
 - (i) notify the provider of the matter under investigation,
 - (ii) supply the provider with copies of any documents relevant to the investigation, and
 - (iii) afford to the provider an opportunity to respond, within 7 days of the date of the notification, or such further period not exceeding 21 days as the Authority allows, to the matter under investigation,
- (b) compliance by the Authorised Officer with subheads (7)(a)(i), (ii) and (iii) shall be necessary unless any such actions would imperil the full and proper investigation of a suspected or alleged criminal matter or any related proceedings – in the latter instance, the compliance (or otherwise) and the

timing of any compliance will be a matter for the Authority to decide on in accordance with best practice, due process, fairness and natural justice,

- (c) compliance by the Authorised Officer with subheads (7)(a)(i), (ii) and (iii) shall not be necessary if, following reasonable efforts to identify and locate the provider, the Authorised Officer has been unable to so identify or locate.
8. A provider who is the subject of an investigation shall co-operate in any such investigation and shall provide the Authorised Officer with such information as the Authorised Officer considers necessary and relevant for the purposes of the investigation.
 9. Where the Authority appoints an Authorised Officer to investigate and report on an apparent or alleged breach and a person employed by the provider concerned, requests, for reasons specified by the person, that the Authority afford to him or her an opportunity to comment within 7 days, or such further period not exceeding 21 days as the Authority allows, on the matter under investigation, then the Authority shall, having considered the reasons so specified, direct the Authorised Officer to afford to the person such an opportunity, if the Authority is satisfied that—
 - (a) an interest of the person which the Authority considers relevant to the person's employment by the provider concerned, is involved, or
 - (b) it is in the interests of fairness to do so, having regard to any potential consequences for the good name of that person.
 10. An Authorised Officer may for the purposes of this Head direct the provider concerned to—
 - (a) supply to the Authorised Officer such information or records in the provider's possession or control relevant to the investigation, and
 - (b) where appropriate, attend before the Authorised Officer for the purposes of assisting the investigation and to answer questions put to him or her.
 11. Any provider who fails to comply with a direction under subhead (10), shall be guilty of an offence and liable to penalty/penalties.
 12. Investigations may be conducted by the Authority regardless of whether the provider concerned is licensed or unlicensed.
 13. At any point during an investigation, if an Authorised Officer has reason to believe or suspect that activity of a criminal nature has occurred or is occurring, he or she will seek a direction from the Authority as to whether the matter should be notified to (and all relevant information shared with) An Garda Síochána or such other State body as is appropriate to the matter.

Head 81 - Search Warrants

Provide that:

1. If a judge of the Court is satisfied on the sworn information of an Authorised Officer of the Authority that there are reasonable grounds for suspecting that information or some other item required by an Authorised Officer for the purpose of performing his or her functions under this Act is held at any place, the judge may issue a warrant authorising him or her, accompanied if the officer considers it necessary by such other person(s) or member(s) of the Garda Síochána, at any time or times from the date of issue of the warrant, on production, if so required, of the warrant, to enter, if need be by reasonable force, the place and exercise all or any of the powers conferred on an Authorised Officer under this Act.
2. The period of validity of a warrant shall be 28 days from its date of issue, but that period of validity may be extended in accordance with subheads (3) and (4).
3. The Authorised Officer may, during the period of validity of a warrant (including such period as previously extended under subhead (4)), apply to a judge of the Court for an Order extending the period of validity of the warrant and such an application shall be grounded upon information on oath laid by the Authorised Officer stating, by reference to the purpose(s) for which the warrant was issued, the reasons why the Authorised Officer considers the extension to be necessary.
4. If, on the making of an application under subhead (3), the judge of the Court is satisfied that there are reasonable grounds for believing, having regard to that information so laid, that further time is needed so that the purpose or purposes for which the warrant was issued can be fulfilled, the judge may make an Order extending the period of validity of the warrant by such period as, in the opinion of the judge, is appropriate and just, and where such an order is made, the judge shall cause the warrant to be suitably endorsed to indicate its extended period of validity.
5. Nothing in subheads (1) to (4) prevents a judge of the Court from issuing, on the making of a new application under subhead (1), a further search warrant under this Head in relation to the same place.

Head 82 - Investigation Report and related outcomes

Provide that:

1. Where an Authorised Officer has completed an investigation, the Authorised Officer shall, as soon as is practicable after having examined and considered, insofar as they are relevant to the investigation, any information or item(s) provided under this Act to the Authorised Officer, or any statement or admission made by any person pursuant to any requirement under that Head, any submissions made to the Authority, and any evidence presented, seized or identified, prepare an investigation report and submit it to the Authority for consideration.
2. The report of an Authorised Officer in relation to an investigation shall include—
 - (i) details of the legal provision(s) under which the investigation was conducted,
 - (ii) the steps taken by the Authorised Officer,
 - (iii) any timeframes or statutory deadlines to be considered,
 - (iv) the Authorised Officer's findings in relation to the matter,
 - (v) details of any failure by the provider concerned to comply with the investigation,
 - (vi) details of any other concerns identified, and
 - (vii) the conclusions of the Authorised Officer.
3. Where an Authorised Officer states in an investigation report that he or she is satisfied that a breach of this Act or of the Authority's standards and requirements has occurred (or is occurring) or that improper conduct by the provider concerned has occurred or is occurring, or that the provider did not cooperate with the investigation, the Authorised Officer shall not make any recommendation, or express any opinion, in the report as to any sanction that he or she thinks ought to be imposed on the provider.
4. The Authority shall give due and timely consideration to an investigation report.
5. Following its consideration of the investigation report, the Authority may direct the Authorised Officer to conduct further, additional investigations or to pursue other related avenues of enquiry.
6. Where the Authority, having considered the Authorised Officer's report, forms a view that there has been a breach by the provider concerned or that the provider has not co-operated with the investigation, the provider shall be afforded the opportunity to respond, within 10 days of being so notified, if it wishes to make a written or oral submission to the Authority.
7. Any written submission to be made by a provider to the Authority under subhead (6) shall be made within a timeframe indicated by the Authority.

8. Where a provider indicates a wish to make an oral submission under subhead (6), the Authority shall afford the provider an opportunity to make a submission at a hearing before the Authority, to be held as soon as practicable, in respect of the matter.
9. The Authority shall make rules providing for the conduct of a hearing under subhead (6). The rules may include the taking of evidence whether orally or otherwise, as appropriate, and the applicable rules of evidence.
10. The Authority shall not award costs or expenses to any party in relation to a hearing under subhead (6).
11. The Authority shall, as soon as is practicable after having considered an investigation report and any written or oral submission made by the provider, decide whether—
 - (a) there has been a breach by the provider concerned, or
 - (b) the provider concerned has failed to co-operate in an investigation.
12. Further to subhead (11), the Authority shall notify the provider of its decision and the reasons for that decision.
13. If the Authority decides that—
 - (a) there has been a breach by the provider concerned, or
 - (b) the provider concerned has failed to cooperate in an investigation,the Authority may decide to do one or more of the following—
 - (i) issue a compliance notice to the provider, or
 - (ii) issue a warning notice to the provider, or
 - (iii) suspend a provider's licence(s),
 - (iv) revoke a provider's licence(s),
 - (v) invoke one or more of its reserved powers in accordance with this Part,
 - (vi) initiate a summary prosecution,
 - (vii) refer the matter to the Office of the Director of Public Prosecutions,
 - (viii) refer the matter to An Garda Síochána
 - (ix) refer the matter to another public body,
 - (x) take no further action.

14. The details or outcome of any investigation may be used by the Authority in any systemic examination conducted under this Act.

Chapter 3 – Non-compliance

Head 83 - Compliance Notices and Warning Notices

Provide that:

1. The Authority shall have the power to issue compliance notices to providers where it appears to the Authority that there is or has been non-compliance with its standards and requirements.
2. Non-compliance may come to the notice of the Authority via inspections, compliance assessments, investigations, complaints, whistleblowing, undisclosed tests or audits, or via other sources of information.
3. A compliance notice will—
 - (a) outline details as to what the Authority believes constitutes the alleged non-compliance in relation to the provider,
 - (b) outline the basis for the Authority's views,
 - (c) set out a clear timeframe in which—
 - (i) proof that the alleged compliance does not exist, or
 - (ii) a reasonable justification in relation to the alleged non-compliance, and
 - (iii) proof of remedial action (if necessary) taken,is to be supplied by the provider to the Authority
4. If, following expiry of the specified timeframe the provider does not provide to the Authority with proof that the alleged non-compliance does not exist, or a justification that is (in the opinion of the Authority) reasonable in relation to alleged non-compliance and a satisfactory outline of its actions to bring itself into compliance, the Authority may issue a warning notice to the provider.
5. A warning notice will:
 - (a) state that the Authority is of the view that the provider is or was not in compliance,
 - (b) state the basis for this view,
 - (c) outline the steps which the Authority deems necessary for the provider to take to bring itself into compliance,
 - (d) provide a timeframe in which those actions must be taken, and

- (e) outline the range of actions which may be taken by the Authority if the provider does not bring itself into compliance.
- 6. Where an immediate or significant risk to the public is identified in relation to a matter of non-compliance, the Authority may move to issue a warning notice to a provider without having issued a compliance notice; fair procedure will not be adversely affected in these circumstances.
- 7. Actions to be taken by the Authority in respect of subhead (5)(e) may include the initiation of proceedings or a decision to move to the imposition of an administrative financial sanction.

Head 84 – Issuing of compliance notices and warning notices

Provide that:

1. If the Authority is of the view, following an assessment of compliance or an inspection or an investigation, or following receipt of information from a third party, that a provider is not in compliance with a standard or requirement of the Authority, the Authority may issue a compliance notice.
2. A compliance notice may state the view of the Authority, and how it formed that view, that the provider was or is not in compliance and may—
 - (a) invite a response from the provider, within a specified timeframe, seeking appropriate rebuttal, explanation or reasonable justification for the alleged non-compliance,
 - (b) outline the steps expected to be taken, within a specified timeframe, by the provider to remedy its non-compliance and a notification to this effect to be submitted to the Authority.
3. If following the timeframe specified by the Authority, the provider does not respond or does not provide to the Authority a satisfactory rebuttal or explanation or (in the opinion of the Authority) a reasonable justification in relation to the alleged non-compliance, or does not provide a satisfactory outline of the provider's actions to bring itself into compliance, the Authority shall issue a warning notice to the provider.
4. If the Authority forms the view, based on information available to it, that there is an immediate or significant risk to the public, the Authority shall issue a warning notice to the provider(s) concerned even where no compliance warning has been issued.
5. A warning notice issued under subheads (3) or (4) shall outline the view of the Authority regarding the alleged non-compliance and the range of steps that the Authority may take if the alleged non-compliance is not remedied.
6. A warning notice will, in accordance with Heads 84 and 85, outline the steps which the Authority deems necessary for the provider to take to bring itself into compliance and the timeframe in which those steps must be taken.
7. A provider shall comply with the all requirements outlined in a warning notice issued by the Authority and with all related information requests from the Authority.
8. The Authority may publish details relating to any warning notice it issues under subhead (3) and shall publish details relating to any warning notice issued under subhead (4).
9. If, following a warning issued by the Authority under subhead (3) regarding alleged non-compliance by a provider and the expiry of the timeframe specified in accordance with subhead (5), the Authority has not been notified either at all or otherwise not to its satisfaction by the provider, the Authority may take the view that the alleged non-compliance has not been remedied.

10. A provider which contravenes subhead (7) shall be subject to one or more than one sanction.

Head 85 - Sanctions for non-compliance

Provide that:

1. If the Authority is of the view that a provider is to be subject to a sanction for failing to comply with a warning notice from the Authority under Head 84, the Authority shall notify the provider of its intention to apply one or more sanctions.
2. The Authority shall specify in its notification to the provider under subhead (1) the nature of the sanction(s) which the Authority intends to apply.
3. The Authority may publish details relating to any notification of intention to apply a sanction or sanctions it issues under this Head at a timing at its discretion.
4. The Authority may seek to apply any (or a combination) of the following sanctions:
 - (a) suspension of a licence, the duration of which suspension is at the discretion of the Authority,
 - (b) revocation of a licence,
 - (c) an administrative financial sanction in accordance with the provisions outlined in this Act,
 - (d) to seek leave of the Court to compel internet service providers to block access to a remote or online provider in the State for a period of time (which may be permanent) to be recommended by the Authority to the Court for consideration,
 - (e) to seek an Order of the Court to shut down a provider's operations (including but not limited to closing physical premises) either on a temporary or permanent basis in any instance where the provider concerned is operating without a licence issued by the Authority or for other specified reasons in relation to non-compliance,
 - (f) to seek an Order of the Court to freeze bank accounts and other assets of (or associated with) a provider,
 - (g) to seek an Order of the Court to block advertising by or on behalf of a provider,
 - (h) to seek an Order of the Court to block payments to a provider.
5. The Authority shall publish the outcome of any sanction sought in accordance with subhead (4).
6. Details of actions taken and the related outcome(s) under this Head will be included in the Authority's Annual Reports.

Chapter 4 – Administrative Financial Sanctions

Head 86 - Power of the Authority to decide to impose Administrative Financial Sanctions

Provide that:

1. Further to Head 85, in situations where non-compliance has been identified, the Authority shall have the power to decide to impose administrative financial sanctions, subject to Court confirmation of both the imposition of the fine and the amount of the fine.
2. Further to Head 85, in considering the appropriate penalty or penalties in respect of non-compliance, the Authority shall consider whether the imposition of an administrative financial sanction is the appropriate response, or one of the appropriate responses, to the particular non-compliance concerned.
3. If, further to subheads (1) and (2), the Authority decides that an administrative financial sanction is an appropriate penalty, or one of the appropriate penalties, the Authority shall give due consideration to the amount of such an administrative financial sanction to be imposed.
4. In considering both whether an administrative financial sanction is appropriate, and in considering the size of any such administrative financial sanction, the Authority shall have regard (where appropriate) to the following factors—
 - (a) the need to ensure that any administrative financial sanction imposed—
 - (i) is appropriate and proportionate to the breach or the failure to co-operate with an inspection or an investigation, and
 - (ii) will act as a sufficient incentive to ensure future compliance in respect of the provision, standard or requirement breached,
 - (iii) will act as a deterrent for future non-compliance,
 - (b) the nature, gravity and duration of the breach,
 - (c) the turnover of the relevant provider in the financial year ending in the year previous to the breach and the year in which the breach occurred, and the ability of the relevant provider to pay a sanction,
 - (d) the extent of any failure by a provider to co-operate with an investigation, provided that acknowledgement of a breach shall not in itself constitute grounds for reduction of a sanction,
 - (e) any excuse or explanation by the relevant provider, which the Authority accepts as reasonable, for the breach or failure to co-operate with an investigation,

- (f) any gain (financial or otherwise) made, or any loss (financial or otherwise) avoided by the provider, or by the relevant provider or by any person in which the relevant provider has a pecuniary or beneficial interest, as a consequence of the breach,
- (g) the degree of harm caused to consumers or other sectoral or market participants or to the public as a consequence of the breach,
- (h) the extent to which the breach was contributed to by the act or omission of a third party, and the extent to which the provider took steps to identify, and mitigate, the effect of the act or omission
- (i) repeated breaches by the relevant provider,
- (j) continuation by the relevant provider of the breach,
- (k) the extent to which the management of the relevant provider knew, or ought to have known, that the breach was occurring or would occur,
- (l) the absence, ineffectiveness or repeated failure of internal mechanisms or procedures of the relevant provider intended to prevent breach by the relevant provider,
- (m) the extent to which the breach was contributed to by circumstances beyond the control of the provider and the extent to which the provider had taken steps in advance to identify and mitigate external factors that might result in a breach,
- (n) the nature, extent and timeliness of any steps taken to end the breach in question, and any steps taken for remedying the consequences of the breach,
- (o) submissions by the relevant provider on the appropriate amount of an administrative financial sanction,
- (p) whether an administrative financial sanction has already been imposed on the provider and any related outcome in that regard,
- (q) any precedents set by the Court or Authority in respect of previous breaches or failures to co-operate with an investigation, and
- (r) any other factor(s) or information that the Authority decides are relevant on a case-by-case basis.

5. Where the Authority decides to impose an administrative financial sanction on a provider, the amount of the administrative financial sanction shall not exceed—

- (a) in the case of an individual, €20,000,000

or

- (b) in the case of a provider that is not an individual, whichever is the greater of €20,000,000 or 10% of relevant turnover of the provider in the financial year preceding the date of the decision to impose the sanction or in any year in which the act or acts occasioning the sanction occurred.
- 6. All administrative financial sanctions shall be paid into Exchequer funds and will be appropriately segregated from the Voted funds afforded to the Authority.
- 7. All administrative financial sanctions shall be paid by a provider from within its own funds and not from any segregated player funds which must be appropriately guarded, recorded and accounted for the provider.

Head 87 – Notification regarding imposition of an Administrative Financial Sanction

Provide that:

1. The Authority, as soon as practicable after it has decided that it is appropriate for an administrative financial sanction to be imposed shall issue written notification to the relevant provider concerned that—
 - (a) the Authority has decided to impose an administrative financial sanction on the provider,
 - (b) the reasons(s) for that decision,
 - (c) the amount (or range) of the administrative financial sanction deemed appropriate by the Authority with regard to the non-compliance concerned,
 - (d) the timeframe in which the specified administrative financial sanction is to be paid,
 - (e) the Authority intends to proceed to make application to Court, in a timeframe indicated, for confirmation of the imposition of the administrative financial sanction and the amount thereof,
 - (f) the date by which the provider is required to advise the Authority as to whether the provider—
 - (i) consents to the imposition of the administrative financial sanction and the amount (or range) of the sanction indicated and agrees to make the necessary payment,
 - (ii) does not consent to either the imposition of the administrative financial sanction or the amount (or range) of the sanction or neither and intends to appeal to the Court on the basis of the imposition of the sanction or the amount (or range) of the sanction or both,
 - (g) details of the relevant appeal mechanism if the provider does not consent, in accordance with subhead (1)(f).
2. Where a provider, notified under subhead (1), does not respond to the Authority within the timeframe specified under subhead (1)(f), that provider will be deemed to have accepted the imposition of the sanction and the amount of the sanction and so the Authority shall proceed to apply to Court for confirmation of that sanction.

Head 88 – Court confirmation of an Administrative Financial Sanction

Provide that:

1. Where a provider responds to the Authority, in accordance with Head 87, to indicate its consent to proceed with the imposition of an administrative financial sanction at the amount specified by the Authority for that sanction, or where a provider has failed to respond to the Authority within the timeframe set under Head 87, the Authority shall, as soon as is practicable, and on notice to the provider concerned, make an application in a summary manner to the Court for confirmation of the Authority's decision.
2. The Court shall, on the hearing of an application under subhead (1), confirm the Authority's decision which is the subject of the application unless the Court sees good reason not to do so.

Head 89 - Appeal against an Administrative Financial Sanction

Provide that:

1. A provider which notifies the Authority in accordance with Head 87 of its intention to appeal shall also, within the timeframe set by the Authority under Head 87, appeal to the Court against the decision to impose an administrative financial sanction, or the amount of the sanction or both.
2. The Court, on hearing an appeal under subhead (1), may consider any evidence adduced or argument made by the provider concerned, whether or not already adduced or made to an Authorised Officer or the Authority.
3. Subject to subhead (4), the Court may, on the hearing of an appeal under subhead (1)—
 - (a) confirm the Authority’s decision which is the subject of the appeal,
 - (b) replace the Authority’s decision with such other decision as the Court considers just and appropriate, which may include a decision to impose a different administrative financial sanction or no administrative financial sanction, or
 - (c) annul the Authority’s decision.
4. In this Head, “Court” means—
 - (a) the Circuit Court, where the amount of the administrative financial sanction the subject of the appeal does not exceed €500,000, or
 - (b) in any other case, the High Court.

Chapter 5 – Offences and related penalties

Head 90 - Prosecution of summary offences by the Authority

Provide that:

1. Summary proceedings for an offence under this Act may be brought and prosecuted by the Authority.
2. Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be brought—
 - (a) at any time within [an appropriate period] from the date on which the offence was alleged to have been committed, or
 - (b) if, at the expiry of that period, the person against whom the proceedings are to be brought is outside the State, within six (6) months of the date on which he or she next enters the State,

whichever is the later, provided that no such proceedings shall be commenced later than five (5) years from the date on which the offence concerned was alleged to have been committed.

3. Where a person is convicted of an offence under this Act, the court may, where it is satisfied that there are good reasons for so doing, order the person to pay the costs and expenses, measured by the court, incurred by the Authority in relation to the investigation, detection and prosecution of the offence, including the expenses of and incidental to an examination of any information provided to the Authority.
4. An order for costs and expenses under subhead (3) is in addition to and not instead of any fine or other penalty the court may impose.

Head 91 - Prosecutions and jurisdiction

Provide that:

1. The Authority shall regulate any person, acting in the State in the course of business carried on by the person in the State, who or that is engaged in the provision of gambling services that are utilised by persons in the State or are accessible to persons in the State.
2. Any summons or other document required to be served, in the context of legal proceedings or in respect of enforcement of the Authority's statutory functions, on a body corporate or on one or more of its staff, or members of its management may be served by leaving it at, or by sending it by registered post to, the registered office of that body.

Head 92 - Substantive offences

Provide that:

1. A person who provides gambling services—
 - (a) without a current licence issued by the Authority under this Act,
 - (b) without a current licence issued by the Authority appropriate to the service, or
 - (c) that contravene or exceed the terms or conditions of a licence granted by the Authority under this Act,shall be guilty of an offence and liable to penalty/penalties.
2. A person who interferes with the calibrated setting on a machine, game or other device, to enable it to perform in a manner or for a purpose not permitted by a licence or for a purpose that is otherwise illegal shall be guilty of an offence and liable to penalty/penalties.
3. A person who aids or abets another in subheads (1) or (2) above, including through the supply of machines, games, finance, employment, assistance, advice or expertise, shall be guilty of an offence and liable to penalty/penalties.
4. A person who knowingly lodges player moneys (or who knowingly causes player moneys to be lodged) to an account other than a segregated player account, or who/which otherwise misuses such moneys, is guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or on conviction on indictment to a fine not exceeding €50,000 or imprisonment or both.
5. A person who knowingly makes (or causes to be so made) a false or misleading entry or record in accounting records relating to the provision of a gambling service is guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or on conviction on indictment to a fine not exceeding €50,000 or imprisonment or both.
6. A licence holder (or any of their employees or agents) who:
 - (i) alters, removes, withholds, suppresses, destroys, conceals or refuses to provide any information or records requested by the Authority or any other relevant information or records,
 - (ii) fails, omits or refuses to keep any prescribed information, records or accounts,
 - (iii) fails, omits or refuses to furnish to the Authority any prescribed information, records or accounts.shall be guilty of an offence and liable to penalty/penalties.

7. A person who obstructs, impedes or hinders the Authority in the performance of its functions shall be guilty of an offence and liable to penalty/penalties.
8. When providing information with regard to applying for a licence, or responding to a request made by the Authority for information in relation to the provision of gambling service or when the Authority is conducting an inspection or investigation under the provisions of this Act, a person who provides to the Authority information that the person knows to be false or misleading is guilty of an offence and is liable on summary conviction to a Class A fine or twelve (12) months' imprisonment or both, or, on conviction on indictment a fine or €50,000 or two (2) years' imprisonment or both.
9. A person who produces a gambling licence which has been suspended or revoked, with a view to providing a gambling service, shall be guilty of an offence and liable to penalty/penalties.
10. The Authority, shall be a competent authority under provisions of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 for licence holders.
11.
 - (a) Any person who advertises on behalf of, or causes another person to advertise on behalf of, a gambling provider shall check the Authority's register of licensed providers to ensure that the provider is currently and appropriately licensed for all services which are the subject of such advertising.
 - (b) Further to subhead (11)(a), any person who advertises on behalf of, or causes another person to advertise on behalf of, a gambling provider that is not currently or appropriately licensed for all services which are the subject of such advertising, or
 - (c) any person who invites, or causes another person to invite, members of the public to participate in gambling services provided by a provider that is not currently and appropriately licensed,shall be guilty of an offence and liable to penalty/penalties.
12. Any person who alters a licence issued by the Authority without the permission of the Authority shall be guilty of an offence and liable to penalty/penalties.
13. Any person who copies a licence issued by the Authority without the permission of the Authority shall be guilty of an offence and liable to penalty/penalties.
14. Any person who distributes a copy or copies of a licence issued by the Authority without the permission of the Authority shall be guilty of an offence and liable to penalty/penalties.
15. Any person who possesses a copy or copies of a licence issued by the Authority without the permission of the Authority shall be guilty of an offence and liable to penalty/penalties.
16. Any person who transfers, to another person or to another provider, a copy or copies of a licence issued by the Authority, without the permission of the Authority, shall be guilty of an offence and liable to penalty/penalties.

17. (a) A provider which:
- (i) wilfully or negligently allows a child (i.e. a person under the age of 18 years) to gamble, or
 - (ii) permits a child to enter a premises which is related to the provision of gambling services or access certain parts of such a premises that is contrary to the terms and conditions of a licence issued under this Act, or
 - (iii) permits a child to work in any capacity related to the provision of gambling services,
- shall be guilty of an offence and liable to penalty/penalties.
- (b) It shall be a defence for a provider to demonstrate that he or she took all reasonable steps to—
- (i) prevent children from engaging in gambling,
 - (ii) determine the individual's age and that he or she reasonably believed that the individual was not a person under 18 years.
18. Any person who services, places on the market, distributes, supplies, sells, leases, transfers, hosts, operates or in any other manner makes available for use any equipment, machine, device or system for any purpose relating to gambling, without the prior approval or certification of the Authority shall be guilty of an offence.
19. Where a person is convicted of an offence under the provisions of this Act, the Court may decide on the imposition of one or more penalties which may include the suspension or revocation of any gambling licence held by that person under the provisions of this Act. The Court may also decide that that person be prohibited (permanently, for a specified period or subject to certain specified conditions) from applying for any new licence or for a particular class of new licence.

Head 93 - Legal proceedings – ancillary matters

Provide that:

1. From the point of commencement of this Act, proceedings may be brought after a licence has expired where the offence occurred while the licence was extant, whether or not the offence had come to light while the licence was extant.
2.
 - (a) The Authority may at any time after proceedings have been initiated and on notice to the defendant, apply to the Court for an Order suspending the licence of a provider which is the subject of the proceedings pending the hearing of the case. The Court may grant the Order or may make such Order as it deems appropriate in the circumstances.
 - (b) Upon conviction for an offence, the Authority may apply to the Court and having regard to the circumstances and seriousness of the offence, the Court may, in addition to any other penalty imposed, grant an Order (a) suspending the licence for a period of time to be specified on a case by case basis by the Authority, or (b) revoking the licence.
 - (c) Any person against whom an Order under (a) or (b) of this subhead is made may appeal the order to the Court.
3. The Court may make an order for the payment of a fine and any costs awarded against the defendant from the security lodged in accordance with the provisions of this Act.
4. The Authority may apply to the Court for an Order requiring the convicted party to pay the legal and other costs incurred by it in bringing the prosecution.
5. From the date of the enactment of this legislation, the prohibition against gambling debts being legally enforceable is to be removed.

Head 94 - Senior Management liability

Provide that:

1. Where –
 - (a) an offence under this Act has been committed by a provider or body corporate, and
 - (b) the offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect or wilful neglect on the part of a person who was either:
 - (i) a director, manager, secretary or other officer or agent of the provider or body corporate, or
 - I. a parent undertaking of the provider,
 - II. a subsidiary or affiliate undertaking of the provider, or
 - III. a provider which is subsidiary or affiliate undertaking of the parent undertaking of the provider,

or

- (ii) a person purporting to act in any such capacity,

that person, as well as the provider or body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the offence committed by the corporate body.

2. Any proceedings, including summary proceedings, under this Head shall not be instituted except by or with the consent of the Director of Public Prosecutions.

Head 95 - Cheating

Provide that:

1. A person commits an offence and is liable to penalty/penalties if the person—
 - (i) cheats at gambling,
 - (ii) does anything for the purpose of enabling or assisting another person to cheat at gambling.
2. It shall be immaterial whether a person who cheats, or attempts to cheat, in relation to gambling (i) improves his/her chance of winning, or (ii) wins anything, or (iii) wins nothing.
3. Cheating at gambling may, in particular, consist of actual or attempted deception or interference in connection with—
 - (i) the process by which gambling is conducted, or
 - (ii) with a real or virtual game, race, competition, tournament or other event or process to which gambling relates.
4. (a) A person suspected of cheating in the context of gambling may be prosecuted on a summary basis or on indictment.

(b) In considering whether a prosecution shall be taken on a summary basis or on indictment, due cognisance shall be given to the scale and seriousness of the alleged offence as well as the impact, or potential impact, of the acts or omissions involved.

Head 96 – Gambling related to manipulation with intent to alter outcome

Provide that:

1. A provider who becomes aware of gambling patterns that suggest that an attempt to influence the outcome of a game or event has been committed or attempted—
 - (a) may refuse to accept bets/gambles on that game or event but must, in such instances, issue “bet refused” docket(s),
 - (b) may suspend betting/gambling on the game or event in question but must, in such instances, issue “bet refused” docket(s),
 - (c) may withhold payment on a bet/gamble but if payment is withheld this shall be for as long as all relevant investigations are ongoing,
 - (d) shall maintain safely and securely all relevant documentation or other records, including financial accounting information or video footage, for examination by the Authority,
 - (e) shall, without delay, inform the Authority of its suspicions, its actions and the reasons for its decision to refuse, suspend gambling and to withhold payment.
2.
 - (a) The Authority shall, where it has reason to believe that the event is ongoing or where payments have not been made, take such steps as are appropriate to inform other providers licensed under this Act, bearing in mind the need to avoid jeopardising any investigation that may be under way, or any proceedings that may have commenced, or that may be undertaken by it or by any other State body.
 - (b) The Authority shall, in any/all notifications to other bodies, be mindful of the need to protect appropriately the confidentiality and security of a provider which has provided it with information in such circumstances.
3. The Authority shall notify An Garda Síochána without delay where it suspects that an attempt to influence the outcome of a game or an event has been committed or attempted. Such notifications may be made verbally, in the first instance, where speed is important; however, such verbal notifications shall be followed up in writing as soon as possible thereafter.
4.
 - (a) The Authority may alert any agency in any State within the EEA, or in the United Kingdom of Great Britain and Northern Ireland, or in any country or territory which may be specified, with functions the same as or similar to its own, of the information in its possession where it has reason to believe inappropriate activities referred to in this Head have occurred, are occurring or are expected to occur, or where the persons alleged to be involved are located, in that other State.

- (b) The Authority may alert the relevant Sports Governing Body where such notification will not endanger any ongoing or subsequent investigation.
5. (a) Without prejudice to any liability incurred by a provider under subhead (7), the Authority may, where a provider fails to inform it as required by subhead (2),
- (i) undertake a review of the licence by way or inspection or investigation, and
 - (ii) where the Authority deems it necessary or appropriate, suspend the licence of a provider pending the outcome of the review.
- (b) At the conclusion of the review, where the Authority has formed the view that the provider has been non-compliant with the provisions of this Head, may—
- (i) issue a warning,
 - (ii) suspend the licence,
 - (iii) revoke the licence,
 - (iv) prohibit the provider from holding a licence under this Act,
 - (v) impose an administrative financial sanction in accordance with the provisions of this Act,
- in relation to that provider.
6. A provider may bring an appeal to an appropriate Court against any decision of the Authority in accordance with subhead (5).

Chapter 6 – Miscellaneous and ancillary issues

Head 97 – Complaints about providers

Provide that:

1.
 - (a) A person, group or other body (the “complainant”) may make a complaint to the Authority against a provider concerning –
 - (i) the conduct of the provider,
 - (ii) a product, activity or service supplied by the provider, or
 - (iii) an alleged breach by the provider of any provision of this Act or of any standard or requirement set by the Authority.
2. Further to the terms and conditions of a licence as provided for in Part 3, where a complaint is made in relation to a provider which is licensed by the Authority, the complaint will be considered by the Authority subject to the complainant having first made reasonable efforts to resolve the matter with the provider and subject to the provider engaging constructively in that regard in accordance with Head 98.
3. Where the complaint is in relation to a provider which is not licensed by the Authority but should be so licensed, the Authority will examine both the licensing issue, if appropriate, and the complaint in accordance with the Authority’s powers under this Act.
4. (a) When the Authority receives a complaint, it shall examine the complaint and consider whether—
 - (i) it is satisfied that the complaint is made in good faith, or
 - (ii) it is satisfied that the complaint is not frivolous or vexatious or without substance or foundation,and, if it is satisfied in relation to both (i) and (ii), the Authority shall accept the complaint.
 - (b) Having completed its examination under subhead (4)(a), and where the Authority is satisfied that it can accept the complaint, the Authority shall decide whether to conduct an inspection (in accordance with Head 79) or an investigation (in accordance with Head 80) of the matter or take no further action.
5. Where, further to subhead (4)(b), the Authority accepts a complaint, the Authority shall give notice in writing to the complainant and the licensee to whom the complaint relates of this decision and the reasons for the decision.

6. Where a complaint is withdrawn by a complainant, the Authority may proceed as if the complaint had not been withdrawn if it is satisfied that there is good and sufficient reason for so doing.
7. On completion of the inspection or investigation—
 - (a) the Authority may decide not to uphold the complaint, or
 - (b) if the Authority is satisfied on reasonable grounds that the provider has—
 - (i) acted improperly in terms of the provision of acceptable levels of customer service,
 - (ii) failed to provide a product, activity or service as authorised by the Authority in accordance with any licences held by the provider during the course of its business, or
 - (iii) contravened any provision of this Act or any standards and requirements set by the Authority,it may impose any combination of the following sanctions in relation to the provider which in the Authority’s opinion is appropriate in the circumstances of the case—
 - (I) suspension of the licence for a specified period,
 - (II) revocation of the provider’s licence, or
 - (III) other sanction as outlined by the Authority in accordance with this Act,and shall notify the complainant and the provider of its decision.
8. A person, group or other body (the “complainant”) or a provider may submit an appeal to the Gambling Regulatory Appeal Board following notification, by the Authority, of the imposition of any sanction in accordance with this Head.

Head 98 - Obligation to consider mediation or other form of alternative dispute resolution

Provide that:

1. Where there is a dispute between a provider and a user, or group of users, however represented, of that service, both parties shall consider mediation or other method of alternative dispute resolution as a method of reaching a mutually acceptable agreement to resolve the dispute.
2. Subhead (1) shall not prevent a user of a gambling service bringing relevant matters or a dispute with the provider to the attention of the Authority.
3. The Authority may examine a provider's compliance in accordance with this Act and with the Authority's standards and requirement (including but not limited to codes] on the basis of information received and/or requested relating to any dispute between a user, or group of users, and a provider.
4. The Authority may consider any disputes or matters of disagreement raised by service users previously brought to the attention of the Authority to inform itself as to any pattern of behaviour or trend.
5. The Authority, following examination under subhead (3) of the matters under dispute, may—
 - (a) suggest mediation or other method of alternative dispute resolution (even if the parties have already engaged in such a process),
 - (b) suggest, in tandem with (a), that the Authority would – with the agreement of all parties concerned – have an Authorised Officer to observe the mediation or other alternative dispute resolution process,
 - (c) make a finding that the complaint made by the service users is frivolous or vexatious and that the matter should be closed,
 - (d) make a finding that the provider shall address the subject matter of the complaint, within a timeframe set by the Authority, and to report back to the Authority and all relevant stakeholders to the complaint,
 - (e) conduct an inspection, in accordance with Head 79 of the provider's premises and facilities, or an investigation under Head 80.
6. If the Authority suggests mediation or other method of alternative dispute resolution, the service user (complainant) and the provider shall so engage.
7. The provider shall notify the outcome of the mediation or alternative dispute resolution process to the Authority in a timely manner.
8. If the result of the mediation or other method of alternative dispute resolution results in acceptance by the provider, or a finding by the Authority, that the provider needs to

address constructively the matter raised by the complainants, the costs of the mediation or alternative dispute resolution will be borne by the provider.

Head 99 – Complaints about the Authority

Provide that:

1. Complaints about the service provided by the Authority or concerning any alleged misconduct by the Authority's staff members (including any individuals working temporarily with the Authority under Head 73) may be submitted in the first instance to the Authority.
2. If a complainant is still dissatisfied following consideration of the matter under subhead (1), the complainant may submit the matter to the Office of the Ombudsman for consideration.

Head 100 - Cooperation with other bodies

Provide that:

1.
 - (i) An Authorised Officer may be accompanied and assisted in the exercise of his or her powers by such other Authorised Officers, members of the Garda Síochána or other persons as the Authority reasonably considers appropriate.
 - (ii) Such other officer (other than a member of the Garda Síochána) shall act and shall exercise the powers available under this Part in accordance with the instructions of the Authorised Officer of the Authority.
2. The composition of the inspection team shall be decided by the Authority and shall have due regard to the nature of the service and the facility being inspected as well as a detailed risk assessment of all pertinent factors and circumstances.
3.
 - (a) The Authority may, in the operation of its statutory functions, consult with and/or share all information it deems necessary, including confidential information, personal data including sensitive information, or commercial information, with the following:
 - (i) the Minister for Justice;
 - (ii) the Minister for Public Expenditure and Reform, in connection with a range of issues including (but not limited to) annual or other reports, systemic issues (Head 102), funding matters, applications for resources, briefing material for - or answers to queries raised by - the Oireachtas (including Oireachtas Committees) or for the administration of any tax, duty or other money due or owing to the State;
 - (iii) An Garda Síochána and related or ancillary bodies;
 - (iv) the Office of the Director of Public Prosecutions;
 - (v) the Revenue Commissioners;
 - (vi) the Office of the Director of Corporate Enforcement (or, following its establishment, the Corporate Enforcement Authority);
 - (vii) the Criminal Assets Bureau;
 - (viii) bodies holding comparable or related functions in other jurisdictions;
 - (ix) the Competition and Consumer Protection Commission;
 - (x) the Central Bank;

in connection with a range of issues including (but not limited to) licensing or the prevention, detection, investigation and prosecution of criminal offences and the execution of criminal penalties;

(xi) local authorities,
in connection with planning and licensing issues;

(xii) Sports Governing Bodies,
in connection with a range of issues including (but not limited to) official reports, and the prevention, detection, investigation and prosecution of criminal offences and the execution of criminal penalties;

(xiii) the Advertising Standards Authority for Ireland;

(xiv) the Broadcasting Authority of Ireland,
in connection with a range of issues including (but not limited to) advertising standards for the gambling sector or the imposition of the Authority's reserved powers regarding advertising;

(xv) the Companies Registration Office Ireland,
in connection with a range of issues (but not limited to) the imposition of the Authority's reserved powers regarding the shutting down of a provider's operations; and

(xv) any other body/bodies which the Authority decides are appropriate on a case by case basis and any other body/bodies as are prescribed for this purpose.

(b) The sharing of information with another body shall be based on an assessment that such sharing is reasonably necessary—

(i) for the performance of the functions of the Authority, of the other body, or both,

(ii) to reduce or mitigate any inherent risk in the situation,

(iii) for the public good.

(c) The Authority shall take due care to limit the information shared to that which is necessary and proportionate to the reason(s) for which it is shared.

(d) The provisions of subhead (3)(a) shall not limit the Authority in sharing information with respect to tasks or functions otherwise provided for under this Act.

4. Any of the persons or bodies listed in subhead (3)(a) may provide to the Authority, for use in the exercise of its functions, information received by the person or body in the exercise of his or its functions.

5. In this Head “information” includes information received in the course of its operations by the Authority or by a body listed in subhead (3)(a), and includes information in any form, whether orally, in writing, in a recording, in hard copy, or in an electronic or digital format howsoever constituted.
6. The data sharing powers provided under this Head are without prejudice to any other legal right on the part of the Authority and other public bodies to share information, including personal data or special categories of data.

Head 101 – Memoranda of Understanding

Provide that:

1. Further to Head 100, as soon as practicable after the commencement of its operations, the Authority shall agree, by way of written protocol(s), a memorandum of understanding with any other State Body (including but not limited to An Garda Síochána, the Revenue Commissioners and the Criminal Assets Bureau), to make arrangements with regard to the sharing of information (including personal data, commercial information and sensitive information) to enable each of the bodies to fulfil their statutory duties in an appropriate, collaborative manner. Such memoranda of understanding will also set out the arrangements for the sending of alerts in the case of matters requiring urgent attention and cooperation.
2. The Authority shall ensure that a memorandum of understanding shall include protocols governing the exchange, use, storage, return, disposal or otherwise of information as covered under this Head.
3. Memoranda of understanding agreed under subhead (1) shall also set out in detail the arrangements for the handling and management of any investigations which require intra-agency cooperation and/or the sharing of staffing resources. There shall also be specific agreement with regard to the handling of any evidence of offences.
4. Where the Authority and another State Body are acting as joint controllers, the relevant memoranda of understanding between them shall set out their respective responsibilities for compliance with the obligations under the General Data Protection Regulation (GDPR), in particular as regards the exercising of data subject rights and the joint controllers' respective duties to provide the information referred to in Articles 13 and 14 of the GDPR. Furthermore, in accordance with Article 26(2) of the GDPR, the essence of any such arrangement between the joint controllers (regarding their respective responsibilities), and in particular as regards the exercise of data subject rights, shall be made available to data subjects so as to ensure that the bodies are fulfilling their duties in this regard in a transparent manner.

Head 102 – Systemic Issues

Provide that:

1. The Authority may of its own volition examine, consider or assess any practice, policy or procedure it identifies in the sector under its remit to identify any problematic issues of a broad or systemic nature. Such examination, consideration or assessment would be with the intention of identifying, addressing and/or eradicating any problematic matters or inappropriate practices which have arisen across the sector.
2. Where the Authority deems it appropriate, the Authority may make submissions to the Minister for Justice for his or her information or consideration during the course of, or following, such an examination, consideration or assessment.
3. Any provider which is requested by the Authority to assist it in its examination, consideration or assessment under subhead (1), shall provide all such relevant information.
4. In making a submission under subhead (2), or a report under subhead (8), the Authority may make a case for the amendment, variation or extension of its statutory remit.
5. Furthermore under subheads (2) or (8), the Authority may make a case to the Minister for Justice and the Minister for Public Expenditure and Reform for additional resources to assist it in addressing such matters.
6. In examining, considering and assessing any such practice, policy or procedure under subhead (1), the Authority may liaise, collaborate and share information (including personal data, commercial information and sensitive information) with any other relevant body or individual it deems appropriate. The disclosure of personal data and special categories of personal data shall be lawful to the extent that such processing is necessary and proportionate for the purposes of the Authority's functions under this Head.
7. The Minister for Justice may request the Authority to conduct an examination under subhead (1).
8. The Authority shall issue a report to the Minister for Justice following completion of any examination, consideration or assessment conducted under this Head, and at any other such time during such examination, consideration or assessment as the Authority may decide.
9. The Authority may decide to publish its report into such matters, or a précis thereof, following submission of the report to the Minister under subhead (8).

Part 5 - Safeguards, Advertising, Sponsorship and Social Impact Fund

Chapter 1 - Safeguards, Advertising, and Sponsorship

Head 103 – Definitions for this Part

Provide that:

“advertisement” means, in relation to a gambling product, every form of recommendation of a product, activity or service to the public, whether by means of print, audio or electronic (visual and, or audio) media, and, in particular -

- a. a statement of the name of a licence holder, or the name or description of any game, activity, or service authorised for provision in the State, or
- b. a statement of any trade description or designation, or a display or other publication of a trademark, emblem, marketing image or logo, by reference to which the licensed game, activity, service or product is provided or marketed in the State

in circumstances where such statement, display or publication may reasonably be regarded as a recommendation of a licensed game, product, service or activity to the public and cognate words shall be construed accordingly.

“app” means a software application designed to be operated on an electronic device such as a phone, electronic tablet, or computer.

“cinema” means any place, either public or made accessible to the public, where any form of media including, but not limited to films, documentaries, or programmes are displayed, including on a vessel or plane belonging to a company established in the State.

“media service” means a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union where the principal purpose of the service is the making available of, or otherwise providing access to, content in order to inform, entertain or educate the general public.

“on-demand audiovisual media service” means an audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at their individual request on the basis of a catalogue of programmes selected by the media service provider.

“on-demand sound media service” means a sound media service provided by a media service provider for the listening of programmes at the moment chosen by the user and at their individual request on the basis of a catalogue of programmes selected by the media service provider.

“promotion” means making services available on advantageous terms, including costs that are reduced or are linked to additional benefit.

“video-sharing platform service” means a media service where the principal purpose of the service or of a dissociable section thereof or an essential functionality of the service is devoted to providing programmes, user-generated videos, or both, to the general public, for which the video-sharing platform provider does not have editorial responsibility, in order to inform, entertain or educate, by means of an electronic communications network and the organisation of which is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing.

“website” means a website maintained on the Internet.

Head 104 - Review of Safeguards

Provide that:

1. As per Head 52 (Compliance and Review) the Authority shall, in accordance with the terms and conditions set out in a licence, perform a review of a licence holder's compliance in respect of the licence issued to them.
2. As part of a review under Head 52 (Compliance and Review) or when assessing applications for the renewal of a licence, the Authority shall assess and have regard to the licence holder's compliance with Head 49(4)(n) (Power of Authority to specify terms and conditions of a licence).
3. The assessment shall have particular regard to the principles set out in Head 14(11)(h) concerning the public interest and protecting persons from the ill-effects of gambling. In particular, the assessment will consider the measures taken by the licence holder –
 - a. to protect and safeguard players as required under this Part,
 - b. to minimise the risks of underage gambling,
 - c. to monitor patterns of gambling by individual players where there are grounds to believe that the pattern may indicate a level of participation that is detrimental to the person's wellbeing, and
 - d. to verify player identification, as well as all due diligence procedures.
4. The Authority shall specify the form and manner of this part of the overall assessment.

Head 105 – Measures to protect and safeguard players.

Provide that:

1. Having regard to the principles set out in Part 2 of this Act (Head 14(11)(h)) concerning matters in the public interest, and protecting persons from the ill-effects of gambling, the following shall be prohibited –
 - a. the extension, by a licence holder, of any form of credit facility or loan to a person availing of a licensed gambling activity under this Act,
 - b. any credit facility or loan whereby the person may pay to the licence holder the stake or bet as the case may be from winnings, if any and where, in the event of no winnings, the amount owing to the licence holder accumulates and is set-off against future winnings,
 - c. the location of ATMs in a premises offering a licensed gambling activity, or
 - d. where a person purchases an item in a premises referred to in a licence or at any premises belonging to, or from a service or services provided by a licence holder, the return of cash back to the person as part of a financial transaction (i.e. the traditional “cash back” service).
2. Notwithstanding subhead (1), the Authority shall specify the methods by which licence holders may accept payment from customers for the provision of their services and activities.
3. All licence holders must, for both in-person and remote gambling, clearly display the terms and conditions including the applicable odds offered for any sporting or other event and whether there are monetary limits imposed on winning bets.
4. (i) All licence holders shall -
 - a. take steps to increase awareness amongst users of the service of how to gamble responsibly, of the possible risks from the misuse of gambling, and
 - b. include clear warnings outlining the risks of participating in licensed activities, which must be displayed in a prominent position –
 - i. in their premises,
 - ii. on all screens in their premises, and
 - iii. where practicable, on all receipts, tokens, dockets and documentation provided or sent by a licence holder.
- (ii) The requirements under this subhead shall apply to all documentation provided either in-person or remotely to a person participating in activities licensed under this Act.

5. The Authority shall, having consulted with licence holders, their representatives and any other persons it considers appropriate, develop codes in relation to offering customer account schemes, including “player cards” or similar types of programs which must be adhered to by licence holders as part of the terms and conditions of their licences.
6. (1) The Authority shall, having consulted with licence holders, their representatives and any other persons it considers appropriate, develop codes for the purpose of protecting players from the harmful effects of gambling, including any prohibitions, restrictions or measures, such as -
 - a. spending limits for persons playing or participating in a licensed activity, either in-person or remotely, where practicable to do so,
 - b. requirements for licence holders, on their websites, remote services or software such as apps, to -
 - i. display clear messages notifying players that they may lose money and clear messaging in relation to the dangers of player losses,
 - ii. display clear messages concerning safe gambling, the risks related to same and details of and to treatment measure for addiction / problem issues,
 - iii. display messages detailing opt out and exclusionary mechanisms as well as information relating to treatment and support services, and
 - iv. inform players of the amount they have spent and details of their losses due to their participation in licensed activities,
 - c. requirements for licence holders, where practicable to do so, to provide players with a receipt / notice detailing the amount of-
 - i. time a player spent in the licence holder’s premises or playing via the licence holder’s remote games, and
 - ii. money a player gave to the licence holder during each period while participating in a licence holder’s licensed activities (including their starting balance on any account facilities),when that player concludes playing or “cashes out”.
- (2) The detail, manner, form and frequency of any messaging and information referred to in 6(1) shall be set out in the codes referred to in this head.
7. (1) Licence holders shall be prohibited from offering any form of inducement to encourage persons to keep gambling or to dissuade a person to stop playing. Such prohibitions shall include -

- a. offering free bets, opportunities to keep gambling free of charge,
- b. any offer or inducement for the purpose of enticing a person to keep gambling, where that player has requested a return of their money (accounting for winnings and losses),
- c. any offer to return a player's losses as an enticement to keep gambling or on the condition that a player keeps gambling,
- d. any penalisation of players by refusing bets or limiting stakes or winnings on subsequent bets either in store or via remote means, except where that a person has engaged in cheating, and
- e. any other prohibition that the Authority specifies having regard to the principles referred to in Part 2 of this Act.

(2) Licence holders shall be prohibited from offering any form of inducement to encourage persons to participate, or to continue to participate in gambling. Such prohibitions shall include -

- a. any offer to advance credits, tokens or any similar offers that could be considered as encouraging a person to keep gambling,
- b. any offer of enhanced treatment (e.g. the offer of more favourable terms and conditions to keep gambling, offers of better odds),
- c. any other inducements (e.g. the offer of hospitality such as food, drinks, travel, accommodation or any other products or services), and
- d. any other prohibition that the Authority specifies having regard to the principles referred to in Part 2 of this Act.

8. A licence holder who contravenes the provisions of this head shall be in breach of the terms and conditions of their licence and shall be subject to any combination of the following sanctions -

- a. a warning under Part 4 of this Act;
- b. a fine, subject to court confirmation;
- c. suspension or part suspension of their licence;
- d. revocation of their licence; or
- e. the prosecution of an appropriate offence under Part 4 of this Act.

Head 106 – Protection of Children

Provide that:

1. With the exception where set out in the terms and conditions of a licence issued by the Authority, a child may not –
 - a. participate in gambling as understood under this Act, or
 - b. be present at a premises, or part of a premises where gambling is provided by a licence holder.
2. Licence holders must take all necessary steps to ensure that children are prohibited from accessing their remote services or websites, including through the use of identity and age verification measures.
3. (i) A licence holder who believes that -
 - a. a person is a child and that they have partaken in a licensed activity under this Act, or
 - b. there are reasonable grounds to doubt the age and identity of a person engaging remotely with a gambling service licensed under this Act

shall take such steps as are reasonable, up to and including preventing the person in question from gambling, either for a set period or for a renewable period, in any form of gambling that is the subject of the licence holder's licence, and the licence holder shall not be liable to that person for any loss or inconvenience arising.

(ii) A licence holder shall inform the Authority of any belief / suspicions and actions taken under subhead (1) as soon as is practicable.

4. A licence holder who
 - a. wilfully or negligently allows a child to gamble as understood under this Act, or
 - b. subject to subhead (1)(b) above, permits a child to enter a premises or access certain parts of a premises that is contrary to the terms and conditions of a licence issued under this Act,

shall be in breach of the terms and conditions of their licence and shall be subject to any combination of the following sanctions -

- a. a warning under Part 4 of this Act;
- b. a fine, subject to court confirmation;
- c. suspension or part suspension of their licence;
- d. revocation of their licence; or

- e. the prosecution of an appropriate offence under Part 4 of this Act.
5. In the event of a licence holder being sanctioned under subhead (4), the licence holder may provide evidence of all steps and actions it took to prevent or mitigate the possibility of a child from engaging in the licensed Activities and this shall be considered by the Authority.
 6. In the case of an offence under subhead (4), the licence holder may provide evidence of all steps and actions it took to prevent or mitigate the possibility of a child from engaging in the licensed Activities and this may be used as a defence or presented as mitigating factors, and the court (or jury, as the case may be) shall take account of the manner and extent to which the licence holder attempted to comply with this head.

Head 107 - Protection of Children (Employment)

Provide that:

1. A licence holder shall not employ a child in any capacity.
2. For the purposes of this head, employ means -
 - a. any paid and unpaid placements,
 - b. any part-time and occasional employment,
 - c. any position at a place used to provide or support the delivery of gambling licensed under this Act, where the position in question involves any level of involvement in the delivery of a gambling activity or service.
3. A licence holder who contravenes the provisions of this Head shall be in breach of the terms and conditions of their licence and shall be subject to any combination of the following sanctions -
 - a. a warning under Part 4 of this Act;
 - b. a fine, subject to court confirmation;
 - c. suspension or part suspension of their licence;
 - d. revocation of their licence; or
 - e. the prosecution of an appropriate offence under Part 4 of this Act.

Head 108 - Exclusionary Measures

Provide that:

1. The Authority shall establish and maintain a register to be known as the “Exclusionary Register” for the purposes of this Act.
2. “Exclusionary Register” means a register of all persons (including their supplied details) who have voluntarily requested and consented that they be excluded -
 - a. from entering all or specified premises where gambling is offered,
 - b. from accessing and participating in (all or specified) licensed games, services and activities provided by all or specified licence holders.
3. For the purpose of this Head, any reference to register shall be construed as meaning the Exclusionary Register.
4. The Authority shall work with licence holders and their representatives, statutory bodies, relevant bodies in other jurisdictions (including for the purposes of sharing information) and any other persons that it considers appropriate for the purposes of developing and establishing such a register.
5. In developing such a register the Authority shall consider –
 - i. the means by which a person may be entered on the register,
 - ii. the periods of time that a person may be entered on the register for, including for a period of permanent exclusion where requested by a person,
 - iii. the persons that may access the register, the purposes for which they can access the register, and the limits on the data that can be accessed, having regard to the principles of data protection and the lawfulness of processing that data under Article 6, 7 and 9 of the General Data Protection Regulation,
6. It shall be a breach of the terms and conditions of a licence for a licence holder to knowingly release information contained on the Exclusionary Register other than as approved under this Act or consented to by the data subject or subjects.
7. It shall be a breach of the terms and conditions of a licence for a licence holder to contact a person registered or participating on the Exclusionary Register for the purpose of promoting or advertising gambling.
8. A licence holder who contravenes the provisions of this Head shall be in breach of the terms and conditions of their licence and shall be subject to any combination of the following sanctions -
 - a. a warning under Part 4 of this Act;
 - b. a fine, subject to court confirmation;

- c. suspension or part suspension of their licence;
 - d. revocation of their licence; or
 - e. the prosecution of an appropriate offence under Part 4 of this Act.
9. Nothing in this Head shall prejudice or prohibit an investigation or proceedings taken under the Data Protection Act 2018.
10. (i) Nothing in this Head shall prohibit any self-exclusion schemes operated by a licence holder.
- (ii) It shall not be compulsory for anyone participating in a self-exclusion scheme to be included on the Exclusionary Register.

Head 109 - Advertising

Provide that:

1. The Authority shall, in co-operation with relevant statutory bodies concerning broadcasting and advertising, and following consultation with licence holders or their representatives and any person(s) it considers appropriate, make codes concerning the advertisement of gambling (as understood in this Act) generally, and in relation to any games, services, products and activities that are authorised by the Authority which may be provided by licence holders.
2. (1) The Authority may, having regard to the principles set out in Part 2, amend the codes referred to in subhead (1).

(2) The Authority shall not amend any codes under this Head without first having consulted with relevant statutory bodies concerning broadcasting and advertising, licence holders or their representatives, and any person(s) it considers appropriate.
3. The code referred to in subhead (1) shall be kept under review by the Authority and a report on their functioning shall be submitted to the Minister every 12 months from the date of their introduction. This report shall include any recommendations considered necessary by the Authority for the Minister's consideration and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.
4. (1) The codes referred to in subhead (1) shall include any restrictions, prohibitions or measures concerning –
 - a. the times, each day, when gambling may be advertised on –
 - i. television,
 - ii. radio,
 - iii. any on-demand audiovisual media service, and
 - iv. video-sharing platform services,
 - b. the volume and frequency of gambling advertising during sporting event broadcasts,
 - c. in the case of on-demand audiovisual or sound media services, an option for a customer of such services to opt out of receiving any advertising relating to –
 - i. gambling (generally),
 - ii. a licence holder, or
 - iii. any game, service, activity or products licensed under this Act,

- d. the frequency and volume of gambling advertising generally,
 - e. the use of the following in advertisements for gambling -
 - i. children,
 - ii. any images, sounds or depictions that may reasonably be considered to appeal to children,
 - iii. animated characters;
 - iv. animals (including any depiction either real or simulated), and
 - v. well-known figures, their likeness (including their voice), any depiction of them (including virtual or simulated).
 - f. on any content or information in advertisements portraying, condoning or encouraging gambling or related behaviour that is socially irresponsible or could lead to financial, social or emotional harm,
 - g. the inclusion or use of any unfounded statements about chances of winning, statements to exert pressure to gamble, or to suggest that gambling resolves social, professional, personal or financial problems,
 - h. the use of trademarks or trade names of third parties, which are not owned by the licence holder or the business group to which the licence holder belongs,
 - i. the advertisement of any licensed game, service, activity or product authorised under this Act, or in relation to any licence holder under this Act, or their representatives, at any cinema, and
 - j. any other matters specified.
- (2) The codes referred to in subhead (1) shall include requirements that –
- a. video-sharing platforms should not display gambling advertising by default, and should provide an opt-in mechanism to receive gambling advertising, and a clear and easily accessible opt-out mechanism.
 - b. the advertisement of any licensed game, service, activity or product authorised under this Act, or in relation to any licence holder under this Act or their representatives must be clearly identifiable and recognisable as such,
 - c. licence holders' corporate names, commercial names or images should be prominently and clearly displayed in any form of advertising,

- d. all advertisements or forms of promotions (including by remote means) should include the following in a prominently and clearly displayed manner -
 - (I) messages promoting responsible gambling, including a clear direction to sources of information about responsible gambling,
 - (II) information concerning the risks involved in gambling
 - (III) messages concerning the prohibition of children from engaging in gambling activities, and
 - e. any other matters as specified in the code.
- (3) The detail, manner, form and frequency of any messaging and information shall be specified in the codes referred to in this Head.
5. (1) The following shall be prohibited under this Head -
- a. the advertisement of any licensed game, service, activity or product authorised under this Act, or in relation to any licence holder under this Act or their representatives on social media websites and apps, except where a person has signed up to a licence holder's service on that social media platform or has given their consent to receive such advertising,
 - b. the advertisement of any licensed game, service, activity or product authorised under this Act, or in relation to any licence holder under this Act or their representatives by telephony, text message, email or any other remote means shall be prohibited on except where the recipient has given their consent to receiving such advertisements.
- (2) The consent referred to in subhead 1(a) and (b)-
- (i) must be subject to a confirmation process, the form and manner of which is to be specified by the Authority, and
 - (ii) in the case of 1(a) cannot be used to receive such advertising on any other social media sites, apps or non-social media websites,
- (3) Where a person has consented to receive any advertisements on a social media website or app under subhead 1(a), the social media providers must provide a clear and easily accessible opt-out mechanism for such advertisements
6. A licence holder who contravenes the provisions of this Head shall be in breach of the terms and conditions of their licence and shall be subject to any combination of the following sanctions -
- a. a warning under Part 4 of this Act;

- b. a fine, subject to court confirmation;
 - c. suspension or part suspension of their licence;
 - d. revocation of their licence; or
 - e. the prosecution of an appropriate offence under Part 4 of this Act.
7. Any party who is not a licence holder who contravenes the provisions of this Head and is in breach of any corresponding codes related to broadcasting or advertising shall be subject to any appropriate sanctions in relation to those codes.

Head 110 – Promotions and Gambling

Provide that:

1. As provided for Head 49(4)(j), it shall be a term and condition of a licence that a licence holder must adhere with all codes issued by the Authority (where applicable).
2. The Authority may make codes concerning the promotion of -
 - a. gambling generally, or
 - b. any licensed game, product, service or activity under this Act,following consultation with any person(s) it considers appropriate
3. Codes made under subhead (1) may prohibit or restrict the provision of any licensed game, product, service or activity on more beneficial terms to a person during a specified period of time at a price less than that being charged on the day before the commencement of the specified period.
4. Codes made under subhead (1) may restrict -
 - a. the duration and times that promotions may be made available for, and, or
 - b. any special offers, discounts, or inducements (including the offer of favourable odds or hospitality) to encourage the public at large to visit any premises to which a licence applies or to participate in any licensed activity provided by remote means.
5. Any promotion or information concerning promotions offered by a licence holder must include messages (the manner and form to be specified by the Authority) outlining the risks of participating in licensed activities including –
 - a. warnings that players may lose more than they deposit,
 - b. clear messages concerning safe gambling, the risks related to same,
 - c. details of any opt out, self-exclusionary mechanisms and the Exclusionary Register, and
 - d. information relating to treatment and support services.
6. Any promotion or information concerning promotions offered by a licence holder must not be issued or given to a person participating in any form of exclusionary measure.
7. Codes made under subhead (1) may include any other matters as the Authority prescribes.

8. A licence holder who contravenes the provisions of this Head shall be in breach of the terms and conditions of their licence and shall be subject to any combination of the following sanctions -
 - a. a warning under Part 4 of this Act;
 - b. a fine, subject to court confirmation;
 - c. suspension or part suspension of their licence;
 - d. revocation of their licence; or
 - e. the prosecution of an appropriate offence under Part 4 of this Act.

9. The codes referred to in subhead (2) shall be kept under review by the Authority and a report of the functioning of the codes shall be submitted to the Minister every 12 months by the Authority and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

Head 111 – Sponsorship by Licence Holders

Provide that:

1. As per Head 49(4)(j) it shall be a term and condition of a licence that a licence holder must adhere with all codes issued by the Authority (where applicable).
2. The Authority may make codes concerning the provision of sponsorship by licence holders following consultation with any person(s) it considers appropriate.
3. In this Head, “sponsorship” means –
 - i. a commercial agreement by which a sponsor, for the mutual benefit of the sponsor and sponsored party, contractually provides financing or other support in order to or which has the effect of establishing an association between the sponsor’s image, brands or products and a sponsorship property in return for rights to promote this association, for the granting of certain agreed direct or indirect benefits, and
 - ii. it is a sponsorship within the meaning in this Head whether or not the sponsorship has aims or effects other than, aside from or in addition to those set out in this Head.
4. (i) The codes referred to in this Head shall include a prohibition of the sponsorship of events involving persons under 18. This prohibition includes the sponsorship of any –
 - i. event, where the primary purpose or intention of that event is to appeal to children,
 - ii. organisation, club or team where children are members,
 - iii. branded clothing or apparel,
 - iv. locations and stadium branding, including any sports training ground, playing field or fields, or a sports venue or venues, that may be accessible or used by children, or
 - v. any advertising displayed in such a location.by a licence holder.
 - (ii) A reference to sponsorship and a prohibition in subhead (1) shall not apply to the sponsorship of any fundraising activities, including competitions, of any team, club or organisation where children are members.
5. The codes referred to in this Head shall also include prohibitions on sponsorship of -
 - i. any individuals or groups who predominantly appeal to those below the age of 18 years, and

- ii. any branded merchandise or apparel which may overtly appeal to those below the age of 18 years.

by a licence holder.

- 6. The regulations referred to in this Head may also include any other measures the Authority feels are appropriate.
- 7. References to “licence holders” includes -
 - i. licence holders as provided for in Head 38 (The Licence Holder),
 - ii. reference to the corporate entity by virtue of being an office holder or designated person of that entity, where the person is a licence holder, and
 - iii. reference to all related corporate entities within a group of companies etc.
- 8. A licence holder who contravenes the provisions of this Head shall be in breach of the terms and conditions of their licence and shall be subject to any combination of the following sanctions -
 - a. a warning under Part 4 of this Act;
 - b. a fine, subject to court confirmation;
 - c. suspension or part suspension of their licence;
 - d. revocation of their licence; or
 - e. the prosecution of an appropriate offence under Part 4 of this Act.
- 9. The codes referred to in subhead (2) shall be kept under review by the Authority and a report of the functioning of the codes shall be submitted to the Minister every 12 months by the Authority and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

Head 112 – Training and Guidance

Provide that:

1. The Authority shall, within one year of the commencement of Part 3, develop an appropriate training programme and issue guidance to licence holders in relation to the training referred to in Head 49(4)(h).
2. The Authority shall develop the training programme and guidance referred to in subhead (1) having consulted with the licence holders or their representative and any other person or persons it considers appropriate.
3. The Authority shall issue the guidance and training program in whatever form and manner as it feels is appropriate having regard to the circumstances.

Chapter 2 – Social Impact Fund

Head 113 – Establishment of Fund

Provide that:

1. Subject to Head 116(2) (Administration and Management of the Fund), a fund, to be known as the “Social Impact Fund” shall be established under this Act for the purpose outlined in Head 115 (Purpose of the Fund).
2. The Social Impact Fund shall be funded from contributions paid by the licence holders in respect of the licences specified in Head 39(1)(a) and (b), and these contributions shall be separate to licensing fees.
3. The contributions to the Social Impact Fund shall be calculated by the Authority having regard to -
 - a. the size of licence holders’ operations,
 - b. the gambling services and activities being offered by licence holders,
 - c. licence holders’ turnover, and
 - d. any other matter that the Authority may specify.
4. For the avoidance of doubt, the holder of a Charitable / Philanthropic Cause [Purpose] Licence issued under Part 3, Chapter 2 shall not be required to contribute to the Social Impact Fund.
5. The Authority shall with the consent of the Minister and the Minister for Public Expenditure and Reform make regulations prescribing the manner in which the Social Impact Fund is to be administered.
6. Any regulations made under this Head and the level of contribution fixed therein may be revoked and replaced by new regulations and a new level of contribution.

Head 114 - Purpose of the Fund

Provide that:

1. The purpose of the Social Impact Fund shall be to assist in counter-acting the ill-effects for society, as well as for persons and their families, of problem gambling.
2. In order to attain the objective in subhead (1), the Social Impact Fund may undertake activities including assisting in:
 - i. funding research, training and community interventions into treatment of gambling addiction;
 - ii. funding public education and awareness raising programmes and the production of relevant information materials; and
 - iii. appropriately supporting the funding of the provision of services to treat gambling addiction by suitable bodies, through other State bodies and agencies;
3. The Social Impact Fund may be used to assist -
 - i. programmes that are consistent with its purpose and that promote its objective, or
 - ii. in multi-state programmes, where the programme is beneficial to persons in the State who are subject to the ill-effects of gambling.

Head 115 - Administration and management of the Fund

Provide that:

1. The Social Impact Fund shall be administered by the Authority.
2. Any proposed allocation of funding by the Authority shall be subject to regular financial management thresholds and shall be subject to the oversight of the Minister and the Minister for Public Expenditure and Reform.
3. Where it is in the public interest to do so, the Minister may, with the consent of the Minister for Public Expenditure and Reform -
 - a. authorise the utilisation of funding from the Social Impact Fund for purposes which are not connected with the operation of the Social Impact Fund; or
 - b. arrange that funding from the Social Impact Fund to be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform directs.
4. Any such allocation shall be indemnified by the Exchequer and shall be returned to the Social Impact Fund at the earliest possible opportunity.
5. The Minister may set an amount or percentage of the total Social Impact Fund held at a given time as the maximum expenditure to be incurred on administration of the Social Impact Fund.
6. The Minister may, with the consent of the Minister for Public Expenditure and Reform, authorise the return to the Exchequer of a surplus within the Social Impact Fund.

Head 116 - Advisory Committee on the Fund

Provide that:

1. As per the provisions of this Act, the Authority shall establish an advisory committee to assist and advise the Authority on the administration and management of the Social Impact Fund, and on such matters relating to the Social Impact Fund as the Authority may from time to time determine.
2. The composition, membership and terms of appointment to the Committee, as well as any other relevant matters, will be provided for during formal drafting.
3. All proceedings of the Committee and all communications by and to the Committee shall be confidential and shall not be disclosed except for the purposes of this Act.

Head 117 – Where licence holder withholds or withdraws contribution to the Social Impact Fund

Provide that:

1. Where a licence holder withholds or withdraws from contributing to the Social Impact Fund, they shall be in breach of the terms and conditions of their licence and shall be subject to any combination of the following sanctions -
 - a. a warning under Part 4 of this Act,
 - b. a fine, subject to court confirmation,
 - c. suspension or part suspension of their licence,
 - d. revocation of their licence, or
 - e. the prosecution of an appropriate offence under Part 4 of this Act.

Part 6 – Appeals Against Certain Decisions of the Authority

Head 118 – Definitions for this Part

“Appeal Board” means the “Gambling Regulatory Appeal Board”.

Head 119 – Gambling Regulatory Appeal Board

Provide that:

1. There stands established a body to be known as the Gambling Regulatory Appeal Board, to hear and determine appeals against certain decisions made by the Authority.
2. The Appeal Board shall be independent in the performance of its functions.
3. The Authority may specify the fee referred to in Head 134(1) (Notice of appeal requirements).
4. A person or company who contravenes Head 130 or Head 131 (Non-disclosure of information and Prohibition of improper influence) shall be guilty of an offence and liable on conviction to imprisonment and, or a fine (the level of appropriate penalties shall be determined during formal drafting).
5. A person who refuses or fails, without reasonable excuse, to comply with a requirement under Head 137 (Further information required by Appeal Board) is guilty of an offence and liable on summary conviction to a Class A fine.

Head 120 – Appeal to High Court on question of law

Provide that:

1. Within 3 months from the date on which an appeal is determined by the Appeal Board any party to the appeal may appeal to the High Court on any question of law arising from the determination.
2. The High Court may—
 - a. affirm the determination,
 - b. set it aside,
 - c. make any other determination which the Appeal Board could have made, or
 - d. remit the matter to the Appeal Board for further consideration.
3. An appeal may not be brought from a decision of the High Court under this Head except by its leave.

Head 121 – Taking effect of certain decisions of the Authority

Provide that:

1. A decision of the Authority to which Head 119 (Gambling Regulatory Appeal Board) applies takes effect on the expiration of the period within which an appeal against it may be brought, unless an appeal is duly brought, in which case the decision stands suspended pending the outcome of the appeal proceedings (including proceedings under Head 120 (Appeal to High Court on question of law)).

Head 122 – Membership of Gambling Regulatory Appeal Board

Provide that:

1. The Appeal Board shall consist of a chairperson and such and so many other members as the Minister, with the consent of the Minister for Public Expenditure and Reform, considers necessary from time to time for the effective discharge of its functions.

Head 123 – Appointment to the Appeal Board of the chairperson and other members

Provide that:

1. The chairperson and other members of the Appeal Board shall be appointed by the Minister and, subject to this Part, shall hold office on such terms as the Minister may determine.

Head 124 – Chairperson

Provide that:

1. (a) The chairperson shall be a practising barrister or a practising solicitor, of not less than 7 years' standing.

(b) A chairperson who ceases to be such a barrister or solicitor during his or her term of office as chairperson shall thereupon cease to be chairperson and a member of the Appeal Board.
2. The chairperson shall be responsible for ensuring the effective performance by the Appeal Board of its functions.
3. The chairperson, if of the opinion that the conduct of a member of the Appeal Board has been such as to bring the Board into disrepute or has been otherwise prejudicial to the effective performance of the Appeal Board's functions, may-
 - a. require the member to attend for interview and, on the member so attending, inform the member privately of that opinion, or
 - b. otherwise investigate the matter,

and report to the Minister the outcome of the interview or investigation if the chairperson thinks fit to do so.

Head 125 – Term of Office

Provide that:

1. Subject to this Head –
 - i. the chairperson shall hold office for a period of 4 years from the date of his or her appointment, and
 - ii. any other member of the Board shall hold office for such period, not exceeding 4 years from the date of his or her appointment, as shall be specified by the Government when appointing the member,

and may in each case be reappointed by the Government for a second or subsequent term of office.

2. A member of the Appeal Board may at any time resign from office by letter addressed to the Secretary General to the Government and the resignation shall take effect on the date specified in the letter or the date the letter is received by the Secretary General to the Government, whichever is the later.
3. A member of the Appeal Board shall, unless he or she sooner dies, becomes disqualified for, resigns, is removed from office or otherwise ceases to be a member, hold office as such member until the expiration of his or her term of office.
4. Where a member is -
 - a. nominated as a member of Seanad Éireann,
 - b. elected as a member of either House of the Oireachtas or to be a member of the European Parliament,
 - c. regarded pursuant to section 19 of the European Parliament Elections Act 1997 as having been elected to that Parliament, or
 - d. elected or co-opted as a member of a local authority,

he or she shall thereupon cease to be a member of the Appeal Board.

5. The Government may for stated reasons at any time remove a member from office -
 - a. for misbehaviour, or
 - b. if it considers that –
 - i. the member has become incapable through ill health of effectively performing the functions of the office,
 - ii. the member has a conflict of interest of such significance that it requires that the person should cease to hold office, or

- iii. the member's removal appears necessary for the effective performance of the functions of the Appeal Board.
6. A person shall be disqualified from being and shall cease to be a member if he or she -
- a. is adjudicated bankrupt,
 - b. makes a composition or arrangement with his or her creditors,
 - c. is convicted on indictment of an indictable offence,
 - d. is convicted of an offence involving dishonesty,
 - e. has a declaration under the relevant sections of the Companies Acts made against him or her (see Explanatory Note below) or is subject or is deemed to be subject to a disqualification order by virtue of Part VII of that Act, or
 - f. ceases to be ordinarily resident in the State.

Head 126 – Remuneration, etc., of members

Provide that:

1. Members of the Appeal Board shall be paid such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

Head 127 – Procedure of Board

Provide that:

1. The Appeal Board shall hold such and so many meetings as may be necessary for the effective performance of its functions.
2. At the meeting of the Appeal Board –
 - a. the quorum shall be 3 or such other number, not being less than 3, as the Appeal Board may determine,
 - b. the chairperson shall, if present, be the chairperson of the meeting,
 - c. if and so long as the chairperson is not present or the office of chairperson is vacant, the members of the Appeal Board who are present shall choose one of their number to act as the chairperson of the meeting,
 - d. each member of the Appeal Board (including the chairperson) present at a meeting of the Appeal Board shall have a vote, and
 - e. at a meeting of the Appeal Board a question on which a vote is required shall be determined by a majority of the votes of the members of the Appeal Board present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a casting vote.
3. Subject to this Act, the Appeal Board may regulate its own procedure.
4. Subject to subheads (5) and (6), the Appeal Board may perform any of its functions through or by the chairperson or any other member or other person who has been duly authorised by the Appeal Board in that behalf.
5. A member of the Appeal Board may finally determine a particular case only if it has been considered at a meeting of the Board before the relevant authorisation is given.
6. The Appeal Board may not authorise a person who is not a member to determine finally a particular case.
7. A decision of the Appeal Board on an appeal may be by a majority of its members.

Head 128 – Vacancies in membership

Provide that:

1. Where a member of the Appeal Board dies, becomes disqualified from holding office, resigns, is removed from office or otherwise ceases to be a member, the Government may appoint a person to be a member of the Appeal Board to fill the resultant vacancy.
2. A person appointed to be a member of the Appeal Board under subhead (1) shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy.
3. For the purposes of subhead (2), a person who occasions or fills a casual vacancy shall be considered to have served a term as a member of the Appeal Board even though he or she held office for part only of the term.
4. Subject to Head 127(2)(a) (Procedure of Board), the Appeal Board may act notwithstanding one or more vacancies in its membership.

Head 129 – Secretary of Board

Provide that:

1. A person who is an officer of the Minister who is an established officer of the Authority for the purposes of the Civil Service Regulation Acts 1956 to 2005 and who is seconded to the Appeal Board on a whole-time or part-time basis shall act as its secretary.

Head 130 – Non-disclosure of information

Provide that:

1. Save as otherwise provided by law, a person shall not, without the consent of the Appeal Board, disclose information obtained by the person in his or her capacity as a member or the secretary of the Appeal Board.
2. Nothing in subhead (1) shall prevent the disclosure of information in a report made to the Appeal Board or by or on behalf of the Appeal Board to the Minister.

Head 131 – Prohibition of improper influence

Provide that:

1. A person shall not communicate with a member or the secretary of the Appeal Board for the purpose of influencing improperly either consideration by it of an appeal or any decision of the Appeal Board in respect of an appeal.
2. If the member or secretary is of the opinion that any communication is in contravention of subhead (1), he or she shall not entertain it further and shall immediately inform the Appeal Board in writing of its substance, and the Appeal Board shall acknowledge in writing the receipt of such information.

Head 132 – Reports to Minister

Provide that:

1. Head 20 (Reports to Minister) shall, with all necessary modifications, apply in respect of the Appeal Board as it applies to the Authority.

Head 133 – Appeals

Provide that:

1. The Appeal Board shall, as far as is practicable, ensure that appeals are dealt with and determined expeditiously.
2. A person aggrieved by a decision of the Authority -
 - a. refusing an application for a licence,
 - b. part-granting an application licence,
 - c. refusing an application to vary a licence,
 - d. part-granting an application to vary a licence,
 - e. refusing a renewal of a licence, or
 - f. concerning a complaint made to the Authority

may, within 30 days from the date of receipt of notice of the decision, appeal to the Appeal Board against the decision by serving on the Appeal Board a notice of appeal which complies with Head 134(1) (Notice of appeal requirements).

Head 134 – Notice of appeal requirements

Provide that:

1. The notice of appeal shall be in writing and shall state -
 - a. the name and address of the appellant,
 - b. the subject matter of the appeal,
 - c. the appellant's interest in its outcome, and
 - d. the grounds of the appeal and the reasons, considerations and arguments on which they are based,and shall be accompanied by the appropriate fee (if any) and by such documents relating to the appeal as the appellant considers necessary or appropriate.
2. The appellant shall not, unless requested to do so by the Appeal Board, elaborate in writing on or make further submissions in writing in respect of the grounds of appeal stated in the notice of appeal or submit further grounds of appeal, and any such elaboration or further submission received by the Appeal Board shall not be considered by it.
3. Without prejudice to Head 139 (Sittings of Appeal Board), the Appeal Board shall not consider any documents submitted by an appellant at the appeal other than those which accompanied the notice of appeal.
4. The Appeal Board shall not consider an appeal if the notice of appeal is not received by it before the expiration of the period of 30 days referred to in Head 135(2) (Submissions by Authority on Appeal) or if the notice does not comply with the requirements of subhead (1).
5. The Authority shall be a party to every appeal.
6. Where an appeal is brought against a decision of the Authority referred to in Head 133(2)(f) (Appeals), the other party to the complaint shall also be a notice party to the appeal.
7. The Appeal Board shall, as soon as practicable after receipt of a notice of appeal, send a copy of the notice to -
 - a. the Authority, and
 - b. if subhead (6) is applicable, the other party to the complaint.
8. An appellant may withdraw an appeal by a notice in writing to the Appeal Board at any time before the appeal is determined.

9. The Authority shall, within 14 days of receipt of the copy of the notice of appeal, submit to the Appeal Board in such manner and form as specified by the Appeal Board, a copy of—
 - a. the application or the complaint concerned and any other information received in that regard from the applicant, licence holder or complainant, as the case may be,
 - b. any investigation report (or investigation as applicable) or other report prepared for the Authority or other relevant documents or information in its possession in respect of its decision which is the subject of the appeal,
 - c. the record of the decision of the Authority which is the subject of the appeal, and
 - d. the notice of the decision to the persons concerned.

Head 135 – Submissions by Authority on appeal

Provide that:

1. The Authority may make submissions in writing to the Appeal Board in respect of the appeal within 30 days from the receipt of the copy of the notice of appeal from the Appeal Board, and submissions received by the Appeal Board from the Authority after the expiration of that period shall not be considered by it.
2. Where no submissions have been received from the Authority within the period referred to in subhead (1), the Appeal Board may, without further notice to the Authority, determine the appeal.
3. The Authority shall not, unless requested to do so by the Appeal Board, elaborate in writing on any submissions made under subhead (1) or make any further submissions in writing in respect of the appeal, and any such elaboration or further submissions, as the case may be, shall not be considered by the Appeal Board.
4. Where a party to a complaint appeals against a decision to which Head 132 (Appeals) applies, this Head shall apply in respect of the other party to the complaint as if references in this head to the Authority were references to that other party.

Head 136 - Submissions by person not party to appeal

Provide that:

1. A person who is not a party to an appeal may make submissions in writing to the Appeal Board in respect of the appeal within 30 days from the receipt of the notice of appeal by the Appeal Board, and submissions received by the Appeal Board from the person after the expiration of that period shall not be considered by it.
2. The person shall not, unless requested to do so by the Appeal Board, elaborate in writing on any submissions made under subhead (1) or make any further submissions in writing in respect of the appeal, and any such elaboration or further submissions, as the case may be, shall not be considered by the Appeal Board.

Head 137 - Further information required by Appeal Board

Provide that:

1. Where the Appeal Board is of the opinion that any information or document is necessary to enable it to determine an appeal, it may serve, on any party to the appeal or on any person who has made submissions under Head 136(1) and (2) (Submissions by person not party to appeal), a notice in writing-
 - a. requiring the party or person, as the case may be, to submit to it such information or documents as are specified in the notice, within the period specified in the notice (referred to in this head as “the specified period”), being not less than 14 days beginning on the date of service of the notice, and
 - b. stating that, if (a) is not complied with, it may determine the appeal after the expiration of the specified period without further notice to the party or person, as the case may be.
2. Where a notice has been served on a person under this Head, the Appeal Board, at any time after the expiration of the specified period, may, whether or not the notice has been complied with, determine the appeal without further notice to the person.

Head 138 – Determination of appeal

Provide that:

1. The appeal, if not withdrawn, shall be determined by the Appeal Board—
 - a. by confirming the decision of the Authority to which the appeal relates,
 - b. by remitting, for stated reasons and with or without directions, the matter to the Authority for reconsideration and the making of a new decision, or
 - c. by substituting its determination for the decision of the Authority which shall thereupon stand annulled.
2. The Appeal Board shall dismiss any appeal which in its opinion is frivolous or vexatious or without substance or foundation.
3. An appeal shall be grounded on—
 - a. the record of the decision of the Authority which is the subject of the appeal,
 - b. the information contained in the notice of appeal,
 - c. any submissions (including any elaborations thereon) made in accordance with this Part to the Appeal Board on any matter arising on the decision or that information,
 - d. any other document or information received in accordance with this Part by the Appeal Board on the hearing of the appeal.

Head 139 – Sittings of Appeal Board

Provide that:

1. Sittings of the Appeal Board shall be held otherwise than in public unless—
 - a. the Authority, the appellant or, if Head 134(6) (Notice of appeal requirement) is applicable, the other party to the complaint makes a request in writing to the Appeal Board that the sittings (or a part thereof) in respect of the appeal concerned be held in public and states in the request the reasons for the request, and
 - b. the Appeal Board, after considering the request (in particular, the reasons for the request), is satisfied that it would be appropriate to comply with the request.
2. Subject to subheads (3) to (6), the Appeal Board, of its own motion or at the request of a party, may in its absolute discretion conduct an oral hearing of an appeal.
3. A request by a party for an oral hearing—
 - a. shall be made in writing to the Appeal Board,
 - b. subject to (c), shall be made within the period of 30 days referred to in Head 135(2) (Submissions by Authority on appeal),
 - c. (i) where the request is made by the Authority, shall be made within the period of 30 days referred to in Head 133 (Appeals), or

(ii) if the request is made by the person referred to in Head 133 (Appeals) as the “other party”, shall be made within 30 days of the notice of appeal being received by that person.
4. The Appeal Board shall not consider a request for an oral hearing made later than the expiration of the relevant period referred to in subhead (3).
5. Where the Appeal Board refuses a request to conduct an oral hearing, it shall serve notice of its decision and the reasons for its decision on each party to the appeal and on any person who has made a submission under Head 136 (Submissions by person not party to appeal) in respect of the appeal.
6. The Appeal Board in conducting an oral hearing may take evidence on oath, and the administration of such an oath by any member of the Appeal Board is hereby authorised.
7. The Appeal Board may by notice in writing require any person to attend at such time and place as is specified in the notice to give evidence in respect of any matter in issue in the appeal or to produce any relevant documents within his or her possession or control or within his or her procurement.

8. A person referred to in subhead (7) shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that subhead as if the person were a witness before the High Court.
9. Where a person referred to in subhead (7) does not comply or fully comply with a requirement referred to in that subhead, the Appeal Board may apply to the Circuit Court, on notice to that person, for an order requiring the person to comply or fully comply, as the case may be, with the requirement within a period to be specified by the Court, and the Court may make the order sought or such other order as it thinks fit or refuse to make any order.
10. The jurisdiction conferred on the Circuit Court by this section may be exercised by the judge of that Court for the circuit in which the person concerned ordinarily resides or carries on any profession, business or occupation.

Head 140 - Expenses of persons attending before Appeal Board

Provide that:

1. The reasonable travelling and subsistence expenses of any person attending before the Appeal Board in accordance with Head 139(7) (Sittings of Appeal Board) shall be paid out of moneys provided by the Oireachtas.

Head 141 – Notice of determination

Provide that:

1. The Appeal Board shall serve a notice in writing of its determination and the reasons for its determination on each party to the appeal and on any person who has made a submission under Head 133 (Appeals) in respect of the appeal.

Head 142 – Delayed or abandoned appeals

Provide that:

1. Where the Appeal Board is of the opinion-
 - a. that proceedings on an appeal have been unnecessarily delayed by the conduct of the appellant, or
 - b. that an application to which the appeal relates has been abandoned,

it may serve on the appellant a notice in writing stating that it is of that opinion and requiring the appellant, within a period specified in the notice (being not less than 14 or more than 28 days from the date of service of the notice) to make a submission in writing to it as to why the appeal should not be treated as having been withdrawn.

2. At any time after the expiration of the period specified in a notice under subhead (1), the Appeal Board may, after considering any submissions made to it pursuant to that subhead—
 - a. declare that the appeal is and, where appropriate, the application under Part 3 also is to be treated as having been withdrawn, or
 - b. determine the appeal.
3. Where under subhead (2)(a) the Appeal Board declares that an appeal or application referred to in that subhead is to be treated as having been withdrawn, then—
 - a. the appeal is deemed to have been withdrawn and, accordingly, shall not be determined by the Appeal Board, or
 - b. notwithstanding any previous decision relating to the application, a licence shall not be issued as a result of it,

as the case may be.