

Proposed amendments to Licence Conditions and Codes of Practice (LCCP)

# Multi-operator self-exclusion

# Notification of deaths by suicide

# Payment services

# Consultation

# February 2023

Overview

1. The Gambling Commission (the Commission) regulates most forms of commercial gambling in Great Britain.
2. We are consulting on three proposed changes to our requirements on gambling businesses. All stakeholders, including consumers, gambling operators and members of the public are invited to share their views on these proposals. This consultation document covers the following topics:
* Proposal 1: Extending the requirement to participate in the multi-operator self-exclusion scheme to additional categories of betting licensee.
* Proposal 2: Imposing a requirement to report to the Commission deaths by suicide to the Commission, in order to support compliance and enforcement and to inform ongoing consideration of policy.
* Proposal 3: Making a small technical update on the requirements in relation to payment services to reflect current regulations.
1. Separately, Government is conducting a Review of the Gambling Act 2005 and we continue to support Government by providing advice. At present, we consider it highly unlikely that the Review would affect the proposals in this consultation, and we consider that it is desirable to make progress on these topics in the interim. We will of course take account of the Government's White Paper when it is available.

## Extending the multi-operator self-exclusion scheme to additional categories of betting licensee

1. Most gambling businesses offering remote betting are required to participate in an online multi-operator self-exclusion scheme known as GAMSTOP. Where a customer signs up to GAMSTOP, they will automatically be self-excluded from all online gambling offered by all operators who participate in the scheme. We are consulting on changes to [Social Responsibility Code Provision 3.5.5](https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/condition/3-5-5-remote-multi-operator-sr-code) ‘Remote multi operator self-exclusion' to extend the requirement to participate in the GAMSTOP scheme to all licensees that make and accept bets by telephone and email.

## Reporting deaths by suicide to the Commission

1. We are consulting on adding a requirement to [Licence Condition 15.2.2](https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/condition/15-2-2-other-reportable-events) ‘Other reportable events’ that would require all licensees to inform us when they become aware that a person who has gambled with them has died by suicide.

## Payment services – technical update

1. We propose to amend the text of [Licence Condition 5.1.2](https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/condition/5-1-2-payment-methods-services) which relates to payment services to ensure that the condition reflects the current legislative provisions. We propose a further amendment to ensure that the condition also reflects any further legislative amendments to the Payment Services Regulations that might come into force in the future.

## Responding to the consultation

1. Thank you for taking part in this consultation. This consultation document covers three proposals and has a number of questions. You can respond to as few or as many questions as you wish to and we will consider all responses.
2. We ask that stakeholders respond to the consultation using the online [survey on our website](https://consult.gamblingcommission.gov.uk/author/consultation-on-gamstop-suicide-reporting-and-pms-2), although responses can also be submitted by post to: Policy Team, Gambling Commission, 4th Floor, Victoria Square House, Birmingham, B2 4BP. This print layout of the consultation document is laid out slightly differently to the online version.
3. We may decide to publish your name (if you are responding in a personal capacity) or the name of your organisation (if you are responding on your organisation’s behalf) on our website to indicate you responded to these consultations. We ask that you indicate within the survey whether you provide consent to these details being published. If you provide consent then this information may be placed on our website to provide information about who responded to the consultation exercises.
4. Information about how the Gambling Commission processes your personal information, including a specific section on information we collect as part of a Gambling Commission consultation exercise, can be found in the [Gambling Commission’s Privacy Policy](https://www.gamblingcommission.gov.uk/privacy-policy).
5. The consultation will last for 12 weeks and will close on Tuesday 23 May 2023.

## Introductory questions

What is your name?

Name

What is your email address?

Email

What is the name of your organisation?

Organisation name (if relevant)

As part of this consultation, we may decide to publish your name (if you are responding in a personal capacity) or the name of your organisation (if you are responding on your organisation’s behalf) on our website to indicate you responded to this consultation. Do you provide your consent to these details being published?

**(Required)**

* I CONSENT to the publication of my name or organisation to indicate I responded to this consultation.
* I DO NOT CONSENT to the publication of my name or organisation to indicate I responded to this consultation.

[Gambling Commission's Privacy Policy](https://www.gamblingcommission.gov.uk/privacy-policy)

Tell us a little bit about you to help us understand your perspective. Are you:

Multiple choice answer

* An academic, responding as an individual
* A person, responding in a personal capacity who is or has worked in a gambling business
* A member of the public
* A person representing a charity/non-profit
* A person representing a gambling business
* A person representing a trade association
* A person representing a professional body, including academic organisations
* A person representing a licensing authority or other regulator
1. In this section, we ask a number of questions to help us understand the perspective of the responses we receive to inform and tailor our policy decisions. These questions are optional and should only be completed by those responding as an individual.

[If responding as an individual] How often do you gamble?

Multiple choice answer

* Two or more times a week
* Once a week
* Less than once a week, more than once a month
* Once a month
* Every 2-3 months
* Once or twice a year
* Never

[If responding as an individual] Have you gambled online in the past four weeks?

* Yes
* No

[If responding as an individual] To what extent do you agree or disagree that in the past 12 months, you or someone close to you has experienced negative consequences as a result of your gambling?

Multiple choice answer

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree
* Prefer not to say

[If responding as an individual] To what extent do you agree or disagree that in the past 12 months, you have experienced negative consequences as a result of someone else's gambling?

Multiple choice answer

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree
* Prefer not to say

If you or someone you know is struggling with gambling-related problems, contact the [National Gambling Helpline](https://www.gamcare.org.uk/), **0808 8020 133.** Free of charge 24 hours a day, 7 days a week.

## **1. Extending the multi-operator self-exclusion scheme to additional categories of betting licensee**

## Summary of proposal 1

1. Most gambling businesses offering remote betting are required to participate in an online multi-operator self-exclusion scheme known as GAMSTOP. The effect of a consumer signing up to GAMSTOP is that they are automatically excluded from gambling with all licensees who are required to participate in the scheme, not just those with which they currently gamble.
2. However, licensees offering telephone and email betting under a remote general betting (limited) licence or under an ancillary remote betting licence are not currently required to participate in GAMSTOP. This because there is an exemption provided by Social Responsibility Code Provision 3.5.5.
3. We propose to reduce the scope of the exemption provided for by Social Responsibility Code Provision 3.5.5. This would extend the scope of the requirement to participate in GAMSTOP so that it covers all categories of licensees who offer betting by telephone or email. We propose to do so by applying the requirement to the following additional categories of licensees:
* Remote general betting (limited) licences. A remote general betting (limited) licence authorises the provision of facilities for betting by telephone or email only.
* Ancillary remote betting licences, when they are relied upon to provide facilities for betting by telephone or email.
1. For these purposes, we consider telephone and email includes, for example, telephone voice calls, email, SMS text and instant message services such as WhatsApp, Telegram, Facebook Messenger and Instagram Direct.

## Why are we considering this proposal?

1. In recent times, we have seen the emergence of bet acceptance via email and instant message services, alongside the continued availability and use of telephone voice call betting.
2. GAMSTOP and the Commission have both received contacts about telephone and email betting, with stakeholders challenging, for example, why a registered GAMSTOP user would be prevented from using their mobile phone to place bets online but could still use the same device to place bets by telephone or email. Consumers have also contacted us stating that they have lost money as a result of licensees offering betting through instant messaging services whilst they (the customers) were signed up to GAMSTOP.
3. Whilst it is noted that consumers are able to self-exclude at an individual operator level, such feedback raises questions about the appropriateness of the current exemption within the multi-operator scheme, given our objective to protect vulnerable people from being harmed or exploited by gambling.
4. The Commission is therefore consulting on a proposal that provides a more comprehensive multi-operator self-exclusion scheme given the changes in consumer behaviour and bet acceptance technologies.

## Background

1. In October 2021, we completed a data collection exercise to better understand the scale and type of betting activity undertaken by telephone or email under a remote general betting (limited) licence or an ancillary remote betting licence. 55 licensee respondents (from a total of 110) reported that they had accepted bets through telephone or email during the period 1 January 2021 to 30 June 2021. A further 12 licensees declared they would accept bets using those methods.
2. Telephone voice call was the most significant medium in terms of Gross Gambling Yield (GGY) and the number of licensees offering such services during this period. WhatsApp and Telegram Messenger recorded the second and third highest amount of GGYs respectively. Respondents also reported that email, SMS text, Facebook Messenger and Instagram Direct had been used to accept bets.
3. Four licensees (who were responsible for a significant proportion of the GGY reported), confirmed that their telephone or email betting facilities were already within the GAMSTOP scheme as they also offered online services under a licence that is subject to the requirement to participate in GAMSTOP. However, the results from the respondents indicated that 7,881 consumer accounts, which generated £5.3m of GGY from telephone and email betting for the 6-month period reported, were not afforded the potential protection offered under GAMSTOP.
4. We recognise that, if adopted, the proposal would lead to additional financial costs for licensees brought within scope, both in terms of GAMSTOP fees and utilising bet acceptance/consumer accounting systems that are able to successfully integrate with GAMSTOP. For example, in order to integrate with GAMSTOP, operator bet acceptance processes must ensure that licensees within scope can cross-reference their full consumer database with the GAMSTOP database at least once every 24 hours and individual account details on registration and login/bet acceptance. During the consultation period we will engage with a sample of software providers and smaller-scale licensees to further assess whether the additional costs are proportionate to the risk of harm (in particular for consumers who are vulnerable) and the benefits to consumers of clarity and uniformity of approach on self-exclusion across all forms of remote gambling.
5. We have actively engaged with GAMSTOP in preparation for this consultation and will continue to do so during the consultation period. GAMSTOP, which sets its fees on a not-for-profit basis, recently finalised its annual fees for 1st April 2023 to 31st March 2024. Based upon the activities and licensees captured by the existing code provision, the current lowest entry point for GAMSTOP fees is £100 for registration and an annual fee of £785 (excluding VAT). Such GAMSTOP fees would be payable by licensees brought within scope of any changes to the code provision, the exceptions being licensees who make and accept bets by telephone and email via a remote ancillary licence attached to a Cat A1 or B1 non-remote general betting (limited) licence, for which the annual fees would be £161 and £428 respectively. Licensees seeking more information on the GAMSTOP fees should contact GAMSTOP directly via email at support@gamstop.co.uk.

## Details of proposal 1

1. Having reviewed all the information currently available to us, our provisional view is that our proposed approach is likely to provide a more comprehensive multi-operator self-exclusion scheme that would be likely to achieve greater clarity, uniformity of approach and protection for customers who wish to self-exclude from remote gambling. We are keen to obtain views through this consultation on the potential advantages and disadvantages of the proposal and, in particular, whether it would provide improved, and proportionate, protections for consumers.
2. The proposal would remove the exemption currently provided for by Social Responsibility Code Provision 3.5.5, and thereby apply the requirement to participate in GAMSTOP, to the following categories of licence:
* Remote general betting (limited) licences. A remote general betting (limited) licence authorises the provision of facilities for betting by telephone or email only.
* Ancillary remote betting licences, when they are relied upon to provide facilities for betting by telephone or email. The exemption would remain in place only in circumstances in which the licence is relied upon to provide facilities for betting via a machine in premises where a betting or track premises licence has effect (the most common example of such facilities being self-service betting terminals within betting premises). Self-service betting terminals within betting premises are already subject to requirements placed upon licensees to participate in the national self-exclusion scheme for licensed gambling premises.
1. Our proposed changes to Social Responsibility Code Provision 3.5.5 are shown below with additions underlined and deletions marked as a strikethrough.

3.5.5 - Remote multi-operator

Applies to:

All remote licences except: any remote lottery licence the holder of which does not provide facilities for participation in instant win lotteries, ancillary remote betting when relied upon to provide facilities for betting via a machine (commonly known as self-service betting terminals) on premises where a betting or track premises licence has effect, remote general betting (remote platform), remote betting intermediary (trading room only), ~~remote general betting (limited),~~ gaming machine technical, gambling software, host, ancillary remote bingo, and ancillary remote casino licences.

1. Licensees must participate in the national multi-operator self-exclusion scheme.

To what extent do you agree with the proposed change to the social responsibility code provision 3.5.5 to extend the requirement to participate in GAMSTOP to all forms of remote betting?

Multiple choice answer

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree

Please give your reasons for your previous answer below.

[Free text box]

Taking into account the additional financial costs for licensees brought within scope, to what extent do you agree that the proposal to extend provision 3.5.5 to all forms of remote gambling constitutes a proportionate approach to mitigating the risk of harm to vulnerable consumers?

Multiple choice answer

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree

Please give your reasons for your previous answer below.

[Free text box]

2. Reporting of deaths by suicide to the Commission

This part of the consultation refers to the sensitive topic of suicide. Please consider whether you are comfortable with accessing this section of the consultation.

We know that it can be difficult to talk or write about suicide. If you are affected by any of the issues covered in this consultation and need support, then help is available from a range of organisations. We have included some links to some sources of support below:

[National Gambling Helpline](https://www.begambleaware.org/ngts) Telephone: 0808 8020 133

[Mind](https://www.mind.org.uk/information-support/types-of-mental-health-problems/suicidal-feelings/treatment-and-support/)

[Rethink](https://www.rethink.org/advice-and-information/about-mental-illness/learn-more-about-symptoms/suicidal-thoughts-how-to-cope/)

[Samaritans](https://www.samaritans.org/) Telephone: 116 123

Throughout this section we use the terms ‘died by suicide’ and ‘death by suicide’ as these are widely used terms, but we recognise that people will have their own preferred language.

## Summary of proposal 2

1. In Section 4 of the Gambling Commission’s Statement of Principles for Licensing and Regulation, we state that licensees should ‘disclose to the Commission anything which the Commission would reasonably expect to know’. Ordinary code 1.1.1 (Cooperation with the Commission) states that licensees should ‘disclose anything which the Commission would reasonably need to be aware of in exercising its regulatory functions’.
2. Our current view is that licensees should notify us when they become aware that a person who has gambled with them has died by suicide. This enables us to be able to assess the licensee’s compliance with conditions of its licence and helps to inform our ongoing consideration of policy. While some licensees have notified us in this way in the past, there is a risk that this is not being done consistently.
3. We therefore propose to add a specific reporting requirement to [Licence Condition 15.2.2](https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/condition/15-2-2-other-reportable-events), which would impose a requirement on gambling licensees to notify the Commission if they become aware that a person who has gambled with them has died by suicide. The requirement would require the provision of specified information, namely the person’s name, date of birth, and summary of their gambling activity. The Commission considers that this would ensure that all operators are consistently reporting such information to the Commission.
4. The proposed condition would mean that failing to report the event to the Commission would constitute a breach of a licence condition. The Commission would have the power to commence enforcement action which could lead to a sanction as a result.
5. Licensees would only be able to notify us that a person who has gambled with them has died by suicide if they themselves are aware of this, either through direct contact or other means, such as media reports.

## How would the Commission use the information?

1. The Commission has an established process for responding to reports when a person who gambles has died by suicide. We follow the same process whether the matter comes to the Commission’s attention as a result of notification by a licensee, media reports, direct contact from bereaved families, or information provided by other authorities.
2. When a report is made, we consider the information available and may undertake further enquiries to determine whether there is evidence of regulatory failure in the licensee’s processes for identifying customers who may be experiencing or at risk of experiencing gambling harm, and acting to prevent that harm. Where we identify failings, we consider appropriate regulatory action on a case-by-case basis.
3. The information is also used to inform our ongoing consideration of policy and, in particular, whether further protection measures are needed in the sector. All of our compliance and enforcement work informs the Commission’s policy development, and in this instance could inform our policies regarding customer interaction, the use of gambling management tools and our knowledge of gambling across multiple operators.
4. The Commission recognises that the information provided by licensees would not and cannot be used to measure suicides associated with gambling or act as a proxy for such figures. This is because licensees will not always be aware when a person who has gambled with them has died by suicide and so the reported figures may not be complete, and also because the figures will not be able to tell us which suicides were associated with the customer’s gambling, which is a highly complex assessment which is beyond the remit of licensees and the Gambling Commission.

## The Commission’s wider role

1. The Commission’s role is as the regulator of gambling and our focus is on setting regulatory requirements and identifying and acting upon regulatory failings by our licensees.
2. However, the Commission also seeks to build understanding of the harms associated with gambling. We therefore included survey questions about suicidality in our pilot of a [new approach](https://www.gamblingcommission.gov.uk/about-us/page/participation-and-the-prevalence-of-problem-gambling) to collecting data on gambling participation and prevalence, as part of this work. You can read more about this work on our website, including to see updates over time as the pilot progresses. Our aim is for the harms questions to be asked alongside core questions on participation and problem gambling in 2023, and become part of our suite of official statistics.
3. In addition, the Commission has given approval for funding through regulatory settlements following enforcement action to [GREO](https://www.greo.ca/en/index.aspx)[[1]](#footnote-2) for a programme of research that will improve understanding of the links between gambling and suicide, and will include significant input from people with lived experience and academics.

## Work across Government departments

1. The Department of Health and Social Care (DHSC) has stated its commitment to improving the evidence base between gambling and suicidal events to develop a better understanding of risk. This includes the commissioning of the Adult Psychiatric Morbidity Survey 2022, which is aimed at strengthening data-led estimates of the prevalence of suicidal events linked to gambling (results expected in 2024/25). This was set out for example in the Government response to the [Preventing Future Deaths (PFD) report](https://www.judiciary.uk/publications/jack-ritchie-prevention-of-future-deaths-report/) following the inquest into the death of Jack Ritchie.

## Details of proposal 2

1. To ensure that we can investigate potential regulatory failings or breaches, and to assist with our ongoing consideration of policy, we propose to add a specific requirement to LCCP 15.2.2 requiring licensees to notify to the Commission when they become aware that a person who has gambled with them has died by suicide.
2. We propose that licensees must notify the Commission if they know or have reasonable cause to suspect that a person who has gambled with them has died by suicide. However, we would not expect licensees to actively investigate or verify the information in order to make such disclosures – rather, we would expect licensees to notify the Commission if they become aware of a death by suicide of any person who has gambled with them (for example, through media reports or notification from relatives of the deceased).
3. We propose that licensees are required to notify us where a person who has gambled with them has died by suicide irrespective of whether any link between the person’s death and gambling has been established or suggested. By taking this approach, it avoids placing a burden on licensees to determine which deaths by suicide they should notify to the Commission and allows the Commission to bring together information across operators.
4. The proposed requirement has been drafted to apply to instances where a ‘person who has gambled with a [licensee]’ has died by suicide. This means that it would not be necessary that the customer was actively gambling with the licensee at the time of their death or shortly before their death for the requirement to apply: the death should be notified to the Commission irrespective of the period of time that has elapsed between the death and the most recent gambling activity. Our current view is that this will best enable the Commission to combine information across multiple operators about gambling before a death by suicide and informs both our compliance and enforcement work and our ongoing policy considerations. In future, we may consider adding a time limit on which deaths by suicide need to be reported, should it become clear from the data that deaths dating back beyond a certain period need not be disclosed if the information is no longer informing our compliance and enforcement assessment.
5. The proposed requirement includes the particulars of information which we currently consider should be provided when a licensee makes a notification to the Commission, if that information is held by the licensee. We have proposed that this includes the name and date of birth of the customer so that reports relating to the same customer can be linked. We also propose that the licensee provides a summary of the gambling activity. A summary of the gambling activity is likely to include information about any self-exclusion agreements or customer interaction that took place for that individual which is likely to be relevant to any consideration of whether the operator has complied with its regulatory requirements. This is the type of information which has been provided to us by operators who have made reports of deaths by suicide.
6. The proposed requirement does not impose on licensees any new or additional requirements or duties in respect of data retention. The Commission has previously indicated that licensees should ensure that data which relates in any way to regulatory compliance should be available for a minimum period of five years after the end of a relationship with a customer. However, there are some exceptions to this, for example, in the case of online self-exclusion where operators retain data for 7 years after the end of the self-exclusion period which the individual has selected in order to administer the return to gambling process.

New paragraph for insertion within current paragraph 15.2.2 - Other reportable events

Applies to all operating licences

The licensee must notify the Commission, as soon as reasonably practicable, if it knows or has reasonable cause to suspect that a person who has gambled with it has died by suicide, whether or not such suicide is known or suspected to be associated with gambling. Such notification must include the person's name and date of birth, and a summary of their gambling activity, if that information is available to the licensee.

## Consultation Questions

To what extent do you agree with the Commission’s proposal to add a specific requirement to the LCCP, which requires a licensee to notify us if it becomes aware that a person who has gambled with it has died by suicide?

Multiple choice answer [for each question]

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree

Please give your reasons for your previous answer to below.

[Free text box]

To what extent do you agree with the proposed new wording for Licence Condition 15.2.2?

Multiple choice answer [for each question]

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree

Please give your reasons for your previous answer below.

[Free text box]

Can you foresee any difficulties for gambling businesses in complying with this requirement?

Multiple choice answer

* Yes
* No
* Not sure

Please explain any potential difficulties and reasoning for your previous answer below.

[Free text box]

Do you have any information on the economic impact of this proposal? Please give your reasons below.

[Free text box]

# **3. Payment services – updating references to regulations**

## Summary of proposal 3

1. We propose a small technical update to [Licence condition 5.1.2](https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/condition/5-1-2-payment-methods-services), which has been in place since 2014. The condition meant that operators at that time had to satisfy themselves that any payment service they wished to use was either:
* authorised or registered by the Financial Conduct Authority
* exempt from the Regulations
* authorised or registered with a regulator in another EEA jurisdiction.
1. The FCA made available on their website a register of those they authorise in this area.
2. The condition refers to the Payment Services Regulations 2009 (SI 2009 No 209) for the definitions of the terms 'payment services' and 'payment service provider'.
3. The regulations referred to in this condition were replaced by the Payment Services Regulations 2017 (SI 2017 No 752) (as amended). The definition of a 'payment service provider' was updated and expanded in Regulation 2 of the 2017 regulations, as were the definitions of 'payment services' in Schedule 1 Part 1 of the 2017 regulations.
4. We propose to amend the text of the licence condition to ensure that the condition reflects the current legislative provisions. We propose a further amendment to ensure that the condition also reflects any further legislative amendments to the Payment Services Regulations that might come into force in the future. This is an approach we have taken in other areas of LCCP (such as licence conditions 12.1.2 and 15.2.3).

## Background

1. The licence condition was introduced in 2014. Following consultation, we concluded that, as part of overall appropriate financial management, it was important that licensees use payment service providers that offer an appropriate standard of customer protection and controls against money laundering. The licence condition recognised the Payment Services Regulations 2009 (SI 2009 No 209) as the appropriate legislation in respect of which services should be regulated and who may provide regulated services.
2. In addition to this licence condition, operators are required under licence condition 15.2.1 (Reporting key events) to report any changes to their arrangements for payment methods or processing. The requirement is that the following is notified as soon as reasonably practicable and in any event within five working days of the licensee becoming aware: *'Any change in the licensee’s arrangements as to the methods by which, and/or the payment processors through which, the licensee accepts payment from customers using their gambling facilities (this key event applies to remote casino, bingo and betting operating licences, except ancillary and remote betting intermediary (trading room only) licences)'.* We propose no changes to this reporting requirement at this time.
3. The Payment Services Regulations 2009 (SI 2009 No 209) were made to comply with the United Kingdom’s obligations to transpose the European Union’s Payment Services Directive I (2007/64/EC) (PSDI). Latterly, PSDI was modified and replaced by the Payment Services Directive II (PSDII). The Government transposed PSDII into United Kingdom law through the Payment Services Regulations 2017 (SI 2017 No 752). The definition of a 'payment service provider' was updated and expanded in Regulation 2 of the 2017 regulations, as were the definitions of 'payment services' in Schedule 1 Part 1 of the 2017 regulations. The Payment Services Regulations 2017 have been subject to a number of amendments, including in 2018 by [The Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018](https://www.legislation.gov.uk/uksi/2018/1201/schedule/2) in connection with the United Kingdom’s exit from the EU. Further information in relation to the Payment Services Regulations 2017 (SI 2017 No 752) can be accessed via this link: [The Payment Services Regulations 2017](https://www.legislation.gov.uk/uksi/2017/752/contents).
4. We consider the Payment Services Regulations 2017 (SI 2017 No 752), as amended, are now the relevant regulations in respect of payment services and reference to these Regulations would appropriately maintain the intention of the original licence condition.

## Details of proposal 3

1. We propose to amend the text of the licence condition to ensure that the condition reflects the current legislative provisions. We propose a further amendment to ensure that the condition also reflects any further legislative amendments to the Payment Services Regulations that might come into force in the future.
2. We are keen to obtain views through this consultation on the potential advantages and disadvantages of the proposal, and whether updating the reference to Payment Services Regulation to the 2017 regulations would have an impact on any operator due to the type of payment services that they use and any material differences between the 2009 and 2017 regulations.
3. Our proposed changes to Licence Condition 5.1.2 are shown below with additions underlined and deletions marked as a strikethrough.

Licence condition 5.1.2 – Payment methods and services

Applies to:

All remote casino, bingo and betting operating licences, except ancillary, host and remote betting intermediary (trading room only) licences

1. Licensees must only accept payment from customers using their gambling facilities in Great Britain by a method which involves the provision of payment services as defined in Schedule 1 Part 1 of the Payment Services Regulations ~~2009~~ (~~SI 2009 No 209)~~ 2017 (SI 2017 No 752) if the provider of those services is a ‘payment service provider’ within the definition of that term in regulation 2 of those Regulations (or the equivalent requirements of any UK Statutory Instrument by which those regulations are amended or superseded).

## Consultation Questions

To what extent do you agree with the proposed change to update Licence Condition 5.1.2 to make reference to the Payment Services Regulations 2017?

Multiple choice answer

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree

To what extent do you agree with the proposal that Licence Condition 5.1.2 takes account of future regulatory changes by including wording which refers to 'the equivalent requirements of any UK Statutory Instrument by which the Payment Services Regulations are amended or superseded'?

Multiple choice answer

* Strongly agree
* Agree
* Neither agree nor disagree
* Disagree
* Strongly disagree

Would updating the references to the Payment Services Regulations 2017 cause any difficulties for gambling businesses to comply with Licence Condition 5.1.2?

[Free text box]

# Further consultation questions on all the proposals

1. The Commission has given, and will continue to give, consideration to potential equalities impacts, having due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.
2. Our present view is that none of the proposals set out above are likely to have a material impact on the statutory equalities objectives set out in Section149 of the Equality Act 2010. In particular, our present view is that none of the proposals are likely to have a disproportionate impact on persons who have or share protected characteristics as defined within the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents).
3. That said, we would welcome views in relation to the potential equalities impacts of any of the proposals and any suggestions as to what action may need to be taken in order to address any potential negative impact.

Do you have any comments or evidence in relation to any potential equalities impacts of any of the proposals? In particular, do you have any concerns that any of the proposals could have a negative or disproportionate impact on persons with protected characteristics?

[Free text box]

1. GREO is an independent knowledge translation and exchange organisation with international experience in generating, synthesising, and mobilising research into action across the health and wellbeing sectors. [↑](#footnote-ref-2)