

**2007 No. 2329**

**BETTING, GAMING AND LOTTERIES**

**The Gambling Act 2005 (Advertising of Foreign Gambling)  
Regulations 2007**

<i>Made</i>	- - - -	<i>3rd August 2007</i>
<i>Laid before Parliament</i>		<i>9th August 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 331(4) and 355(1) of the Gambling Act 2005(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Advertising of Foreign Gambling) Regulations 2007 and shall come into force on 1st September 2007.

(2) In these Regulations “the Act” means the Gambling Act 2005.

**Exemption from prohibition on the advertising of foreign gambling**

2.—(1) This regulation specifies for the purposes of subsection (4) of section 331 of the Act (prohibition on the advertising of gambling taking place or originating from a non-EEA State(b)) a place which is to be treated for the purposes of subsection (2) of that section as if it were an EEA State, but only in so far as that subsection applies to remote gambling(c).

(2) The place referred to in paragraph (1) is the Island of Alderney.

3.—(1) This regulation specifies for the purposes of subsection (4) of section 331 of the Act a place which is to be treated for the purposes of subsection (2) of that section as if it were an EEA State, but only in so far as that subsection applies to—

- (a) remote gambling, and
- (b) non-remote gambling which takes place in a casino.

(2) The place referred to in paragraph (1) is the Isle of Man.

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(a) 2005 c.19.  
(b) For the meaning of “EEA State” see section 353(1) of the Act.  
(c) For the meaning of “remote gambling” see section 4 of the Act.

3rd August 2007

*Gerry Sutcliffe*  
Parliamentary Under Secretary of State  
Department for Culture, Media and Sport

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations specify the places which are to be treated as EEA States for the purposes of section 331(2) of the Gambling Act 2005 (“the Act”).

Section 331 of the Act makes it unlawful to advertise foreign gambling other than a lottery (which is dealt with in Part 11 of the Act). Foreign gambling is defined in subsection (2) of section 331. Non-remote gambling constitutes foreign gambling if it takes place in a non-EEA State, and remote gambling constitutes foreign gambling if none of the arrangements for it are subject to the laws of an EEA State. Gibraltar is treated as an EEA State for these purposes. In addition, the Secretary of State may specify that a country or place is to be treated as an EEA State for the purposes of the definition of foreign gambling.

Regulation 2 specifies the Island of Alderney as being a place which is to be treated as an EEA State for the purposes of section 331(2) of the Act, but only in so far as that subsection applies to remote gambling. The section 331 offence will still apply in respect of advertising of non-remote gambling services.

Regulation 3 specifies the Isle of Man as a place which is to be treated as an EEA State for the purposes of section 331(2) of the Act, but only in so far as that subsection applies to remote gambling and non-remote gambling which takes place in a casino. The section 331 offence will still apply in respect of advertising of non-remote gambling services (other than those which take place in a casino).

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