**EXPLANATORY MEMORANDUM TO**

**THE GAMBLING ACT 2005 (AMENDMENT OF SCHEDULE 6) ORDER 2007**

**2007 No.**

**1.** This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Order amends Parts 2 and 3 of Schedule 6 to the Gambling Act 2005. Those Parts list the persons and bodies whom the Gambling Commission has the power to supply information to and, in the case of the bodies listed in Part 2, which are given the power to supply the Gambling Commission with information. This Order amends Part 2 to include an entry for the Horserace Betting Levy Board, and Part 3 to include an entry for the British Boxing Board of Control Limited.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

4.1 The Gambling Act 2005 ("the 2005 Act") establishes a new system of regulation of all gambling in Great Britain, other than the National Lottery and spread betting. The Act introduces a new regulator for gambling, the Gambling Commission, and a new licensing regime for commercial gambling.

4.2 Subsection (1) of section 30 of the 2005 Act provides for the Gambling Commission to have power to provide information received by it in the exercise of its functions to any of the persons or bodies listed in Parts 1, 2 and 3 of Schedule 6 to that Act. Subsection (2) of that section confers power on the persons and bodies listed in Parts 1 and 2 of Schedule 6 to provide information to the Gambling Commission for use in the exercise of its functions. Part 1 lists those bodies which can additionally exchange information amongst themselves under section 350 of the 2005 Act.

4.3 The purpose of this Order is to add the Horserace Betting Levy Board to the list of bodies in Part 2 of Schedule 6 which are able to exchange information with the Gambling Commission, and to add the British Boxing Board of Control Limited to the list of bodies in Part 3 which the Gambling Commission can supply with information received by it in the exercise of its functions.

## 5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

## 6. European Convention on Human Rights

The Minister of State for the Department for Culture, Media and Sport, Mr Richard Caborn, has made the following statement regarding Human Rights:

In my view the provisions of the Gambling Act 2005 (Amendment of Schedule 6) Order 2007 are compatible with the Convention rights.

## 7. Policy background

7.1 The Horserace Betting Levy Board (the "Levy Board") collects monetary contributions from bookmakers and the Horserace Totalisator Board (under an annual level scheme ( "the Levy"), and applies those in accordance with its statutory purposes (the improvement of breeds of horses, the advancement and encouragement of veterinary science or veterinary education, and the improvement of horse racing). In order for it to fulfil its statutory function of collecting contributions from bookmakers and the Horserace Totalisator Board for these statutory purposes, and to be in a position to object to the issuing of an operating licence or call for a review on whether or not such a licence should be withdrawn (if, for example, a bookmaker has a history of not paying the Levy), the Levy Board must have access to an up-to-date list of betting operators and access to bookmaker information that is not in the public domain (access to accounts for example would be useful to assess the level of the Levy due). Opening an information gateway to the Gambling Commission will provide a means for the Levy Board to have access to this information.

7.2 The British Boxing Board of Control (BBBC) is the Governing Body for professional boxing in the United Kingdom. Boxing is amongst the sports other than horseracing on which British betting operators increasingly take bets. The BBBC have asked to be added to the list of bodies in Part 3 of Schedule 6 to the 2005 Act. Part 3 lists the bodies to whom the Gambling Commission are able to supply information (and for which it may charge a fee). The bodies listed in Part 3 are all sport governing bodies. It is anticipated that in some cases the provision of information will take place as part of an investigation into whether there has been a breach of a sports governing body's rules, or the placing of an illegal bet. Both the BBBC and Gambling Commission are in favour of including the BBBC in the list in Part 3, primarily in the interests of the maintenance of high standards of integrity in sports betting. The government also considers it appropriate for this reason to include the BBBC in the list in Part 3.

## 8. Impact

8.1 These amendments will have no impact on industry or the voluntary sector and there is therefore no Regulatory Impact Assessment attached to this memorandum.

## 9. Contact

Eleanor Van Heyningen at the Department of Culture, Media and Sport (tel: 020 7211 6473 or e-mail: eleanor.vanheyningen@culture,gsi.gov.uk) can answer any queries regarding the instrument.