



Statutory Document No. 298/01

THE ONLINE GAMBLING REGULATION ACT 2001

THE ONLINE GAMBLING (ADVERTISING) REGULATIONS 2001

Laid before Tynwald

19th June 2001

Coming into operation

21st June 2001

In exercise of the powers conferred on the Department of Home Affairs by section 21 of the Online Gambling Regulation Act 2001¹, and of all other enabling powers, the following Regulations are hereby made:—

1. Citation, commencement and interpretation

(1) These Regulations may be cited as the Online Gambling (Advertising) Regulations 2001 and shall come into operation on the 21st June 2001.

(2) In these Regulations —

"the Act" means the Online Gambling Regulation Act 2001;

"advertisement" includes every form of advertising or promotion, whether by means of the Internet, in a radio or television programme or message (whether broadcast or not), in a written or printed publication, by the display of notices, signs, labels or showcards, by means of circulars or other documents, or through any other medium.

"the Commissioners" means the Isle of Man Gambling Control Commissioners.

"hyperlink" includes an active icon;

"the operator", in relation to any online gambling, means the person by whom it is conducted;

"website" means an electronic communication or set of electronic communications which complies with the Hypertext Transfer Protocol and may be accessed and viewed in visible and legible form by any person having ordinary access to the global system of intercommunicating computers known as the Internet.

2. Requirement for Website

(1) Every operator shall, in relation to any online gambling, maintain a website the front or home page of which contains the following —

- (a) its full name and the address of its registered office;
- (b) the number of the licence under which the online gambling is conducted;
- (c) the date on which the licence was originally granted;
- (d) a statement that the online gambling is regulated in the Isle of Man;
- (e) the coat of arms of the Isle of Man in a form approved by the Department of Home Affairs;
- (f) hyperlinks to the websites of the Isle of Man Government and Gamblers Anonymous;
- (g) one or more hyperlinks to a page or pages setting out —
 - (i) a summary of the arrangements for registration,
 - (ii) a statement that persons under the age of 18 are not permitted to register or to participate in online gambling; and
 - (iii) a statement that online gambling debts are enforceable in law in the Island.

(2) A statement under paragraph (1)(d) may in addition state that the online gambling is regulated in the British Isles, but shall not state or imply that it is regulated in the United Kingdom.

3. General requirements of advertising

(1) Every advertisement of online gambling shall contain the URL of (or, in the case of an advertisement on a website, a hyperlink to) the website maintained under regulation 2.

(2) Every advertisement of online gambling shall comply with the following general requirements —

- (a) it shall not be indecent or offensive;
- (b) it shall be based on fact; and
- (c) it shall not be false, deceptive or misleading in any material particular.

(3) Without prejudice to paragraph (2), every advertisement of online gambling shall comply with the following requirements —

- (a) it shall not contain any statement as to the legality or otherwise of online gambling betting in any other jurisdiction;
- (b) it shall not be directed at any jurisdictions in which online gambling, or any kind of online gambling, is prohibited;
- (c) it shall not have any sexual content;
- (d) it shall not be directed at persons under 18;
- (e) it shall not contain any material in breach of copyright;
- (f) if it makes any claim as to the potential payout of a game, it shall contain sufficient information to enable a person to determine readily and easily the expected percentage return to him over a period of time, disregarding any exercise of skill by him.

4. Enforcement

(1) If it appears to the Commissioners that any advertisement of online gambling does not comply with regulation 2 or 3, they may direct the operator either -

- (a) to stop the advertisement being published or shown, or
- (b) to take such steps as they may specify to change the advertisement to comply with regulation 2 or 3, as the case may be.

(2) A direction under paragraph (1) shall be in writing and state the grounds on which it is given and the time within which it must be complied with.

5. Penalties

If any requirement of regulation 2 or 3 is contravened, or if a direction under regulation 4 is not complied with, each of the following —

- (a) the operator, and
- (b) the person who is the designated official in relation to the operator's licence,

is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

This Order which is made under the On-line Gambling Regulation Act 2001 provides for the rules for advertising off and on a licensed website and what has to be provided on the site and what is prohibited. The Order also provides the Commissioners with powers of enforcement and penalties for non compliance.