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International Conference in Law

Regulation of adolescents gambling – too narrow approach?

Athens, 16 July 2012
Legal snapshot of gambling regulation

• Gambling Act 2005 – substantial overhaul of gambling within UK

• Main principles
  – Permit competitive gambling by commercial enterprise
  – Subject only to
    • Possession of licence
    • Proof of probity and fairness
    • But no demand test.
Gambling and adolescents

• Legal position
  – Gambling *stricto sensu* prohibited by anyone who is under 18 years of age
    • Exception – lottery and football pools permitted for those over 16.
  – Criminal offences
    • For gambling providers – “to invite, cause or permit a child or young person to gamble or be employed in gambling” – up to 51 weeks imprisonment or up to £5000 fine
    • For young persons – “to gamble or be employed in gambling” – up to 51 weeks imprisonment or a fine up to £1000.
  – If a minor gambles all money advanced must be paid back and no winning paid, failure to do so also a criminal offence
Why children should not gamble?

• 3 to 4 times higher risk of developing problem gambling behaviour.
  – Early commencement of gambling – strongest predictor of problem gambling in adulthood?
  – Hidden addiction
  – Negative consequences more difficult to overcome
  – High comorbidity rates
  – Less likely to ask for help
And we don’t want
to turn to
Minors’ gambling

• Yet, despite the prohibition many still gamble
  • UK – IPSOS MORI 2008-9 – 73% of 12-15 years old gambled in the past year
  • USA – Barnes et al – 75% of children between 13 and 17 years of age gambled in the past year
  • South Australia – Delfabro et al – 56.3% of those between 13-17 gambled in the past year.
  • Canada – Derevensky et al – 31.2% between 10 and 19 gambled at least once a year.
Why?

• Can’t profess definitive answer only strong suggestions:
  – **Nature of the criminal offences**
    • No strict liability – defence of due diligence
    • No prosecution to date despite staggering known non-compliance
  – **Exceptions to the prohibition**
    • Lottery and football pools
    • Non-commercial gambling
    • Fruit machines
Why

• Most significant
  – Social attitudes
  – What the Gambling Act 2005 does NOT deal with
Why?

• Social attitudes:
  – Gambling is not a problem – legitimate recreational activity
  – Lack of awareness of the risks
  – Many parents give children scratch-card or betting slips are gifts
  – May choose online gambling to gamble with children and avoid age verification procedures
Why

• Omission from Gambling Act 2005
  – Fun free practice demos on real gambling sites
  – Online gambling on stand – alone games
    • e.g. roulette on i-tunes (rated only 12); or
    • casino games on WildTangent (unrated)
  – Online gambling within games
    • e.g. Fluff friends and others
  – Glamorisation of gambling within movies
    • Video Recording Act 1984
    • Pan European Game Information – voluntary
Minors’ online gambling

• Meaning and understanding
  – Just a game
    • the risk of “the more I play the more I win” attitude
  – Higher odds of winning on demo games
  – Understanding of odds and statistical probabilities
  – Normalisation of gambling

• Effect?
  – No money changing hands (yet) but mechanisms of gambling learnt
    • Excitement without the risks? OR Getting used to liking the play
      without appreciating the dangers?
    • Learning stage for real gambling?
Minors’ online gambling

• Conclusion

Have you done all your HOMEWORK on how expanded gambling will effect children and young adults?
Minors’ online gambling

• Questions?