



City Research Online

City, University of London Institutional Repository

Citation: Carran, M. (2012). Regulation of adolescents' gambling – too narrow approach. Paper presented at the International Law Conference, 16 July 2012, Athens, Greece.

This is the unspecified version of the paper.

This version of the publication may differ from the final published version.

Permanent repository link: <http://openaccess.city.ac.uk/3092/>

Link to published version:

Copyright and reuse: City Research Online aims to make research outputs of City, University of London available to a wider audience. Copyright and Moral Rights remain with the author(s) and/or copyright holders. URLs from City Research Online may be freely distributed and linked to.

City Research Online:

<http://openaccess.city.ac.uk/>

publications@city.ac.uk



The City Law School
CITY UNIVERSITY LONDON

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 as 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





Minors' online gambling

- Questions?

