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# **International Conference in Law**

## **Regulation of adolescents gambling – too narrow approach?**

Athens, 16 July 2012



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# 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?

