

Applying for a Gaming Permit

Under Section 9A of the Gaming and Lotteries Acts 1956-2019

Information Leaflet for Applicants



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Gaming Permits

Section 4 of the Gaming and Lotteries (Amendment) Act 2019 introduces a new [section 9A](#) – Gaming Permits – into the original 1956 Act. This section replaces a number of previous sections¹, which had allowed gaming activity at circus, carnivals, festivals and on licensed premises.

Section 9A now allows for a Gaming Permit **for the promotion of gaming events not specific to any particular type of event or location.**

What is ‘Gaming’?

Gaming is defined in section 2 of the 1956 Act as follows:

“gaming” means playing a game (whether of skill or chance or partly of skill and partly of chance) for stakes hazarded by the players;”

The types of gaming likely involved would include, for example:

¹ Sections 6, 7, 8 and 9 of the 1956 Act.

N.B.:

This is an advisory document only, and does not purport to be a legal document. If in doubt, please engage professional legal advice.

- pool and snooker tournaments
- darts competitions
- card games
- pub quizzes

Prohibitions

Gaming Permits shall **not** be granted:

(a) for any kind of gaming in which because of the nature of the game, **the chances of all the players**, including the banker, **are not equal**;

(b) to promote gaming for charitable or philanthropic purposes on the same day and in the same place where gaming is also being promoted for the promotor's own benefit, or:

(c) to promote gaming by means of a gaming machine, e.g. slot machines. (A separate Licence is required for this type of gaming², and more information on the application process can be found [here](#)). [**Insert hyperlink here, for Gaming Licence Information Form**].

Stake Limits

The stake amount for each game promoted under a Gaming Permit may not cost more than **€10**.

² Under Part III of the 1956 Gaming and Lotteries Act, a resolution allowing gaming with machines must have been passed by the Local Authority where gaming is proposed to take place, a certificate from the District Court and a licence from the Revenue Commissioners.

Prize Limits

The **total prize amount for each game** promoted under a Gaming Permit must not exceed **€3,000**.

Making the Application

The application for a Gaming Permit must be made to a Garda Superintendent for the district in which the premises where the gaming is to take place is situated. The application must be:

- (i) made on the form specified by the Minister,
- (ii) accompanied by the prescribed fee, if any, and:
- (iii) made to the Garda Superintendent of the district concerned **not less than 60 days before** the first day on which it is intended to promote the gaming to which the application relates.

A decision on whether to grant or refuse the Permit application will be made by the Superintendent within **28 days from receipt** of the application.

Considering the Application

In considering the application for a Gaming Permit, the Superintendent will take into account:

- (a) the character of the applicant, or in the case of a body corporate, of the persons exercising control and management thereof;
- (b) the number of gaming permits already issued in the locality;
- (c) the suitability of the premises or place proposed to be used for the gaming;
- (d) the kind of gaming to be carried on;

- (e) whether the gaming for a charitable or philanthropic purpose or the benefit of the promoter.

Fee for Gaming Permit

The Minister for Justice may prescribe an application fee for a Gaming Permit.

The Minister does not intend to prescribe a fee for at least the first year of operation of the new Permit process.

Further Information

In determining an application for a Gaming Permit, the Garda Superintendent may seek further (written) information from the applicant, along the following lines:

- the nature, history and standing of the club/organisation/cause where the permit is sought for a charitable or philanthropic purpose;
- further information as to the character of the applicant, where such is necessary;
- the availability of the advertised prizes³;
- whether or not an agent is to be used for an event, and the nature and role of such agent.

The above list of possible information to be sought is not exhaustive.

The applicant for a Gaming Permit must provide the Superintendent with such further information as requested (in writing) as might reasonably be sought or available in the context.

If the applicant fails to comply with the request for information, or delays its submission beyond the 28-day consideration period, the Superintendent must nevertheless proceed to make a decision on the application.

³ E.g., are they conditional or dependent on a minimum number of entrant fees, ticket sales sponsorship, crowd funding, etc.

Conditions of Gaming Permit

A person who is issued with a Gaming Permit must comply with the following conditions.

- period of validity as specified in the Permit (maximum one year);
- type of gaming authorised by the Permit;
- whether the gaming authorised by the Permit is for a charitable or philanthropic purposes or is for the benefit of the holder of the Permit;
- hours during which the proposed gaming may be carried on;
- maximum stake of €10 for each player, per game;
- maximum prize value of €3,000 in each game;
- the Permit holder shall not accept a stake from a person under the age of 18 years;
- no stake shall be hazarded by the players with the holder of the Permit other than a charge for the right to take part in the game;
- the Permit cannot be transferred to another person;
- prominent display of the conditions on stake and prize amounts, together with the name of the intended beneficiary of the gaming, at the normal means of access to the premises proposed to be used.

Register of Gaming Permits

Every Superintendent of the Garda Síochána shall keep a register of all Gaming Permits issued under section 9A and any such Permit revoked or suspended under new [section 46](#) of the Act.

Every register must be open for inspection at all reasonable times by members of the public.

Appeal against a refusal to issue a Gaming Permit

An applicant to whom a Gaming Permit has been refused under section 9A may appeal the refusal to a judge of the appropriate District Court⁴.

Sanctions/Penalties

A Gaming Permit holder must comply with the conditions of the Permit. A person who does not comply with these conditions may be guilty of an offence, which may result in a prosecution and on conviction in a fine and/or term of imprisonment under the revised provisions of [section 44](#) of the Gaming and Lotteries Act.

Where a person who is the holder of a Gaming Permit is convicted of an offence, the Garda Superintendent within whose district the place to which the Permit relates is situated, may apply to the District Court for an order to suspend or revoke the Permit under the provisions of new section 46 of the Gaming and Lotteries Act.

⁴ I.e. the District Court district in which the premises to which the application relates is situated.

Q&A

Where do I apply for a Gaming Permit?

An application for a Gaming Permit must be made to the Garda Superintendent of the district where the person promoting the lottery ordinarily resides, using the specified Application Form.

It is important that promoters be aware that the application must be made to the Superintendent not less than 60 days before the first day on which the gaming is to start.

This period allows the Superintendent to consider the application and to seek and receive further information if such is necessary.

A decision on whether to grant or refuse the application by the Superintendent must issue within a period of 28 days from the date of application.

Can I apply for a Gaming Permit online?

There is no current provision in the legislation for online submission of an application for a Gaming Permit.

However, the Application Forms for a Gaming Permit are available on both the websites of An Garda Síochána and the Department of Justice for download. The Form, when completed, must be submitted by post or in person to the Garda Superintendent of the district where the person promoting the gaming ordinarily resides.

Is there a fee for a Gaming Permit?

The Minister for Justice does not propose to prescribe an application fee for a Gaming Permit for at least the first year of operation of the new Gaming Permit process.

I intend to run a gaming event, but the prize amount will be far less than €3,000 – do I still need a Permit?

If you intend to promote gaming for whatever purpose (charitable or philanthropic or for the promoter's benefit) with any prize amount up to €3,000, you must apply for a Lottery Permit.

Are there any prohibitions on where gaming can take place under Permit?

In assessing an application for a Gaming Permit, a Garda Superintendent might consider (among other matters) the suitability of and access to any premises or place proposed to be used for the technical operation or control of the proposed gaming.

If the premises or place were not easily accessible to the public (e.g. a private dwelling house), or operated outside the reach of potential Garda enforcement measures (e.g. promoted from abroad and/or via a remote computer server, etc.), this fact might influence the decision on the granting of the application.

Can I use a Gaming Permit to stage online versions of gaming?

The Gaming and Lotteries Act is essentially concerned with physical forms of gaming taking place at a premises.

However, the provisions of the Act do not specifically exclude online remote promotion of gaming (where participation in the game is possible) or a mixture of both physical and online participation. Online promotion might likely involve some form of card games, quizzes, etc. that might not require physical presence.

However, the suitability of the premises from which the gaming is being promoted would be subject to consideration by the Garda Superintendent to whom the application is made. The Superintendent may seek further information, e.g. as to how the technology involved complies with the conditions of the Act, etc.

I am no longer in a position to stage gaming events permitted under the Permit, but another person wishes to take it over – can I transfer the Permit to them for the remaining period of validity?

The Gaming and Lotteries Act does not permit the transfer of a Gaming Permit from one person to another is permitted. Should a purported transfer take place, the gaming in question would become unlawful and subject to sanction.

However, where the Permit had been issued to a person in their capacity **as an officer of a club or organisation or for a charitable cause**, and that person is no longer capable of promoting the gaming or no longer holds that position for whatever reason, the Permit may continue in validity for the club/organisation/cause for the completion of the gaming or the duration of its validity.

Can I combine my Gaming Permit with that of another Permit holder, in order to double the prize amount on offer?

No combining of Permits is allowed. Each Gaming Permit must abide by its own conditions.

Is there a minimum/maximum time period for conclusion of the gaming?

The gaming may be conducted within the period of validity stipulated in the Permit, which has a maximum period of validity of 12 months.

I want to run a game to help promote my product, do I need to apply for a Gaming Permit?

There is no prohibition in the Gaming and Lotteries Acts on the running of a game to promote a product. The conditions applying to a Gaming Permit under new section 9A of the Gaming and Lotteries Act would have to be observed.