

**International  
Comparative  
Legal Guides**



# Gambling

# 2024

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**glg** Global Legal Group

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# Ireland



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## 1 Relevant Authorities and Legislation

1.1 Which entities regulate what type of gambling and social/skill gaming activity in your jurisdiction?

Relevant Product		Who regulates it in digital form?	Who regulates it in land-based form?
Gaming	Casino gaming (including slots and casino table games such as roulette & blackjack)	Not applicable.	
	Poker		
	Bingo	Not applicable.	An Garda Síochána (the Irish police force) or the District Court.
Betting	Betting		
	Sports/horse race betting (if regulated separately to other forms of betting)	The Irish Revenue Commissioners (“Revenue”).	
	Fantasy betting (payment to back a ‘league’ or ‘portfolio’ selection over a period of time, for example in relation to sport or shares)	Not applicable.	

Relevant Product		Who regulates it in digital form?	Who regulates it in land-based form?
Lotteries	Lotteries	The Regulator of the National Lottery (the “RNL”). Not applicable for lotteries other than the National Lottery.	The RNL for the National Lottery. An Garda Síochána for lotteries and the District Court for periodical lotteries.
Social/Skill arrangements	“Social” gaming with no prize in money or money’s worth Skill games and competitions with no element of chance	Not applicable.	

1.2 Specify: (i) the law and regulation that applies to the Relevant Products in your jurisdiction; and (ii) – in broad terms – whether it permits or prohibits the offer of Relevant Products to persons located in your jurisdiction.

In relation to each of the Relevant Products:

- Gaming is defined in the Gaming and Lotteries Acts 1956 to 2019 (the “Gaming and Lotteries Acts”) as “playing a game (whether of skill or chance or partly of skill and partly of chance) for stakes hazarded by the players”. Under the Gaming and Lotteries Acts, gaming is generally prohibited without a gaming licence or a gaming permit.
- The Betting Acts 1931 to 2015 (the “Betting Acts”) govern betting, in particular the activities of: bookmaker

(defined as “a person, who in the course of business, takes bets, sets odds and undertakes to pay out on winning bets”); remote bookmaker (defined as “a person who carries on the business of bookmaker by remote means”); and remote betting intermediary (defined as “a person who, in the course of business, provides facilities that enable persons to make bets with other persons (other than the first-mentioned person) by remote means”). The Betting Acts provide for a licensing regime in respect of bookmakers, remote bookmakers and remote betting intermediaries and prohibit those activities being carried on without a licence.

- Lotteries can generally be classified into two groups:
  - The National Lottery, which is regulated by the National Lottery Act 2013 (the “**National Lottery Act**”) and the licence granted thereunder. This is provided by a sole operator: Premier Lotteries Ireland DAC (“**PLI**”).
  - Other lotteries, which fall under the Gaming and Lotteries Acts. These are heavily regulated and generally require either a lottery permit or a lottery licence.
- Finally, social/skill arrangements fall outside the scope of Irish gambling laws and regulation.

It must be noted at the outset that the law in relation to gambling in Ireland is likely to be subject to widespread change. The Gambling Regulation Bill 2022 (the “**Gambling Regulation Bill**”) is currently making its way through the Irish legislative process and will be discussed further in section 5. That Bill does not, however, apply to the National Lottery, which will continue to be governed by the National Lottery Act.

## 2 Application for a Licence and Licence Restrictions

### 2.1 What regulatory licences, permits, authorisations or other official approvals (collectively, “Licences”) are required for the lawful offer of the Relevant Products to persons located in your jurisdiction?

For gaming, a gaming permit or a gaming licence is required for the promotion of gaming. A gaming permit can be obtained from An Garda Síochána for gaming where the maximum stake is €10 and no player can win more than €3,000 in a game. A gaming licence can be obtained from the Revenue Commissioners for games where the stake is not more than €5 and no player may win more than €500. In order to obtain a gaming licence, the applicant must first obtain a certificate from the District Court.

For betting, a bookmaker’s licence, remote bookmaker’s licence or remote betting intermediary’s licence must be obtained from the Revenue Commissioners.

For lotteries:

- The National Lottery is subject to a licence under the National Lottery Act. The licensee, PLI, was appointed under the Licence to Operate the National Lottery (the “**National Lottery Licence**”) by the Minister for Public Expenditure and Reform for a period of 20 years in 2014, and is regulated by the RNL.
- Other forms of lottery are subject to lottery permits (granted by An Garda Síochána) and, in the case of periodical lotteries, lottery licences (granted by the District Court).

For gambling other than the National Lottery, the licensing regime is likely to be subject to widespread change under the Gambling Regulation Bill.

### 2.2 Where Licences are available, please outline the structure of the relevant licensing regime.

For gaming, the type of licence depends on the nature of the game in question:

- For games with a stake of up to €10 per player and prizes no more than €3,000, a gaming permit is required. These are issued by An Garda Síochána.
- For games with a stake of up to €5 per player and prizes no more than €500 to take place in an amusement hall or funfair, a gaming licence is required. These are issued by the Revenue Commissioners on foot of a certificate from the District Court. In order to obtain a gaming licence, other forms of entertainment (in addition to gaming) must also be provided at the amusement hall or funfair in question.

For betting, the Revenue Commissioners issues the relevant licence, i.e., a betting licence, a remote bookmaker’s licence or a remote betting intermediary’s licence.

For lotteries, the National Lottery is subject to the National Lottery Licence and other licences are subject to lottery permits (issued by An Garda Síochána) and lottery licences (issued by the District Court).

When the Gambling Regulation Bill is enacted, the Gambling Regulatory Authority will likely issue licences for all forms of gambling covered above (other than the National Lottery).

### 2.3 What is the process of applying for a Licence for a Relevant Product?

For gaming:

- The application for a gaming permit must be made to the superintendent of An Garda Síochána in the district in which the premises is stated. The process involves completing a two-page form. It must be made at least 60 days prior to the intended first day of operation, and a decision must be issued at most 28 days from the application. In considering the application, the superintendent will consider various factors, including the character of the applicant, the number of other permits in the area and the suitability of the premises. There is currently no fee for applying for a gaming permit.
- For a gaming licence, the applicant must first obtain a certificate from the District Court. That certificate may include specified conditions, e.g., limits on the hours during which gaming may be carried on. Similarly, to the gaming permit process, the court will have regard to factors such as the character of the applicant, the number of other permits in the area and the suitability of the premises. If the court grants a certificate, the Revenue Commissioners must grant a licence, upon payment of any required excise duty.

For each of the betting licences (bookmaker, remote bookmaker and remote betting intermediary), the process involves first obtaining a certificate of personal fitness for the applicant or, if the applicant is a company, its “relevant officer” (i.e., someone in a position of senior management or control). That certificate is issued by An Garda Síochána for applicants in the State, and for applicants outside the State, is issued by the Minister for Justice.

The certificate is in force for 21 days, during which the applicant must then apply to the Revenue Commissioners for the relevant licence. The National Excise Licence Office is the relevant unit. The cost of a licence differs depending on the type of licence obtained.

For lotteries (other than the National Lottery):

- A lottery permit application must be made to An Garda Síochána. Similar to the gaming permit process, the application must be made at least 60 days prior to the intended first day of operation, and a decision must be issued at most 28 days from the application. Again, in considering the application, the superintendent will consider various factors, including the character of the applicant, the number of other permits in the area and the suitability of the premises. There is currently no fee for applying for a lottery permit.
- A lottery licence application must be made to the District Court. The application must be made at least 60 days prior to the intended first day of operation. In considering the application, the court will consider various factors, including the character of the applicant, the number of other periodical lotteries already in operation in the area and the purpose of the lottery.

#### 2.4 Are any restrictions placed upon licensees in your jurisdiction?

The monetary limits specified above in relation to stakes and prizes apply to gaming permits and gaming licences. For gaming permits, other conditions must be attached, including the hours during which gaming may be carried on. In addition, for gaming licences, the court may attach conditions limiting the hours during which gaming may be carried on and restricting the kinds of gaming, and the extent to which particular kinds of gaming, may be carried on.

For betting, a bookmaker's licence holder must not conduct the business of bookmaking in a disorderly manner or encourage persons to congregate and loiter in or around the premises.

For lotteries, the Gaming and Lotteries Acts impose certain monetary limits for stakes and prizes, and in relation to the percentage of total proceeds that may be retained by the holder of the licence.

#### 2.5 Please give a summary of the following features of any Licences: (i) duration; (ii) vulnerability to review, suspension or revocation.

For gaming permits, a maximum period of 12 months applies. Gaming licences apply for a specific period in a given year. Either form of licence may be revoked if the holder of the relevant licence is convicted of an offence under the Gaming and Lotteries Acts. Such revocation would be carried out by Order of the District Court in the area to which the relevant licence relates, on application by An Garda Síochána.

For betting licences, the period is generally two years. The licences may be revoked by Order of the District Court in different circumstances; for example, revocation of a certificate of personal fitness.

For lotteries, the National Lottery Licence has a fixed 20-year term.

#### 2.6 By Relevant Product, what are the key limits on providing services to customers? Please include in this answer any material promotion and advertising restrictions.

The General Commercial Communications Code of the Broadcasting Authority of Ireland (the "GCCC") applies generally to commercial communications in Ireland. Specifically, section

20 of the GCCC requires that commercial communications promoting gambling "shall not contain anything which could be deemed to be a direct encouragement to gamble". It further stipulates that portrayals of gambling may not encourage socially irresponsible behaviour, suggest that gambling can be a solution to personal problems or depict or feature children gambling.

In relation to gaming, under section 4 of the Gaming and Lotteries Acts, only an employee or agent of a gaming permit or gaming licence holder may promote gaming. Section 26 contains a similar prohibition in respect of lotteries.

For betting, the Betting Acts contain various restrictions at section 20. For example, it is prohibited to: encourage persons to congregate in or outside the relevant premises; permit overcrowding or loitering at the premises; and exhibit or permit lists or statements of the terms or odds on which the proprietor is willing to take bets.

Part 6, Chapter 1 of the Gambling Regulation Bill contains various obligations in respect of advertising. For example, as currently drafted (October 2023), the Bill would prohibit anything portraying gambling as attractive to children or that would encourage excessive or compulsive gambling. It also positively requires certain information to be included in an advertisement for a gambling activity, such as warnings regarding the risk of excessive or compulsive gambling.

#### 2.7 What are the tax and other compulsory levies?

For betting, a betting duty of 2% and a betting intermediary duty of 25% apply.

There are currently no compulsory levies currently but under the Gambling Regulation Bill, licensees may be charged a levy.

#### 2.8 What are the broad social responsibility requirements?

Please see the answer to question 2.6 above in relation to the GCCC and commercial communications that apply to gambling generally.

In relation to the National Lottery specifically, the National Lottery Act requires the RNL to regulate the National Lottery having regard to the interests of participants and the long-term sustainability of the National Lottery. The National Lottery Licence, in turn, contains various provisions around player safety and responsible gaming.

Under Part 3, Chapter 4 of the Gambling Regulation Bill, a Social Impact Fund will be established. This fund will be financed by gambling operators, and monies will go to good causes including the provision of treatment services for participants engaged in compulsive or excessive gambling.

#### 2.9 How do any AML, financial services regulations or payment restrictions restrict or impact on entities supplying gambling?

Providers of gambling services are a class of "designated person" under AML rules in Ireland. The term "gambling service" is defined as "a service which involves wagering a stake with monetary value in games of chance, including those with an element of skill such as lotteries, casino games, poker games and betting transactions that are provided at a physical location, or by any means at a distance, by electronic means or any other technology for facilitating communication, and at the individual request of a recipient of services". Therefore, the requirements of designated persons under AML rules (i.e., customer due diligence, business risk assessment, reporting requirements, etc.) apply to such providers.

### 2.10 Does your jurisdiction permit virtual currencies to be used for gambling and are they separately regulated?

Under the Irish Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2021, “virtual asset service providers” now fall within the scope of Irish AML legislation. Any “virtual asset service provider”, i.e., a person providing services in Ireland relating to “virtual assets”, must register with the Central Bank of Ireland.

## 3 Online/Mobile/Digital/Electronic Media

### 3.1 How does local law/regulation affect the provision of the Relevant Products in online/mobile/digital/electronic form, both from: (i) operators located inside your jurisdiction; and (ii) operators located outside your jurisdiction?

In relation to gaming and lotteries (other than the National Lottery), the Gaming and Lotteries Acts do not specifically refer to remote or online gaming. Therefore, it is unclear as to how that legislation would apply (if at all) to remote or online gaming.

In relation to betting, the Betting Acts contain specific provision for remote bookmakers and remote betting intermediaries. The definition of “remote means” includes the internet. Therefore, it would seem that online betting is regulated.

In relation to the National Lottery, both the National Lottery Act and the National Lottery Licence make specific provision for playing the National Lottery through “interactive channels” defined as “communications over the internet that use any device from which the internet is able to be accessed”. PLI has, since the commencement of its operation, operated the National Lottery through its website.

As currently drafted (October 2023), the Gambling Regulation Bill makes clear that gambling includes doing so by remote means, which includes over the internet. Part 6, Chapter 5 contains additional requirements for remote gambling licensees.

### 3.2 What other restrictions have an impact on Relevant Products supplied via online/mobile/digital/electronic means?

For betting specifically, the Betting Acts permit the Revenue Commissioners to issue a “compliance notice” to any person providing facilities to an unlicensed remote bookmaking operation.

### 3.3 What terminal/machine-based gaming is permitted and where?

Operators of gaming machines must have a gaming licence for the premises at which the gaming machine can be played as well as a gaming machine licence for each gaming machine.

## 4 Enforcement and Liability

### 4.1 Who is liable under local law/regulation?

Under the Gaming and Lotteries Acts and the Betting Acts, where an offence is committed by a body corporate, it is also possible for a director, manager, secretary or other officer to also be guilty of that offence. The National Lottery Act does

not prescribe offences by the licensee but does criminalise certain actions by persons other than the licensee (e.g., misuse of the name “National Lottery”).

### 4.2 What form does enforcement action take in your jurisdiction?

For betting, enforcement is carried out by the Revenue Commissioners. For the National Lottery, the RNL takes enforcement action pursuant to the National Lottery Licence.

### 4.3 Do other non-national laws impact upon liability and enforcement?

As a Member State of the European Union (“EU”), Ireland is generally subject to EU law. Therefore, any changes in the EU law position regarding gambling (and, in particular, online gambling) will impact on the position in Ireland.

### 4.4 Are gambling debts enforceable in your jurisdiction?

No. In the case of *Sporting Index v O’Shea* [2015] IEHC 407, the Irish High Court ruled that losses arising from UK spread-betting contracts could not be enforced in Ireland.

### 4.5 What appetite for and track record of enforcement does your local regulatory authority have? Have fines, licence revocations or other sanctions been enforced in your jurisdiction?

Given the nature of the Irish legislation and the lack of a specific enforcement body, gambling enforcement has not been strong in Ireland. However, with the upcoming Gambling Regulation Bill allied to political pressure, this position may well change in the near future.

## 5 Anticipated Reforms

### 5.1 What (if any) intended changes to the gambling law/regulations are being discussed currently?

At the time of writing (October 2023), the Gambling Regulation Bill is making its way through the Irish legislative process and has been subject to amendment. As currently drafted, this legislation would repeal the Gaming and Lotteries Acts and the Betting Acts and centralise the regulation of almost all gambling activity in Ireland.

Although further amendments are possible between now and its enactment, such that the wording of specific provisions cannot be predicted with any certainty, it is possible to outline in broad terms the anticipated features of the new regime.

- A new Gambling Regulatory Authority will be established. For the first time, there will be a unified regulator of all gambling activities, which will include betting, gaming and participating in a lottery. The Authority will be partly funded by industry levies and will have broad powers of investigation. It will be able to take action in respect of alleged contravention of the legislation (once enacted). It will also be empowered to deal with complaints in respect of licensees.
- There is also envisaged to be an adjudication mechanism in respect of alleged contraventions. This may result in

administrative sanctions, including the imposition of financial penalties of up to €20 million or 10% of turnover. Decisions of adjudication officers may be appealed to a new Appeals Panel or the Circuit Court, depending on the circumstances.

- There will be several categories of licence, depending on whether the licensee is contracting with a business or a consumer, and the indications are there will be specific provision for gambling licences for a charitable or philanthropic purpose. There will be a centralised register of all gambling licences.
- Licensees will be subject to a comprehensive set of new obligations. These are likely to include: the conditions under which the relevant licences are granted; restrictions around advertising; the obligation to notify the Authority of suspicious gambling patterns; obligations around sponsorship and the employment of children; and staff training requirements, etc.
- As noted above, there will be a new Social Impact Fund. This will raise monies from licence holders to be distributed among good causes, including treatment of persons who have participated in compulsive or excessive gambling.



**Barry Fagan** is a Partner in the firm's Regulatory department with expertise in advising on betting and gaming. Barry is very familiar with lottery, betting and gaming legislation in Ireland, and advises the Office of the Regulator of the National Lottery. Barry also advises clients in the betting, gaming and lotteries sector on regulatory, licensing and consumer protection issues. He is currently closely monitoring the progress of legislation to establish a Gambling Regulator in the Republic of Ireland.

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Natalie advises clients on the full breadth of financial crime issues, from educating on best practice preventative action, through to running internal, regulatory and prosecutor-led investigations. She has acted on a number of high-profile investigations involving fraud, bribery and corruption allegations, money laundering, sanctions breaches and dawn raids.

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Fieldfisher is a full-service corporate law firm with 1,800 people working across 26 offices. Fieldfisher Ireland comprises over 60 lawyers, 12 of which are partners and specialises in all major practice areas of law. We have extensive experience of advising both regulators and regulated entities across a wide range of regulated sectors including health, charities, aviation, planning and environmental, and professional services. Our experienced team is uniquely positioned to advise those operating in the betting, gaming and lotteries sector. We are very familiar with gambling and betting legislation, including the Betting Acts 1931 to 2015, the Totalisator Act 1929, Gaming and Lotteries Acts 1956 to 2013, and the National Lottery Act 2013. We are closely monitoring the progress of legislation to establish the Gambling Regulator, and have reviewed in detail the General Scheme of the Gambling Regulation Bill, which sets out the framework and legislative basis for the establishment of the new Gambling Regulatory Authority. We advise on legal issues arising for those operating in the betting, gaming and lotteries sector, including:

- Setting up and structuring operations in Ireland.
- Commercial arrangements.

- Regulatory and licensing issues.
- The application of data protection law.
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**Gambling 2024** features one introductory chapter and 36 Q&A jurisdiction chapters covering key issues, including:

- Relevant Authorities and Legislation
- Application for a Licence and Licence Restrictions
- Online/Mobile/Digital/Electronic Media
- Enforcement and Liability
- Anticipated Reforms

