

TITLE OF REPORT: Case Law and Legislation Update
REPORT OF: Mike Barker, Acting Chief Executive

Purpose of the Report

1. To inform the Committee of recent cases and amendments to legislation affecting the Licensing and Gambling Acts.

Legislation

2. The amendments that were set out in the last report to Committee have not yet been enacted by Parliament, but are still expected to be introduced in the near future.

Case law

3. The case of *Ivey v Genting Casinos UK Ltd (t/a Crockfords Club)* [2016] EWCA Civ 1093 was decided by the Court of Appeal in November 2016. It is established law that when someone participates in a gambling activity there is an implied contract between the parties that the gambler will not cheat; and that where the gambler does cheat their winnings can be withheld. This case related to whether cheating requires a dishonest intention. The Court of Appeal found that it did not, and that a gambler who used an edge-sorting technique was not entitled to his winnings even though he believed edge-sorting to be an honest technique. The Gambling Act states that 'cheating' involves 'deception' or 'interference with the process by which gambling is conducted', and that interference can be done honestly but still amounts to cheating.

Recommendations

4. The Committee Members are asked to note the content of this Report.