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## **Enforcement Bulletin: Sports Pool Betting and Licensed Establishments**

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### **Purpose**

The purpose of this Enforcement Bulletin is to advise people of the risks involved when participating in unlicensed gambling activity (in this case, sports pools), especially in a commercial establishment.

Gambling activity is often referred to as gaming and both terms (“gaming” and “gambling”) should be used interchangeably in this Bulletin.

### **Introduction**

Gambling in BC is regulated by both the Criminal Code of Canada and BC’s Gaming Control Act (along with its regulations, rules, directives, terms and conditions, and policies).

In general, gambling is specifically prohibited in Canada and offences related to gambling are set out in the Criminal Code. The exceptions to this prohibition are:

- Gambling activities conducted and managed by the Province;
- Gambling activities conducted and managed pursuant to a licence issued by the Province, through the Gaming Policy and Enforcement Branch;
- Horse racing activities conducted pursuant to a licence issued by the Province, through the Gaming Policy and Enforcement Branch; and
- Private bets between individuals who are not in the business of betting.

### **What Forms of Gaming are allowed in BC’s Pubs and Bars?**

BC’s pubs and bars often inquire about the appropriateness of possible gaming activities on their premises. The Province of British Columbia allows only very limited forms of gaming in pubs and bars.

Within the broad guidelines set by the Province, the Liquor Control & Licensing Branch (LCLB) determines what specific forms of gaming are permitted in BC’s pubs and bars. These include the sale of BCLC products like Racetrax and Keno, and a limited variety of gaming events licensed by the Gaming Policy & Enforcement Branch, such as off-track betting, charity ticket raffles and bingo events.

Conditions set by LCLB on gaming in liquor establishments may be found in the “Liquor Primary Licence Terms and Conditions: A Guide for Liquor Licensees in British Columbia” at [http://www.pssg.gov.bc.ca/lclb/publications/index\\_pubs.htm](http://www.pssg.gov.bc.ca/lclb/publications/index_pubs.htm).

### **What types of Sports Pool Betting Does the Criminal Code Allow?**

Under the Criminal Code, sports pools are prohibited unless they are conducted and managed by:

- The Province or its agent (i.e. British Columbia Lottery Corporation); or
- An eligible organization licensed by the Province.

However; under the Criminal Code the following is allowed:

- Private bets between individuals who are not engaged in the business of betting (“social betting”); and
- Holding money to be paid to a winner of a bet between not more than 10 individuals.

Under the Criminal Code:

- Sports pool betting based on a single sporting or athletic event is prohibited;
- The Province cannot conduct and manage, or authorize, a sports pool involving a single game sporting event; and
- The Province can conduct and manage, or authorize, a sports pool based upon the outcome of a series of sporting events (e.g., a series of games in the Stanley Cup playoffs).

### **What Forms of Sports Pools are Authorized in BC?**

As an agent of the Province, the British Columbia Lottery Corporation offers Sports Action Pools for football, hockey and basketball. The games are available through the Corporation’s PlayNow web site or at any lottery retail location. Sports Action Pools are never based on a single sporting or athletic event.

Currently, the Branch issues licences to eligible organizations to conduct sports pools, based on multiple sporting events only. Eligible organizations include:

- Charitable or religious organizations to raise funds for charitable purposes; and
- Approved fairs and exhibitions.

At present, the Province of British Columbia does not authorize any other form of sports pools.

### **What happens if a Sports Pool is not authorized?**

Unauthorized sports pool betting is an example of gaming activity that is not permitted by the *Criminal Code*. Engaging in such activity could result in a charge of keeping a common gaming or betting house.

## **What is a Common Gaming House?**

Common Gaming House is a term used in the *Criminal Code* to describe establishments where gambling or betting takes place. These establishments could be accessible to the public or they could be private locations open only to certain individuals.

There are certain factors that are general indicators of whether or not an establishment is a common gaming house. The existence of some or all of these indicators could, if charges were laid under the *Criminal Code*, result in a conviction. Although this is not an exhaustive list, these factors include, but are not limited to:

- The place where the gaming occurs is kept for gain;
- A person in charge of the place where the gaming occurs knows the gaming is taking place and encouraging it in some manner;
- There is a chance to win or lose money (or some item of value) for the players of the game;
- There is a fee (direct or indirect) to play the game;
- A portion of the proceeds of the game go to the person in charge of the place where the gaming occurs;
- There is a bank that is not equally held by all of the players; or
- The chances of winning are not equally favourable to all players.

## **Action**

Any real or suspected unlawful activity, such as an identified or suspected “common gaming house”, should be reported to the appropriate law enforcement agency and to the Gaming Policy and Enforcement Branch.

The existence of a “common gaming house” may result in enforcement action being applied, and/or criminal charges laid. For instance, sanctions that could be imposed under the *Gaming Control Act* include a violation notice, a ticket, and/or fine.