

Generally binding regulations of municipalities in the field of gambling

Abstract

The municipalities, as basic territorial self-governing communities of citizens, have a number of rights in the implementation of their constitutionally guaranteed right to self-government. One of these entitlements is also the right of autonomous normative formation, ie. the right to issue its own legislation which is in a separate scope of a generally binding regulations. Generally binding regulations are therefore the laws of municipalities, the main purpose of which is according to the provisions of Section 10 of the Act about municipalities regulating local affairs in the form of obligations.

The entitlement of municipalities to issue generally binding regulations is anchored directly in the Constitution and is further specified in the Act on Municipalities. However, the enabling provision for the issuance of generally binding regulations is contained in a number of specific legal regulations, among others even in the law on gambling. Pursuant to Section 12 (1) of the Gambling Act, municipalities are authorized in the form of a generally binding regulations to restrict or even prohibit the operation of certain types of gambling regulated by law.

The goal of the rigorous work on the topic of “Generally binding regulations of municipalities in the field of gambling” was to summarize the issue of regulation of gambling in the form of a generally binding regulations and on the basis of its own practical experience from the department of public administration, supervision and control of the Ministry of the Interior to point out problems and pitfalls, which are with the creation and assessing these generally binding regulations, including outlining possible ways to address the pitfalls in the future.

The rigorous work is divided into 13 chapters. The opening chapters address with issues of generally binding regulations of municipalities and the legal regulation of gambling regulation in the Czech Republic. The core and practical part of the rigorous work precontained in Chapters 3 to 6, which provide statistics on the numbers of generally binding regulations of municipalities in the field of gambling by 1 January 2017; individual ways of regulating gambling in the form of a generally binding regulations; selected cases of influencing municipalities in the creation of generally binding regulations and the most common flaws in their creation. These are chapters that primarily build on the practical

experience I have gained during my work at the Ministry of the Interior. The following chapters cover law related to gambling regulation along with practical chapters focused on projects of the Ministry of the Interior concerning generally binding regulations of municipalities in the field of gambling, the methodical assistance of the Ministry of the Interior for the issuance of generally binding regulations in the field of gambling and the most frequent suggestions addressed in this area by the Ministry of the Interior. The last chapters are dedicated to the activities of the Office for the Protection of Competition, Gambling Policy, the Gambling Market in the Czech Republic, pathological gambling and the comparison of the Czech legislation with the selected countries of the European Union. In conclusion, a summary of the topic of this rigorous work is carried out including an assessment of the considerations and possible suggestions on how to tackle this issue.