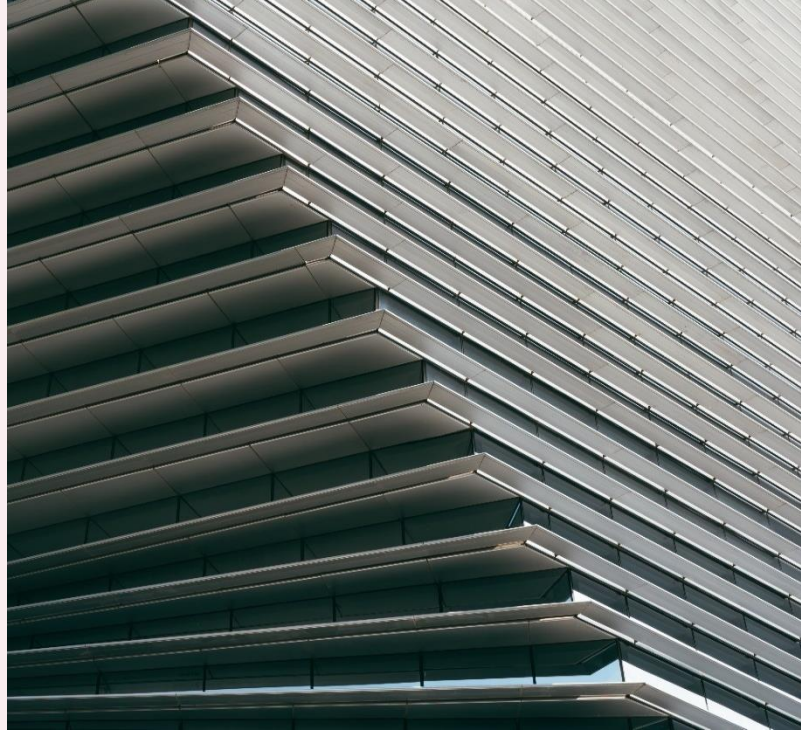


UK Court of Appeal confirms no change to duties owed by betting operators to gamblers in "*landmark*" test case

December 2025



Gambling operators and investors will have welcomed the outcome of the long-anticipated *Gibson v Betfair* case – the first case of its kind to have been considered by the English Court of Appeal.

The industry had been waiting for 17 years for the position in *Calvert v William Hill*¹ to be tested in relation to betting activities which took place after the watershed UK Gambling Act of 2005. The Court of Appeal's recent judgment has confirmed the position in *Calvert* providing clarity and legal certainty - operators do not owe gamblers a general duty of care. Operators nonetheless still need to comply fully with their regulatory and licensing requirements, including putting into effect appropriate policies and procedures to protect vulnerable people.

The case concerned whether a gambler could recover losses of over £1 million from an operator that he alleged had breached its licencing conditions and its duty of care to him by failing to protect him from himself.

The judgment confirms that operators only have an obligation to intervene if they have actual or constructive knowledge of "problem gambling".² It will provide gambling operators and investors with welcome reassurance. Rather than opening the floodgates to mass claims by gambling customers against operators in England, the judgment has made it more challenging for customers to recover their losses from operators through the civil courts.

Key takeaways

- 1 Operators do not owe gambling customers a general duty of care.
- 2 Compliance with regulatory and licensing requirements remains paramount.
- 3 Operators have an obligation to intervene where they have actual or constructive knowledge of "problem gambling".

¹ *Calvert v William Hill* [2008] EWCA Civ 1427

² The British Gambling Prevalence Survey 2010 defines problem gambling as "*gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits.*" This definition was referred to by the Judge in the High Court judgment. Although the Court of Appeal considered that the wider ambit of the definition of problem gambling did not arise in the case, it was noted that the concept of a "problem gambler" and "problem gambling" could, in a different case, raise questions about the criteria which have to be satisfied and how they relate to clinical definitions of gambling disorders.

Background

Mr Gibson, a property tycoon, issued proceedings against Betfair in January 2021, seeking to recover over £1.4 million in gambling losses incurred on Betfair's betting exchange between 2009 and 2019. His position was that Betfair knew, or should have known, he was a "problem gambler"³ and so should have intervened by refusing service or barring him from the platform. By failing to do so, Mr Gibson alleged that Betfair had breached its duty of care to him (by failing to prevent him from incurring the losses that he did) and its obligations under the Gambling Commission's Licence Conditions and Code of Practice ("LCCP").

Mr Gibson advanced his claim on multiple bases: breach of statutory duty, negligence, breach of contract, and statutory illegality/unjust enrichment. The High Court rejected all of Mr Gibson's claims.

The Court, in considering Mr Gibson's claim, looked in detail at Betfair's compliance with the LCCP, including whether it had, and had put into effect, appropriate "*policies and procedures for customer interaction*" in cases where they had "*concerns that a customer's behaviour may indicate problem gambling*". Whilst medical evidence showed that Mr Gibson had a gambling disorder from at least 2015, the High Court concluded that Betfair neither knew nor ought to have known this as Mr Gibson had concealed the disorder from Betfair (including by providing financial information to Betfair suggesting that he could afford his losses).⁴

The Judge held that Betfair owed Mr Gibson no relevant duty of care and had not been shown to cause Mr Gibson's losses – Mr Gibson would likely have gambled elsewhere even if Betfair had intervened. The Court also rejected the unjust enrichment claim as an inaccurate interpretation of the Gambling Act.

Court of Appeal decision

Whilst Mr Gibson appealed to the Court of Appeal on five separate grounds, these all hinged on the question of what Betfair knew or ought to have known about Mr Gibson being a problem gambler.

On 8 December 2025, the Court of Appeal handed down judgment,⁵ dismissing the appeal and providing welcome reassurance to gambling operators and investors.

The Court of Appeal agreed with the first instance Judge that Betfair did not have knowledge (and could not have had knowledge) about Mr Gibson's problem gambling. Mr Gibson presented evidence of significant wealth, appeared able to afford his losses, and actively concealed his disorder.

"The context of [Mr Gibson's] argument is that his losses are not only purely economic losses, but they are caused by his own actions. This formidable combination of hurdles [...] caused Briggs J (as he then was, see Calvert v William Hill [2008] EWHC 454 Ch) to describe the imposition of duty in similar circumstances as a "journey to the outermost reaches of the tort of negligence, to the realm of the truly exceptional"."

His Honour Judge Bird, in his first instance judgment [2024] EWHC 2900 (Comm)

³ Before the High Court, both parties relied on expert evidence as to whether Mr Gibson was a "problem gambler". The experts agreed that Mr Gibson suffered at the relevant time from a gambling disorder of moderate severity and the Judge accepted that Mr Gibson was a problem gambler from 2015.

⁴ *Gibson v Betfair* [2024] EWHC 2900 (Comm).

⁵ *Gibson v Betfair* [2025] EWCA Civ 1589.

Implications for operators and their duties to customers

- The status quo as established in the Court of Appeal case of *Calvert v William Hill*⁶ remains unchanged – operators do not owe gamblers a general duty of care.
- An obligation to intervene arises only where operators have actual or constructive knowledge of problem gambling. Interestingly, the Court's approach to the threshold at which these duties arise is broadly consistent with how the Courts have approached the duty of care owed by banks to their customers to prevent them being defrauded. The *Quincecare*⁷ duty prevents a bank from executing an instruction given by a customer's agent where the bank has *reasonable grounds to believe* that the instruction is an attempt to defraud the customer.
- Where a claimant customer actively conceals their gambling disorder and presents information to the operator which indicates they can afford their gambling habits, it will be for that claimant customer to establish that an operator ought to have known of their problem gambling.
- Operators are not expected to detect deliberate concealment or treat all high-stakes customers as problem gamblers, absent corroborating evidence.
- Operators can rest assured that, rather than opening the floodgates to mass claims by gambling customers against operators in England, the judgment has made it more challenging for customers to recover their losses from operators through the civil courts.
- The case reinforces the need for vigilance, robust procedures, and ongoing compliance with evolving regulatory standards. Operators should have robust procedures in place for recognising problem gamblers and maintain detailed records of customer interactions and related internal correspondence.
- The Court of Appeal's judgment does not alter the regulatory obligations that operators must comply with. Indeed, it is worth remembering that, following the 2023 White Paper,⁸ the Gambling Commission amended the LCCP to increase financial vulnerability and risk checks. For example, since February 2025, operators have been required to undertake financial vulnerability checks for customers where the customer's deposits minus withdrawals exceeds £150 in a rolling 30-day period.

⁶ *Calvert v William Hill* [2008] EWHC 454 Ch.

⁷ *Barclays Bank v Quincecare* [1992] 4 All ER 363.

⁸ "[High stakes: gambling reform for the digital age](#)" published on 27 April 2023.



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