

Isle of Man

Ellan Vannin

AT 16 of 1986

CASINO ACT 1986

Isle of Man

Ellan Vannin

CASINO ACT 1986

Index

Section **Page**

PART I – GAMING CONTROL COMMISSION **5**

1 Isle of Man Gambling Supervision Commission 5
1A Functions of Council of Ministers 5
2 Duties of the Board 5

PART II – REGULATION OF CASINOS **6**

3 Casino licence 6
4 Conditions of casino licence 8
5 Duration etc of casino licence 11
5A Variation of casino licence 12
6 [Repealed] 13
7 Beneficial ownership of casinos 13
8 Sale of liquor etc 14
9 Provision of credit for gaming 14
10 Prohibition of gaming by certain persons 15
11 Regulations 16
12 Rules of games 17

PART IIA – TEMPORARY PREMISES CERTIFICATES **17**

12A Temporary premises certificate 17
12B Application for a certificate 18
12C The certificate 18
12D Certificate conditions 20
12E Variation of certificate 22
12F Revocation or suspension of certificate 23
~~12G Appeals to the Gambling Appeals Tribunal~~ 23
12H Sale of liquor 24
12I Defence in criminal proceedings 25
12J Oversight 25
12K Approval of management and staff 26
~~12L Inspection~~ 26

12M Regulations under this Part 27
12N Rules of games played under this Part 29

PART III – CASINO CONCESSIONS **29**

13 Casino concession 29
14 Deposits 30

PART IIIA – INSPECTION AND INVESTIGATION **31**

14A Inspection and investigation 31

PART IV – MISCELLANEOUS AND SUPPLEMENTAL **31**

14B Directions 31
14C Persons unfit to be directors, senior managers, controllers or owners 32
15 Power of court to prohibit persons convicted of offences from entering casino 33
16 [Repealed] 34
17 Licences etc not to be assigned 34
18 Prohibition of use of word 'casino' 34
~~19~~ ~~Right of constables etc to enter casino~~ 34
19A Offence in connection with information 35
20 Offences by body corporate 35
21 Approval of orders and regulations 35
22 Interpretation 36
23 Commencement and transitional provisions 39
24 Amendments 40
25 Short title 40

SCHEDULE 1 **41**

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE LIQUOR LICENSING AND PUBLIC ENTERTAINMENTS ACT 2021 APPLIES 41

SCHEDULE 1A **42**

INSPECTION AND INVESTIGATION 42

SCHEDULE 2 **51**

CONSEQUENTIAL AMENDMENTS 51

SCHEDULE 3 **51**

ENDNOTES **53**

TABLE OF ENDNOTE REFERENCES 53

Isle of Man

Ellan Vannin

CASINO ACT 1986

Received Royal Assent:	*11 April 1986*
Passed:	*15 April 1986*
Commenced:	*See section 23*

AN ACT to make fresh provision for gaming at casinos; and for connected purposes.

PART I – GAMING CONTROL COMMISSION

1 Isle of Man Gambling Supervision Commission[1]

(1) The Isle of Man Gambling Supervision Commission (in this Act referred to as "**the Board**") shall perform the functions conferred on it under this Act.[2]

(2) [Repealed][3]

(3) [Repealed][4]

(4) [Repealed][5]

1A Functions of Council of Ministers

The Council of Ministers shall, subject to the provisions of this Act, grant such licences as may be necessary for the purpose of permitting the operation of one or two (but not more than two) casinos.[6]

2 Duties of the Board

(1) The Board shall, subject to the provisions of this Act and of regulations made thereunder, —

(a) [Repealed][7]

(b) supervise and control the operation of any casino and any premises in respect of which a temporary premises certificate is issued;

~~(c) investigate the character and financial status of any person applying for or holding any licence under this Act or otherwise~~

~~concerned with the provision, operation or management of any casino or proposed casino;~~

(c) investigate (as the context requires) the fitness and propriety and financial standing of any person applying for or holding any licence or concession under this Act or otherwise concerned with the provision, operation or management of any casino or proposed casino;

(d) ensure that all fees, royalties and other moneys payable to the Treasury by a person providing or operating a casino are duly paid and accounted for.

(2) [Repealed][8]

PART II – REGULATION OF CASINOS

3 Casino licence

(1) Subject to the provisions of this Act and to regulations made thereunder, the Council of Ministers may grant to a person named therein a licence (a "**casino licence**") authorising the playing of prescribed games at such premises (a "**casino**") as may be specified in the licence.[9]

(1ZA) An application for the grant of a casino licence must be in such form as is required by the Council of Ministers, and be accompanied by such documents and information as the Council of Ministers may require.

(1A) A casino licence (other than a licence granted in pursuance of a concession) may specify the facilities and amenities which are to be provided by the holder of the licence —

(a) at the casino, and

(b) at such other premises ("**associated premises**"), if any, adjacent to or adjoining the casino as may be specified in the licence.[10]

(2) to (5) [Repealed][11]

~~(6) The Council of Ministers shall not grant a casino licence to any person unless it is satisfied —~~

~~(a) that he is a person of integrity;~~

~~(b) that he has adequate knowledge and financial means available to operate the casino;~~

~~(c) that he is the occupier of the whole of the casino and any associated premises and has such security of tenure of the casino and any associated premises as the Council of Ministers considers adequate;[12]~~

~~(d) that he intends to operate all the facilities and amenities to be provided at the casino and any associated premises;~~

~~and, in the case of a licence intended to be granted to a body corporate, —~~

~~(e) that the body is incorporated in the Island; and~~

~~(f) that the relevant share capital of the body is beneficially owned by a person or persons of integrity.[13]~~

(6) The Council of Ministers shall not grant a casino licence to any person unless it is satisfied —

(a) in the case of a licence intended to be granted to an individual —

(i) that the individual is a fit and proper person to hold a casino licence;

(ii) that the individual has adequate knowledge and financial means available to operate the casino;

(iii) that any controller of the business that the individual proposes to carry on is a fit and proper person to act as such;

(iv) that any senior manager of the business that the individual proposes to carry on is a fit and proper person to act as such;

(v) that the individual is the occupier of the whole of the casino and any associated premises and has such security of tenure of the casino and any associated premises as the Council of Ministers considers adequate;

(vi) that the individual intends to operate all the facilities and amenities to be provided at the casino and any associated premises; and

(vii) that the casino is being or will be operated in a manner consistent with the regulatory objectives set out in section 5 (regulatory objectives) of the *Gambling Supervision Act 2010*;

(b) in the case of a licence intended to be granted to a body corporate —

(i) that the body is incorporated in the Island;

(ii) that the body is a fit and proper person to hold a casino licence;

(iii) that any director of the body is a fit and proper person to act as such;

(iv) that any controller of the body is a fit and proper person to act as such;

(v) as to the beneficial ownership of the share capital of the body;

(vi) that any beneficial owner of the body is a fit and proper person to be such an owner;

(vii) that any senior manager of the body is a fit and proper person to act as such;

(viii) that the body has adequate financial means available to operate the casino;

(ix) that the body is the occupier of the whole of the casino and any associated premises and has such security of tenure of the casino and any associated premises as the Council of Ministers considers adequate;

(x) that the body intends to operate all the facilities and amenities to be provided at the casino and any associated premises.; and

(xi) that the casino is being or will be operated in a manner consistent with the regulatory objectives set out in section 5 (regulatory objectives) of the *Gambling Supervision Act 2010*.

(6A) In assessing whether the Council of Ministers is satisfied as to the requirements in subsection (6), the Council of Ministers may have regard (among other things) to —

(a) in the case of a licence intended to be granted to a body corporate, the integrity, competence, financial standing, structure and organisation of that body;

(b) the integrity, competence and financial standing of any other person mentioned in subsection (6), as the context requires;

(c) the business the applicant for the licence proposes to carry on or is carrying on;

(d) the money laundering risk and the risk of financing of terrorism or proliferation;

(e) the integrity of any person who is an associate of the applicant for the licence or an associate of any other person mentioned in subsection (6).

(6B) The Board may, after consulting the Council of Ministers, issue written guidance setting out the criteria that the Council of Ministers will normally apply in assessing whether it is satisfied as required by subsection (6).

(7) [Repealed][14]

(8) [Repealed][15]

(9) A casino licence shall specify the rooms in the casino which (subject to the provisions of this Act and of the *Liquor Licensing and Public Entertainments Act 2021*) may be used —

(a) as gaming rooms; and

(b) for the sale or supply of liquor.[16] [17]

4 Conditions of casino licence

(1) Subject to the following provisions of this section, a casino licence may contain such conditions as the Council of Ministers thinks fit.[18]

(2) If the Council of Ministers thinks fit, a casino licence (other than a licence granted in pursuance of a concession) shall contain a condition that the holder of the licence shall carry out at the casino and any associated premises such works as may be specified in the ~~direction~~ licence —

(a) at a cost specified in the licence ~~(which shall not be less than an amount specified in the direction)~~;

(b) within a time or in accordance with a timetable specified in the licence;

(c) in accordance with plans and specifications approved by the Board; and

(d) to the satisfaction of the Board.[19]

(3) A casino licence shall contain the following conditions —

(za) that the holder of the licence complies at all times during the currency of the licence with AML/CFT legislation;[20]

(a) that the holder of the licence shall pay to the Treasury —

(i) on the grant or renewal of the licence, an annual fee specified in the licence; and

(ii) if any proportion is specified in the licence for the purpose of this sub-paragraph, a royalty consisting of that proportion of the gross daily receipts, to be accounted for and paid at such intervals as may be so specified;[21]

~~(b) that the holder of the licence, if a body corporate, shall notify the Board of any change in the beneficial ownership of any relevant share capital in the body~~;

(b) where the holder of the licence is a body corporate, that the holder of the licence must notify the Board of —

(i) any change in the legal or beneficial ownership of the share capital, or of any class of share capital, of the holder over a percentage specified in the licence;

(ii) any change in the ownership structure of the holder;

(iii) any change in the controller of the holder;

(iv) any change in the beneficial ownership of the holder;

(ba) where the holder of the licence is an individual, that the holder of the licence must notify the Board of any change in a controller of the business of the holder;

~~(c) where the holder of the licence is a body corporate, that no person shall be appointed to be a director of the body unless the Board is satisfied that he is a person of integrity;~~

(c) where the holder of the licence is a body corporate, that no person shall be appointed to be a director of the body unless the Board is satisfied that the person is a fit and proper person to act as such;

(d) that the holder of the licence shall, whenever required by the Board, provide such information as the Board may require to satisfy the Board —

(i) as to the profitability of the business of the holder of the licence carried on at the casino;

(ii) that the holder of the licence continues to have adequate financial means available to operate the casino;

(iii) that the holder of the licence has complied with its obligations under paragraph (za);[22]

(e) that no structural alteration or extension of the casino shall be carried out without the consent of the Board;

(f) that no part of the casino other than a room specified in the licence under section 3(9)(a) or (b) shall be used as a gaming room or, as the case may be, for the sale or supply of intoxicating liquor.[23]

(g) that the whole of the casino and any associated premises shall remain in the occupation and under the control of the holder of the licence; and

(h) that the holder of the licence shall continue to provide at the casino and any associated premises the facilities and amenities specified under section 3(1A).[24]

(3A) In assessing whether the Board is satisfied as to the requirements in subsection (3)(c), the Board may have regard (among other things and with any necessary modifications) to the matters mentioned in section 3(6A).

(4) [Repealed][25]

(5) For the purpose of subsection (3)(a)(ii) 'gross daily receipts' means —

(a) in a case where the holder of a casino licence accepts any bet or stake made during the playing of a prescribed game, the total amount taken in bets or stakes at all such games played on any day after deducting therefrom the total amounts of all winnings paid out to persons making such bets or stakes;

(b) in a case where the holder of a casino licence does not accept any bet or stake during the playing of a prescribed game, but instead charges a fee to any person or persons for the use of its facilities and staff in connection with the playing of any prescribed game, the total amount taken in fees at all such games played on any day; and

(c) in a case which, in the opinion of the Board does not fall within either paragraph (a) or paragraph (b) or, although falling within one or other paragraph, operates so as to produce royalties which the Board considers to be disproportionately low in comparison with the profit accruing or believed to be accruing to the holder of a casino licence, either directly or indirectly, out of the playing of a

prescribed game, such amount calculated in such manner as the Board and the holder of the licence may agree or, in default of agreement, as may be determined by the ~~Civil Division (Summary Jurisdiction)~~ High Court as being the gross receipts of the holder arising out of the playing of a prescribed game.[26]

(6) Failure by the holder of a casino licence to comply with a condition under subsection (3)(c) shall not invalidate the appointment in question.[27]

~~(7) In this section "AML/CFT legislation" means any of the following enactments —~~

~~(a) the *Anti-Terrorism and Crime Act 2003*;~~

~~(b) Part 3 (money laundering) of the *Proceeds of Crime Act 2008*;~~

~~(c) the *Terrorism and Other Crime (Financial Restrictions) Act 2014*;~~

~~(d) any instrument of a legislative character made under one of the Acts mentioned in paragraph (a) to (c).~~[28]

(7) In this section "AML/CFT legislation" means any code made under section 157 (money laundering codes) of the *Proceeds of Crime Act 2008* or section 68 (codes relating to the financing of proliferation and terrorism) of the *Terrorism and Other Crime (Financial Restrictions) Act 2014*

5 Duration etc of casino licence

(1) A casino licence shall remain in force for a period of one year from the date on which it is granted.

(2) Subject to subsection (3) and (4), the Board may renew a casino licence for successive periods of one year on the application of the holder of the licence.

(2A) An application under subsection (2) must be in such form as is required by the Board, and be accompanied by such documents and information as the Board may require.

(3) A casino licence shall not be renewed so as to be in force after the expiry of 10 years after the date on which it was originally granted.

(3A) In relation to a casino licence which is expressed to be granted for a temporary period not exceeding 3 years specified in the licence, subsection (3) shall have effect with the substitution for the reference to 10 years of a reference to the period specified in the licence.[29]

(4) The Board shall not renew a casino licence if, after consultation with the Council of Ministers, it is satisfied that the holder of the licence would not be eligible to be granted a licence anew on one or more of the grounds specified in section 3(6).[30]

(5) [Repealed][31]

(6) Subject to subsections ~~(3) and (4)~~ (3) to (4), the Board shall not refuse to renew a casino licence unless the holder of the licence —

(a) is convicted of an offence under section 39 of the *Gaming, Betting and Lotteries Act 1988* (cheating);[32]

(b) is convicted of an indictable offence by any court in the British Islands or the Republic of Ireland;

(c) is convicted twice within any period of 12 months of an offence under section 30(9) of the *Liquor Licensing and Public Entertainments Act 2021* (drunkenness in licensed premises);[33]

(d) has failed without reasonable excuse to comply with the conditions of the licence;

(e) has ceased to be the occupier of the whole of the casino or has ceased to control the operation or management of all the facilities of the casino; or

(f) has failed without reasonable excuse to comply with any provision of this Act or regulations thereunder relating to the management or operation of the casino.

(7) If at any time the Board is satisfied that it would be precluded by subsection (4) from renewing a casino licence or empowered by subsection (6) to refuse to renew the licence, it may by notice to the holder of the licence either —

(a) suspend the licence for such period as may be specified in the notice, or until such conditions as are specified in the notice are complied with; or

(b) revoke the licence.[34]

(8) Where a casino licence is suspended by virtue of a notice under subsection (7)(a), it shall be treated for all purposes as of no effect until the expiry of the period specified therein or, as the case may be, until the conditions specified therein are complied with.

(9) In any proceedings a certificate purporting to be signed on behalf of the Board, and stating that a condition specified in a notice under subsection (7)(a) had or had not at the material time been complied with, shall be evidence of the facts stated therein.

(10) The holder of a casino licence may, with the consent of the Board, at any time surrender the licence to the Board, subject to such conditions as the Board thinks fit.

(11) [Repealed][35]

5A Variation of casino licence

(1) The Board may at any time, with the consent of the holder of the licence, vary a casino licence —

(za) by varying, with the approval of the Council of Ministers, the premises in which the casino is located or any associated premises;[36]

(a) by varying the rooms which (subject to the provisions of this Act and of the *Liquor Licencing and Public Entertainments Act 2021*) may be used as gaming rooms and for the sale or supply of liquor; or[37]

(b) subject to subsection (2), by varying the conditions of the licence.

(1A) The Board may at any time, with the approval of the Council of Ministers and with the consent of the holder of the licence, vary any facilities or amenities to be provided by the holder of the licence at the casino or at any associated premises.[38]

(2) A condition required by section 4(2) or (3) may not be varied under this section, except that —

(a) the time or time-table specified in a condition required by section 4(2) may be so varied; and

(b) such a condition may be omitted after completion of the relevant works.[39]

6 [Repealed][40]

7 Beneficial ownership of casinos

(1) Where the holder of a casino licence is a body corporate, the court may, on the application of the Board, make an order requiring —

(a) any member of the body holding a ~~relevant~~ share in the body;

(b) any director, manager, secretary or other officer of the body; or

(c) any person appearing to the court to be interested in the share;

to disclose to the Board the identity of the beneficial owner or owners of the share.

(2) If it appears to the court that default has been made in complying with an order under subsection (1) and that the identity of the beneficial owner or owners of the share in question has not been disclosed to the Board, the court may, on the application of the Board, make an order vesting such share in the Treasury.

(3) The court may, in proceedings under subsection (2), summon any person to give evidence on oath as to any matter within his knowledge, and to produce any document in his custody or control, bearing upon the identity of the beneficial owner of the share in question.

(4) The court may, on application of any interested person, revoke an order under subsection (2), and thereupon the share in question shall vest in the person in whom it would then have been vested apart from that order; but the court shall not revoke such an order unless it is satisfied that the

identity of the person or persons who, on such revocation, will be the beneficial owner or owners of the share in question has been disclosed to the Board.

(5) In this section —

~~'beneficial owner', in relation to a share the beneficial ownership of which is vested in a body corporate (other than a quoted company), means an individual who, whether directly or indirectly, through the holding of, or interests in, a relevant share or shares in that or another body corporate or other bodies corporate, is ultimately interested beneficially in the share in question;~~

'the court' means the ~~Civil Division~~ High Court.[41]

8 Sale of liquor etc

(1) The *Liquor Licensing and Public Entertainments Act 2021* shall apply to a casino subject to the exceptions, adaptations and modifications specified in Schedule 1.[42]

(2) The Board shall grant to the holder of a casino licence a licence for the sale by retail of liquor in such parts of the casino as may be specified in the casino licence pursuant to section 3(9)(b) or 5A(1)(a), subject to —

(a) such conditions as may be prescribed, and applied to a licence under this subsection, by regulations under section 15(1) or (2) (regulations: determination of application) of the *Liquor Licensing and Public Entertainments Act 2021*, and[43]

(b) such other conditions as are specified in the licence under this subsection.[44]

(3) ~~Subject to any order under section 6(2)~~, Subject to any order to the contrary made by the Gambling Appeals Tribunal, a licence under subsection (2) shall cease to have effect on the expiry, surrender or revocation of the relevant casino licence, and shall be of no effect at any time when the casino licence is suspended under section 5(7)(a).

(4) The Board may at any time vary a licence under subsection (2) by varying the conditions under subsection 2(b) subject to which the licence is granted.[45]

9 Provision of credit for gaming

[1974/17/2]

(1) Subject to subsection (2), where a prescribed game takes place in a gaming room in a casino, neither the holder of the casino licence in respect of those premises nor any person acting on his behalf or under any arrangement with him shall make any loan or otherwise provide or allow to any person any credit, or release, or discharge on another person's behalf, the whole or part of any debt —

(a) for enabling any person to take part in the gaming; or

(b) in respect of any loss incurred by any person in the gaming.

(2) Neither the holder of the casino licence nor any person acting on his behalf or under any arrangement with him shall accept a cheque and give in exchange for it cash or counters for enabling any person to take part in the gaming unless the following conditions are fulfilled, that is to say —

(a) the cheque is dated but is not post-dated;

(b) it is exchanged for cash to an amount equal to the amount for which it is drawn, or is exchanged for counters at the same rate as would apply if cash, to the amount for which the cheque is drawn, were given in exchange for them but, where those conditions are fulfilled, the giving of cash or counters in exchange for a cheque shall not be taken to contravene subsection (1).

(3) Where the holder of a casino licence in respect of a casino, or person acting on behalf of or under any arrangement with the holder of the licence, accepts a cheque in exchange for cash or counters to be used by a player in gaming in a gaming room, then, unless the cheque is redeemed for cash or counters by or on behalf of the drawer before whichever of the following events may sooner occur, that is to say —

(a) the closing of gaming during the session in which the cheque is exchanged for cash or counters, or

(b) the expiration of that session,

he shall, not more than 2 banking days later, cause the cheque to be delivered to a bank for payment or collection.

(4) Nothing in Part IV of the *Gaming, Betting and Lotteries Act 1988* shall affect the validity of, or any remedy in respect of, any cheque which is accepted in exchange for cash or counters to be used by a player in gaming in a gaming room.[46]

(5) In this section —

'banking day' means a day which is a business day within the meaning of section 92 of the *Bills of Exchange Act 1883*;

'session' means the continuous period of hours during which gaming may lawfully be carried on in the gaming rooms, by virtue of regulations made under section 11.

10 Prohibition of gaming by certain persons

(1) No person who is in any way —

(a) concerned in the management, regulation, supervision, control or administration of a casino; or

(b) employed in or about a casino;

shall participate in the playing of a prescribed game in the casino except in so far as he may be required to do so by the nature of his employment in conducting the game so as to enable other persons to play thereat.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.[47]

11 Regulations

~~(1) The Board may by regulations provide for anything necessary for the licensing, regulation and good conduct of casinos.~~

(1) The Board may by regulations —

(a) provide for anything it considers to be necessary or expedient for the licensing, regulation and good conduct of casinos;

(b) make any provision as may be necessary to ensure the lawfulness of any processing of personal data by the Council of Ministers or the Board in the exercise of their functions under this Act in accordance with the data protection legislation.

(2) Without prejudice to the generality of subsection (1), the Board shall make regulations for all the following purposes —

(a) to prescribe how application shall be made for the renewal of a casino licence;[48]

(b) [Repealed][49]

(c) [Repealed][50]

(d) to prescribe the games which may be played in gaming rooms and to prohibit the playing of games not so prescribed;

(e) to prescribe a standard or standards of maintenance for casinos and the grounds thereof;

(f) to regulate the stakes for which prescribed games may be played;

(g) to regulate, prohibit or control the fees which may be charged for entry to a casino or any part thereof, or for the right to play in any game in the gaming rooms thereof;

~~(h) to provide for the supervision of casinos by the Board, constables and inspectors;~~

(i) to prescribe the hours during which gaming rooms may be operated, and to prohibit the playing of a prescribed game in a gaming room on Good Friday or Christmas Day;

(j) to stipulate the name by which a casino may be called;

(k) to prohibit, except with consent in writing of the Board, the entry into a casino, or such part thereof as may be specified in the regulations, of any person under such age (not exceeding 18 years) as may be so specified;

(l) to regulate the advertising of casinos;

(m) to regulate any entertainment provided at a casino;

(n) to regulate the staff who may be employed in a casino and to prescribe fees for certificates which may be issued in respect of such staff.

(2A) Regulations under subsection (1) may —

(a) confer a function on a specified person or body (including the Board) and a function conferred may, in particular, be a power or duty to exercise a discretion;

(b) without limiting paragraph (a), confer a function on a specified person or body (including the Board) to approve persons employed in a casino, approve forms of notices or approve technology;

(c) require holders of a licence to comply with such standards, rules, regulations, codes or guidance as are from time to time in operation and made or issued by the Board or any other person whether in the Island or elsewhere.

(3) Regulations under this section may apply to a casino the provisions of Parts I, II and V of the *Gaming (Amendment) Act 1984*, subject to such exceptions, adaptions and modifications as the Board thinks fit.

(4) Regulations under this section may provide for a contravention of any provision thereof to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.[51]

12 Rules of games

The Board may make rules regulating the manner in which a prescribed game is to be played in a casino.

PART IIA – TEMPORARY PREMISES CERTIFICATES[52]

12A Temporary premises certificate

(1) A temporary premises certificate authorises the playing of prescribed games at premises in the Island not forming part of a casino or associated premises.

(2) A temporary premises certificate may not authorise the playing of games for a period exceeding 21 days.

(3) A temporary premises certificate is not capable of being assigned by the person to whom it is issued.

(4) In subsection (1), "the Island" includes the territorial waters of the Island.

(5) Regulations under section 12M may amend subsection (2) so as to specify a different period.[53]

12B Application for a certificate

(1) The holder of a casino licence may apply to the Board for a temporary premises certificate.

(2) For the purposes of subsection (1), it does not matter whether or not the holder of the licence —

(a) is the owner or occupier of the premises; or

(b) will be operating the facilities and amenities to be provided on the premises when prescribed games are being played there.

(3) Before making the application, the applicant must ensure that a notice has been published in 2 newspapers published and circulating in the Island to the effect that —

(a) the applicant is to make an application under this section; and

(b) that unless written objection is made to the Board within one month of the date of publishing, the Board may issue the certificate.

(4) The notice must also specify any prescribed information.

(5) An application under subsection (1) is to be made in the form required by the Board and is to be accompanied by —

(a) any documents and information which the Board requires;

(b) a copy of the notice published under subsection (3); and

(c) the prescribed fee.

(6) Upon receipt of an application, the Board must —

(a) within a reasonable time, publish notice of the application on its website; and

(b) wait at least one month before issuing the certificate or refusing the application under section 12C(1).

(7) The Board must notify the applicant within a reasonable time if it receives a written objection to the issuing of the certificate.

(8) Regulations under section 12M may amend subsection (3) so as to specify a different manner of publication of the notice referred to in it.

(9) However, before amending subsection (3), the Board must be satisfied that the amendment will lead to persons likely to be affected by such applications being better informed.[54]

12C The certificate

(1) In relation to an application for a temporary premises certificate, the Board may —

(a) issue the certificate; or

(b) refuse the application.

(2) However, the Board may issue the certificate only if it is satisfied that, in all the circumstances, it ought to do so.

(3) In particular, the Board may not issue the certificate unless it is satisfied that each owner and each occupier of the premises has consented to the premises being used for the purposes of playing prescribed games in a manner consistent with the application under section 12B(1) and any accompanying documents and information required under section 12B(5).

(4) If a written objection to the issuing of the certificate has been made, the Board may not issue the certificate unless —

(a) the objection has been withdrawn; or

(b) the Board decides that the objection is without justification, and —

(i) the objector has not appealed to the Gambling Appeals Tribunal under section ~~12C~~ 7 of the *Gambling (Amendment) Act 2006* against the Board's decision; or

(ii) the objector has so appealed and the Tribunal has upheld the Board's decision.

(5) The Board must give —

(a) to the applicant, written notice of its decision under subsection (1) and, if it refuses the application, a written statement of the reasons for the decision; and

(b) to each objector, written notice of its decision and, if it decides under subsection (4)(b) that the objection is without justification, a written statement of the reasons for the decision.

(6) A temporary premises certificate remains in operation only during the period specified in it and ceases to have effect immediately upon the expiry of that period.

(7) For the purposes of subsection (6), different periods may be specified for different prescribed games.

(8) A temporary premises certificate must specify —

(a) the name of the holder of the casino licence to whom the certificate is issued;

(b) the name of any person or body who is to be involved in promoting or organising the playing of prescribed games on the premises (in conjunction with the holder of a casino licence);

(c) the premises to which the certificate relates;

(d) the name of each owner and occupier of those premises;

(e) the period or periods specified for the purposes of subsections (6) and (7);

(f) the prescribed games that may be played on the premises during the periods specified under paragraph (e);

(g) the rooms on the premises which may be used as gaming rooms;

(h) the rooms on the premises in which liquor may be sold or supplied under a licence granted under section 12H(3);

(i) the facilities and amenities which are to be provided on the premises in connection with the playing of prescribed games and the persons responsible for their provision;

(j) the names of the representatives of the holder of the casino licence for the purposes of section 12J(2);

(k) any conditions subject to which it is issued;

(l) any other prescribed matters.

(9) Only a room specified in the certificate is to be used as a gaming room on the premises (subject to section 12E(1)(a)).

(10) Only a room specified in the certificate is to be used as a room in which liquor may be sold or supplied under a licence granted under section 12H(3) (subject to section 12E(1)(b)).

(11) Unless conditions specified in accordance with section 12D require otherwise, a temporary premises certificate (or a copy of it) must be prominently displayed on the premises to which it relates whilst it has effect.

(12) If subsection (9), (10) or (11) is contravened, the holder of the casino licence to whom the certificate was issued commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.[55]

(13) [Repealed][56]

(14) However, the issue of a temporary premises certificate does not affect the application of —

(a) the *Town and Country Planning Act 1999*[1]; or

(b) an enactment amending or construed with that Act, whether passed before or after this Act.[57]

12D Certificate conditions

(1) The authorisation conferred by a temporary premises certificate is subject to any conditions specified in it.

(1A) The temporary premises certificate must include a condition that states the date of expiry of the certificate, which must not be a date later than 21 days from its issue.

(1B) For the avoidance of doubt, the expiry date specified may be varied under section 12E.

(2) Subsections (3) to ~~(6)~~ (7) do not limit subsection (1).

[1] c.9

(3) The certificate may specify conditions as to —

(a) the form, substance and timing of the advertising of the prescribed games to be played on the premises;

(b) the facilities and amenities to be provided in connection with the playing of the prescribed games;

(c) the works to be done to the premises to make them suitable for the purpose of the playing of the prescribed games;

(d) the levying of charges in connection with the entry to the premises and the playing of the prescribed games and the accounting for such charges;

(e) the extent (if any) that the holder of the casino licence to whom the certificate is issued or the person or body who is to be involved in promoting or organising the playing of prescribed games on the premises (in conjunction with the holder of the casino licence) is to be precluded from making a loan or otherwise providing or allowing a person credit or enabling a person's debt to be reduced or released —

(i) so that the person may play a prescribed game; or

(ii) in respect of loss incurred by the person by playing the game; and

(f) any other prescribed matters.

(4) The certificate may include a condition that only part of the certificate (or an extract from it) is required to be displayed prominently on the premises for the purpose of section 12C(11).

(5) The certificate may include conditions requiring the holder of the casino licence to whom the certificate was issued or the person or body who is to be involved in promoting or organising the playing of prescribed games on the premises (in conjunction with the holder of the casino licence) to account for and pay at the intervals specified in the certificate a royalty consisting of the proportion of the gross daily receipts so specified.

(6) For the purpose of subsection (5), "gross daily receipts" means —

(a) in a case where a bet or stake made during the playing of a prescribed game is accepted, the total amount taken in bets or stakes at all such games played on any day after deducting the total amount of all winnings paid out to persons making such bets or stakes;

(b) in a case where no bet or stake is made but a fee is charged for the use of facilities and staff in connection with the playing of a prescribed game, the total amount taken in fees at all such games played on any day; and

(c) in a case which in the opinion of the Board does not fall within either paragraph (a) or (b) or, although falling within one or other

paragraph, operates so as to produce royalties which the Board considers to be disproportionately low in comparison with the profit accruing or believed to be accruing (directly or indirectly) out of the playing of a prescribed game, an amount calculated in the manner which the Board and the holder of the casino licence or the person or body who is to be involved in promoting or organising the playing of prescribed games on the premises (as the case may be) agree or, in default of agreement, as may be determined by a court of summary jurisdiction.

(7) The certificate may include conditions requiring the holder of the casino licence to whom the certificate was issued or the person or body who is to be involved in promoting or organising the playing of prescribed games on the premises (in conjunction with the holder of the casino licence) —

(a) to provide (or to procure others to provide) such security (real or personal or both), and to maintain (or to procure the maintenance of) such deposits and reserves, as are specified in or determined in accordance with the certificate for the payment of debts arising out of the playing of the prescribed games;

(b) to notify the Board straightaway if such security is realised or such deposits or reserves are called or drawn upon (including any new or substituted security, deposits or reserves provided under paragraph (c)); and

(c) in the case mentioned in paragraph (b), to ensure that any directions of the Board as to the provision of substituted security, deposits or reserves are complied with.

(8) If a condition of a temporary premises certificate is contravened, the holder of the casino licence to whom the certificate was issued commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.[58] [59]

12E Variation of certificate

(1) The Board may at any time, with the consent of the holder of the casino licence to whom a temporary premises certificate was issued, vary the certificate by varying the rooms —

(a) which may be used as gaming rooms; or

(b) in which liquor may be sold or supplied under a licence granted under section 12H(3).

(2) The Board may at any time —

(a) make a certificate subject to conditions or, as the case requires, further conditions; or

(b) vary or revoke a condition.

(3) The Board must give written notice to the holder of the casino licence to whom the certificate was issued of any decision to vary or revoke any condition under subsection (2) together with a statement of the reasons for the decision.[60]

12F Revocation or suspension of certificate

(1) The Board may at any time revoke or suspend a temporary premises certificate.

(2) The Board must give written notice to the holder of the casino licence to whom the certificate was issued of any decision to revoke or suspend a certificate under this section together with a statement of the reasons for the decision.

(3) If a certificate is revoked or suspended the authority conferred by the certificate immediately ceases.

(4) Where the Board suspends a licence under subsection (1), it must review the suspension on a regular basis.

(5) The Board may lift a suspension at any time.

(6) Where a certificate is revoked or suspended under subsection (1), no part of any fee or royalty payable under this Part is to be refunded.[61]

~~12G Appeals to the Gambling Appeals Tribunal~~

~~(1) The persons specified in subsection (2) may appeal, in accordance with rules made under section 8 of the *Tribunals Act 2006*[2], to the Gambling Appeals Tribunal.~~

~~(2) The persons are —~~

~~(a) the holder of the casino licence who applied for a temporary premises certificate who is aggrieved by a decision of the Board to —~~

~~(i) refuse to issue the certificate under section 12C(1);~~

~~(ii) issue a certificate subject to conditions under section 12D;~~

~~(iii) make a certificate subject to conditions or further conditions under section 12E(2)(a);~~

~~(iv) vary or revoke a condition under section 12E(2)(b); or~~

~~(v) revoke or suspend a certificate under section 12F; and~~

~~(b) a person who objected in writing to the issuing of a certificate and whose objections the Board considered to be without justification.~~

~~(3) On the determination of an appeal under this section the Tribunal must confirm, vary or revoke the decision in question.~~

[2] c.1

~~(4) The variation or revocation of a decision does not affect the previous operation of that decision or anything duly done or suffered under it.~~

~~(5) A decision of the Tribunal on an appeal under this section is binding on the Board and the appellant.~~

~~(6) However, an appeal lies to the High Court, in accordance with rules of court, on a question of law from any decision of the Tribunal.~~

~~(7) Subsection (8) applies in the event that —~~

~~(a) rules have not been made (or do not have effect) under section 8 of the *Tribunals Act 2006* at the time the appeal is to be made; or~~

~~(b) the Tribunal is otherwise unable to act.~~

~~(8) The appeal under subsection (1) is to be made to a court of summary jurisdiction and, if the appeal is so made, references in this section to the Tribunal are to be construed as references to the court of summary jurisdiction for the purposes of the appeal.~~[62]

12H Sale of liquor

(1) If premises specified in a temporary premises certificate already comprise licensed premises under the *Liquor Licensing and Public Entertainments Act 2021*, that Act applies in respect of the licensing of those premises.[63]

(2) If the premises are not already licensed premises, or if a further licence is required in respect of the premises, —

(a) subsections (3) to (5) apply; and

(b) if a licence is granted under subsection (3), the *Liquor Licensing and Public Entertainments Act 2021* applies to the premises subject to the exceptions, adaptations and modifications specified in Schedule 1.[64]

(3) The Board may grant to the holder of a casino licence to whom a temporary premises certificate is to be issued a licence for the sale by retail of liquor in such room as may be specified in the certificate pursuant to section 12C(8)(h) or 12E(1)(b), subject to —

(a) any conditions prescribed, and applied to a licence under this subsection, by regulations under section 15(1) or (2) (regulations: determination of application) of the *Liquor Licensing and Public Entertainments Act 2021*; and[65]

(b) any other conditions specified in the licence.

(4) A licence under subsection (3) ceases to have effect when the temporary premises certificate to which it relates ceases to have effect.

(5) The Board may at any time vary a licence under subsection (3) by varying —

(a) the rooms on the premises in which the sale of liquor is licensed; or

(b) the conditions under subsection 3(b) subject to which the licence is granted.[66]

12I Defence in criminal proceedings

It is a defence in proceedings for an offence under section 35 of the *Liquor Licensing and Public Entertainments Act 2021* (gaming) for the person accused to prove that —

(a) the premises in question were a gaming room specified as such in a temporary premises certificate issued under section 12C and which had effect as such at the time of the commission of the alleged offence; and

(b) the acts in question took place in the course of playing a prescribed game in that room.[67]

12J Oversight

(1) The holder of the casino licence to whom a temporary premises certificate is issued must ensure that the playing of prescribed games on the premises in accordance with the certificate is carried out in accordance with this Part and any regulations made under section 12M.

(2) To this end, the holder of the casino licence must ensure that at least one of the persons named in the temporary premises certificate in accordance with section 12C(8)(j) is in attendance on the premises when prescribed games are played there.

(3) The Board may require the holder of the casino licence —

(a) to provide information; or

(b) to make a written report,

to the Board in relation to the exercise of its functions under this section, or such other matters connected with them as are specified in the requirement.

(4) The holder of the casino licence must comply with a requirement under subsection (3) —

(a) while the temporary premises certificate is in issue; and

(b) for 3 months after the authority conferred by the certificate has ceased.

(5) If subsection (2) is contravened or a requirement under subsection (3) is not complied with in a reasonable time, the holder of the casino licence commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.[68] [69]

12K Approval of management and staff

(1) Subject to subsection (3), a person specified in subsection (2) may not participate in the playing of a prescribed game in accordance with a temporary premises certificate unless the person —

(a) has been approved by the Board as being fit and proper to perform the function; and

(b) is the holder of a certificate to that effect issued by the Board.

(2) The following persons are specified for the purposes of subsection (1) —

(a) a person concerned in the management, regulation, supervision, control or administration of —

(i) the casino to whom the temporary premises certificate is issued;

(ii) a person or body named in the certificate as being involved in promoting or organising the playing of the prescribed games on the premises in respect of which the certificate is issued (in conjunction with the holder of a casino licence); and

(iii) the premises in respect of which the certificate is issued; or

(b) a person employed or engaged —

(i) by the holder of the casino licence to whom the certificate was issued;

(ii) by the person or body referred to in paragraph (a)(ii); or

(iii) in or about the premises.

(3) However, the specified person may so participate in the playing of the game if the nature of his or her employment requires the person to conduct the game so as to enable other persons to play it.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.[70] [71]

~~12L Inspection~~

~~(1) The Board may appoint such persons ("inspectors") as it considers necessary to carry out inspections of premises in respect of which a temporary premises certificate is in issue for the purpose of ensuring that the requirements of this Part and regulations under section 12M are observed.~~

~~(2) An inspector must act in accordance with general or specific instructions given by the Board.~~

~~(3) A person specified in section 12K(2) must cooperate with a person specified in subsection (4) by —~~

~~(a) allowing free and unhindered access to all areas of the premises;~~

~~(b) answering all questions posed; and~~

~~(c) providing access to information and records as required and in the form specified.~~

~~(4) The persons are —~~

~~(a) a member or officer of the Board;~~

~~(b) an inspector appointed under subsection (1).~~

~~(5) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.[72] [73]~~

12M Regulations under this Part

(1) The Board may by regulations provide for anything it considers to be necessary or expedient —

(a) for the granting of temporary premises certificates and the regulation and good conduct of gaming carried out at such premises; or

(b) otherwise to give effect to this Part.

(2) Without limiting subsection (1), the Board may make regulations for any of the following purposes —

(a) to prescribe the games which may be played in gaming rooms on the premises and to prohibit the playing of games not so prescribed;

(b) to regulate the stakes for which prescribed games may be played on the premises;

(c) to regulate, prohibit or control the fees which may be charged for entry to the premises (or any part of the premises) for the purpose of playing prescribed games, or for the right to play in any game in the gaming rooms;

(d) to regulate, prohibit or control the making of a loan to a person, the provision or allowance of credit to a person or other measures which enable a person's debt to be reduced or released —

(i) so that the person may play a prescribed game; or

(ii) in respect of loss incurred by the person by playing the game;

(e) to provide for the oversight by the holder of the casino licence to whom the certificate was issued of the playing of prescribed games on the premises;

~~(f) to provide for the supervision of the playing of prescribed games on the premises by the Board, constables, inspectors and others;~~

(g) to prescribe the hours during which gaming rooms may be operated, and to prohibit the playing of a prescribed game in a gaming room on Good Friday or Christmas Day;

(h) to prohibit, except with consent in writing of the Board, the entry into the premises, or any part of the premises as may be specified in the regulations, of any person under such age (not exceeding 18 years) as may be so specified;

(i) to regulate —

(i) the giving of notice of applications for certificates; and

(ii) the advertising of gaming to be carried out on the premises;

(j) to regulate any entertainment provided on the premises; and

(k) to regulate the staff who may be employed on the premises and to prescribe fees for certificates which may be issued in respect of such staff.

(2A) Regulations under subsection (1) may —

(a) confer a function on a specified person or body (including the Board) and a function conferred may, in particular, be a power or duty to exercise a discretion;

(b) without limiting paragraph (a), confer a function on a specified person or body (including the Board) to approve forms of notices or approve technology;

(c) require holders of a licence or any person or body involved in promoting or organising the playing of prescribed games on the premises (in conjunction with the holder of the casino licence) to comply with such standards, rules, regulations, codes or guidance as are from time to time in operation and made or issued by the Board or any other person whether in the Island or elsewhere.

(3) Regulations under this section may apply regulations made under section 11 (which pertain to casinos), subject to such exceptions, adaptations and modifications as the Board thinks fit.

(4) Unless regulations are made under this section, regulations under section 11 have effect in respect of games played on premises under this Part unless the context otherwise requires.

(5) Regulations under this section may apply to premises specified in a temporary premises certificate the provisions of Parts I, II and V of the *Gaming (Amendment) Act 1984*[3], subject to such exceptions, adaptations and modifications as the Board thinks fit.

(6) Regulations under this section may provide for their contravention to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.[74] [75]

[3] c.17

12N Rules of games played under this Part

(1) The Board may make rules regulating the manner in which a prescribed game is to be played on premises in respect of which a temporary premises certificate is in issue.

(2) Without limiting subsection (1), rules under this section may apply rules made under section 12 (which pertain to games played in a casino), subject to such exceptions, adaptations and modifications as the Board thinks fit.

(3) Unless rules are made under this section, rules under section 12 have effect in respect of games played on premises under this Part unless the context otherwise requires.[76]

PART III – CASINO CONCESSIONS

13 Casino concession

(1) Subject to the provisions of this section and sections 14 and 21, the Council of Ministers may by an instrument in writing (in this Part called a "**concession**") undertake to grant a casino licence to a person named therein (in this Part called "**the concessionaire**") who intends to provide premises specified in the concession which are to be or to include a casino.[77]

(2) The casino licence granted in pursuance of a concession shall be in respect of the premises specified in the concession or, as the case may be, that part of those premises which is to be a casino.

(3) The undertaking by the Council of Ministers contained in concession shall be subject to —

(a) sections 3 to 6; and

(b) the provision by the concessionaire of the premises specified in the concession —

(i) within a time or in accordance with a time-table so specified;

(ii) in accordance with plans and specifications approved by the Board; and

(iii) to the satisfaction of the Board.[78]

(4) The Council of Ministers shall not grant a concession to any person unless ~~he~~ that person appears to the Council of Ministers to be a person to whom a casino licence may be granted by virtue of section 3(6) (except ~~paragraph (c)~~ paragraph (a)(v) or (b)(ix)).[79]

(5) The Council of Ministers may by notice in writing to the concessionaire revoke a concession —

(a) if ~~he~~ the concessionaire fails to complete the provision of the premises specified in the concession in accordance with subsection (3)(b); or

(b) if it is satisfied that any information given to the Council of Ministers by or in relation to ~~him~~ the concessionaire in connection with the grant of the concession or any other matter relating thereto was to ~~his~~ the concessionaire's knowledge false in any material particular.[80]

(6) The Council of Ministers may, with the consent of the concessionaire, by an instrument in writing vary a concession —

(a) by the substitution of another person for the concessionaire; or

(b) by varying the description of the premises to be provided by ~~him~~ the concessionaire or the time within which, or the timetable in accordance with which, they are to be provided.[81]

(7) Subsections (4) and (5)(b) apply to the variation of a concession under subsection (6)(a) as they apply to the grant of a concession.[82]

(8) ~~Section 6(1) and (3) (appeals)~~ Section 7 of the *Gambling (Amendment) Act 2006* (appeals to tribunal) applies to —

(a) the revocation of a concession under subsection (5); and

(b) the refusal by the Council of Ministers to grant a casino licence to the concessionaire in accordance with a concession;[83]

as it applies to a refusal ~~to renew a casino licence, and any such revocation or refusal may not, otherwise than in accordance with section 6(1),~~ to renew, or the revocation of, a casino licence by the Board, and any such revocation or refusal may not, otherwise than in accordance with section 7 of the *Gambling (Amendment) Act 2006*, be questioned in any legal proceedings whatever.

(9) In this section and section 14 references to the provision of premises include the erection of new premises and the conversion, extension, alteration or refurbishment of existing premises, and 'provided' shall be construed accordingly.

14 Deposits

(1) The Council of Ministers may before granting a concession require the concessionaire to deposit with the Treasury a sum to be provided in accordance with the concession.[84]

(2) Unless forfeited under subsection (4), a deposit shall be repaid to the concessionaire, with interest in accordance with subsection (3) from making of the same until repayment, on completion of the premises in accordance with section 13(3)(b).[85]

(3) The interest payable under subsection (2) shall be calculated at the rate from time to time payable by the Isle of Man Bank Limited on ordinary deposit accounts at 7 days' notice of withdrawal, compounded at 6-monthly rests.

(4) If the concession is revoked in accordance with section 13(5), a deposit shall, subject to any order made on appeal, be forfeited and paid into the general revenue of the Island.[86]

PART IIIA – INSPECTION AND INVESTIGATION

14A Inspection and investigation

Schedule 1A has effect in respect of the powers of inspection and investigation of the Board.

PART IV – MISCELLANEOUS AND SUPPLEMENTAL

14B Directions

(1) The Board may issue written directions under this section to the holder of a casino licence.

(2) A direction may —

(a) require the holder of a licence to comply with a request for information under paragraph 3 (requests for information for regulatory inspection purposes) of Schedule 1A (inspection and investigation);

(b) require the holder of a licence to take such action in respect of the holder's business as is specified in the direction;

(c) impose such requirements as are necessary to secure that any business carried on by the holder of a licence is in whole or in part suspended or discontinued; or

(d) where a holder of a licence intends to surrender a licence, require the person to take such action as is necessary to secure that any business carried on by the holder is in whole or in part discontinued and wound up,

and the direction must include a statement of the reasons for its issue.

(3) The Board may, on an application by the holder of a licence or of its own motion, vary or revoke a direction under this section and any variation or revocation of a direction must include a statement of the reasons for that variation or revocation.

(4) If a holder of a licence contravenes a written direction under this section, the Board may exercise any one or more of the following powers as appropriate —

(a) the refusal to renew the licence under section 5 (duration etc of casino licence);

(b) the suspension or revocation of the licence under section 5;

(c) the variation or revocation of any condition specified in a temporary premises certificate under section 12E (variation of certificate);

(d) the imposition of a new condition on the temporary premises certificate under section 12E;

(e) the suspension or revocation of a temporary premises certificate under section 12F (revocation or suspension of certificate);

(f) the variation of any licence issued by the Board for the sale by retail of liquor under section 12H (sale of liquor);

(g) the revocation of a certificate issued under section 12K(1)(b) (approval of management and staff);

(h) any of its powers under any regulations made under section 11 (regulations) or section 12M (regulations under this Part).

(5) In addition to being subject to the powers of the Board under subsection (4), if the holder of a casino licence fails to comply with a written direction issued under subsection (2)(d), the holder is guilty of an offence.

Maximum penalty (summary) – 6 months' custody or a fine of level 5 on the standard scale.

(6) In this section, a reference to the "holder's business" or "any business carried on by the holder" includes any business to which a temporary premises certificate relates.

14C Persons unfit to be directors, senior managers, controllers or owners

(1) If, on reasonable grounds, it appears to the Board that any —

(a) director or senior manager;

(b) controller; or

(c) beneficial owner,

of the holder of a licence is not a fit and proper person to continue as such, the Board may direct the holder of the licence and the person concerned that such person must not continue as a director, senior manager, controller or beneficial owner, without the written consent of the Board.

(2) In deciding whether to issue a direction under subsection (1), the Board may have regard (among other things and with any necessary modifications) to the matters mentioned in section 3(6A).

(3) The Board must give written notice to the holder of the licence and to the person concerned of any decision to make a direction under this section together with a statement of the reasons for the decision.

(4) Subject to subsection (5), if a notice has been given under subsection (3), the direction shall take effect —

(a) if no appeal under section 7 (appeal to Tribunal) of the *Gambling (Amendment) Act 2006* is made before the end of the period of one month beginning with the date of the decision to make a direction, on the expiry of that period; or

(b) if there is an appeal under section 7 of the *Gambling (Amendment) Act 2006* —

(i) where the appellant abandons the appeal, on the date of the abandonment;

(ii) where the decision of the Board is confirmed, on the date of confirmation; or

(iii) where the decision of the Board is varied, on such date as the Gambling Appeals Tribunal directs.

(5) If the Board is of the opinion that a direction should have immediate effect, the notice under subsection (3) must contain a statement to that effect together with the reasons for that opinion, and the direction shall have effect on the giving of the notice.

(6) Any direction or consent given by the Board under subsection (1) may be —

(a) given subject to conditions;

(b) varied from time to time;

(c) revoked at any time,

and the Board must give written notice to the holder of the licence and to the person concerned of any decision to exercise the power conferred by paragraph (a), (b) or (c).

(7) A person must not continue in any of the roles referred to in subsection (1) in contravention of a direction under this section.

(8) It is the duty of a holder of a licence to take reasonable care not to continue the appointment of a person in contravention of a direction under this section.

15 Power of court to prohibit persons convicted of offences from entering casino

(1) Where any person is convicted by a court of an offence and the court is of the opinion that by reason of the nature of that offence, or of the circumstances under which it was committed, it is undesirable that the person so convicted should be permitted to enter a casino or any part or

parts thereof, the court may make an order prohibiting him from entering a casino or the parts or parts thereof specified in such order, for such period as may be specified therein.

(1A) For the purposes of subsection (1), premises in respect of which a temporary premises certificate is in issue under Part IIA (temporary premises certificates) are to be treated as parts of the casino of the holder of the casino licence specified in the certificate."[87]

(2) Where a court makes an order under the provisions of subsection (1), the clerk of that court shall as soon as practicable serve a copy of the order on every person who is the holder of a casino licence.

(3) Every person who contravenes an order under subsection (1) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.[88]

16 [Repealed][89]

17 Licences etc not to be assigned

Subject to section 13(6)(a), neither a casino licence nor the benefit of any undertaking on the part of the Board contained in a concession shall be capable of being assigned.

18 Prohibition of use of word 'casino'

(1) Without prejudice to regulations under section 11, no person shall use the word 'casino' as the name or as part of the name of any trade or business premises unless the same are a casino or a part of a casino.

(1A) Nothing in subsection (1) applies to the use, in accordance with regulations under section 21 of the *Online Gambling Regulation Act 2001*, of the word 'casino' in relation to the conduct of online gambling authorised by a licence under section 4 of that Act.[90]

(2) Any person contravening subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.[91]

~~19 Right of constables etc to enter casino~~

~~(1) A constable or an inspector may at any time enter a casino or any part thereof for the purpose of preventing or detecting the commission of any offence against this Act or regulations made thereunder .~~

~~(2) If any person, himself or by any person in his employ or acting with his consent, without reasonable excuse fails or refuses to admit a constable or inspector who demands entry to a casino or any part thereof in pursuance~~

~~of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.[92]~~

~~(3) For the purposes of this section, premises in respect of which a temporary premises certificate is in issue under Part IIA (temporary premises certificates) are to be treated as parts of the casino of the holder of the casino licence specified in the certificate.[93]~~

19A Offence in connection with information

A person who —

(a) furnishes or sends to the Board for any purposes under this Act a document which the person knows is false or misleading in a material particular;

(b) recklessly furnishes or sends to the Board for the purposes of this Act a document which is false or misleading in a material particular;

(c) in furnishing information to the Board for the purposes of this Act —

(i) makes a statement which the person knows to be false or misleading in a material particular; or

(ii) recklessly makes a statement which is false or misleading in a material particular; or

(d) without reasonable excuse, fails to furnish information which that person is required to furnish to the Board under this Act,

is guilty of an offence.

Maximum penalty —

(a) (summary) – 6 months' custody or a fine of level 5 on the standard scale; or

(b) (information) - 2 years' custody or a fine.

20 Offences by body corporate

Where a person convicted of an offence against this Act, or against any regulations made thereunder, is a body corporate, every person who at the date of the commission of the offence was a director or officer of the body corporate shall also be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge.

21 Approval of orders and regulations

None of the following shall have effect unless it has or they have been approved by Tynwald —

(a) [Repealed][94]

(b) regulations under section 11 or section 12M[95];

(c) a concession;

(d) [Repealed][96]

(e) a casino licence granted otherwise than pursuant to a concession.

22 Interpretation

(1) In this Act —

"**associate**" means —

(a) in relation to any individual —

(i) the parent, spouse, civil partner, child, stepchild or sibling of the individual;

(ii) any body corporate of which that individual is a director;

(iii) a partner or employee of that individual; or

(iv) any person with whom the individual is known to have a close relationship;

(b) in relation to a body corporate —

(i) any director or employee of that body;

(ii) any subsidiary of that body;

(iii) any holding company of that body;

(iv) any subsidiary of that holding company;

(v) any director of any such holding company or subsidiary; or

(vi) any person with whom the body corporate is known to have a close relationship;

(c) in relation to an individual or a body corporate, any person with whom the individual or body corporate has an agreement, arrangement or other obligation —

(i) in respect of the acquisition, holding or disposal of shares or interests in a body corporate; or

(ii) to act together in exercising voting power with respect to such a body corporate;

"**associated premises**", in relation to a casino, means premises specified in the licence pursuant to section 3(1A)(b);[97]

~~"**beneficial owner**" and "**beneficial ownership**" shall be construed in accordance with section 7(5);~~

"**beneficial owner**" means a natural person who ultimately owns or controls a legal entity, in whole or in part, through direct or indirect ownership or control of shares or voting rights or other ownership interest in that entity, or who exercises control via other means;

"**the Board**" means the Isle of Man Gambling Supervision Commission;[98]

"**casino**" means premises specified in a casino licence pursuant to section 3(l);

"**casino licence**" means a licence granted under section 3;

"**concession**" means an instrument in writing made pursuant to section 13(1);

"**controller**" means —

(a) a person who either alone or with any associate or associates owns or controls, directly or indirectly —

(i) if the holder of a casino licence or another body corporate of which the holder is a subsidiary is a private company or a public company whose shares are not quoted on an exchange, 5% or more of the shares in that holder or that other body corporate; or

(ii) if the holder of a casino licence or another body corporate of which the holder is a subsidiary is a public company whose shares are quoted on an exchange, 20% or more of the shares in that holder or that other body corporate;

(b) a person who either alone or with any associate or associates owns or controls, directly or indirectly —

(i) if the holder of a casino licence or another body corporate of which the holder is a subsidiary is a private company or a public company whose shares are not quoted on an exchange, 5% or more of the voting power at any general meeting of that holder or that other body corporate; or

(ii) if the holder of a casino licence or another body corporate of which the holder is a subsidiary is a public company whose shares are quoted on an exchange, 20% or more of the voting power at any general meeting of that holder or that other body corporate;

(c) a person who is a director of the holder of a casino licence or of another body corporate of which that holder is a subsidiary;

(d) a person who is a director of a corporate director of the holder of a casino licence or of another body corporate of which that holder is a subsidiary;

(e) a person who, on account of that person's financial contribution to the holder of a casino licence or another body corporate of which that holder is a subsidiary, has power to significantly influence or control the activities of the holder of a casino licence or of another body corporate of which that holder is a subsidiary;

(f) a person on whose non-financial contribution the holder of a casino licence, or a body corporate of which that holder is a subsidiary, places such considerable reliance as to be dependent on that contribution in order to function as it normally would;

(g) a person in accordance with whose directions or instructions one or more of the directors of the holder of a casino licence or of another body corporate of which that holder is a subsidiary are accustomed to act unless such director or directors are accustomed to so act by reason only that they do so on advice given by that person in a professional capacity;

(h) a person who has the power to appoint directors to the board of directors or other executive committees of the holder of a casino licence or of another body corporate of which that holder is a subsidiary and to remove them;

(i) a person who otherwise appears to the Board to be able to exercise significant influence or control over the holder of a casino licence or another body corporate of which that holder is a subsidiary,

and any reference to the holder of a casino licence (however expressed) in this definition is to be read as including a reference to an applicant for a casino licence (as the context requires);

"**data protection legislation**" has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018[4];

"**designated exchange**" means an investment exchange (not being a recognised exchange) for the time being included on the list of designated investment exchanges maintained by the Financial Conduct Authority of the United Kingdom;

"**employed**" includes employed or engaged under a contract of service, a contract for services or otherwise than under a contract;

"**equipment**" includes any computer, machine, electronic device, apparatus, software or other thing;

"**exchange**" means a recognised exchange or a designated exchange;

"**gaming**" means the playing of a game of chance for winnings in money or money's worth;

"**gaming room**" means a room in a casino used for gaming;

"**inspector**" means a person appointed or seconded as an inspector under section 2(2)(b);

"**liquor**" has the same meaning as in the *Liquor Licensing and Public Entertainments Act 2021*;[99]

"**prescribed**" means prescribed by regulations under section 11 or section 12M;[100]

~~"**quoted company**" means a company the shares in which are quoted on a recognised stock exchange in the United Kingdom;~~

[4] SD 2018/0145

~~"**relevant share**", in relation to a body corporate, means a share carrying the right to vote in all circumstances at a general meeting of the body, and "**relevant share capital**" has a corresponding meaning.~~;

"**recognised exchange**" means a body for the time being declared to be a recognised investment exchange by an order of the Financial Conduct Authority of the United Kingdom under section 290 of the Financial Services and Markets Act 2000 (of Parliament)[5];

"**senior manager**" means such person as appears to the Board to have significant powers or responsibilities with respect to any activities conducted or to be conducted by the holder of a casino licence or an applicant for such a licence.;

"**subsidiary**" means a body corporate (whether or not incorporated under the Companies Acts 1931 to 2004 or the *Companies Act 2006*) that is a subsidiary of another body corporate (whether or not incorporated under those Acts) and in determining whether one body corporate is a subsidiary of another the provisions of section 1 of the *Companies Act 1974* or section 220 of the *Companies Act 2006* shall apply (as the context requires), and "holding company" shall be construed accordingly;

"**temporary premises certificate**" has the same meaning as in section 12A (temporary premises certificate).

(2) The Treasury may by regulations amend the definitions of "**associate**", "**beneficial owner**", "**controller**", "**exchange**" or "**senior manager**".

Tynwald procedure – approval required.

23 Commencement and transitional provisions

(1) The following provisions of this Act shall come into operation on the passing of this Act —

section 2;

Parts II and III; and

sections 21 to 23 and 25;

but no casino licence shall be granted so as to come into force before the 20th March 1987.[101]

(2) The following provisions of this Act shall come into operation on the 16th December 1986 —

section 1;

section 24, so far as it relates to the provisions of Schedules 2 and 3 specified below;

paragraphs 2, 4 and 6(2)(b) of Schedule 2 and Part I of Schedule 3.[102]

[5] 2000 c.8

(3) This Act, other than the provisions specified in subsections (1) and (2), shall come into operation on the 20th March 1987.

24 Amendments

(1) The enactments specified in Schedule 2 are amended in accordance with that Schedule.

(2) [Repealed][103]

25 Short title

This Act may be cited as the Casino Act 1986.

SCHEDULE 1[104]

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO WHICH THE LIQUOR LICENSING AND PUBLIC ENTERTAINMENTS ACT 2021 APPLIES

[Section 8]

(1) References to a licence shall be construed as references to a licence under section 8(2) or 12H(3) of this Act (as the context requires) and "holder of a licence" and "licensed premises" shall be construed accordingly.

(2) The following provisions shall not apply —

Part 2 (licensing courts);

Part 4 (licences) except section 15;

sections 28 (alterations);

section 29 (display of notices at licensed premises);

section 35 (gaming on licensed premises);

section 39 (appeals);

section 47 (disqualification);

section 54 (inspection of premises).

SCHEDULE 1A

INSPECTION AND INVESTIGATION

[Section 14A]

1 Power of the Board

(1) The Board may exercise the powers in this Schedule for the purposes of the Board's functions under this Act.

(2) Those functions of the Board include —

(a) the functions of the Board under section 2 (duties of the Board);

(b) securing compliance with the provisions of this Act (and any statutory documents made under it) and any conditions of a casino licence or a temporary premises certificate issued under this Act;

(c) securing that any gaming at a casino (and associated premises) or at any premises in respect of which a temporary premises certificate is issued is conducted in a manner consistent with the regulatory objectives set out in section 5 (regulatory objectives) of the *Gambling Supervision Act 2010*.

(3) To avoid doubt, the powers of the Board under this Schedule may be exercised in relation to —

(a) the holder of a casino licence;

(b) a person who was the holder of a casino licence, but only in respect of or in connection with any transactions, matters or circumstances as occurred or existed when that person was such a holder.

2 Entry and inspection

(1) For a purpose mentioned in paragraph 1 (power of the Board), the Board may enter and inspect any premises that the Board reasonably believes are being or have been used as, or in connection with, —

(a) a casino; or

(b) premises in respect of which a temporary premises certificate is or was issued.

(2) The power of entry under this paragraph —

(a) may be exercised without a warrant;

(b) subject to subparagraph (3), may be exercised with or without consent and with or without giving prior notice; and

(c) must be exercised at a reasonable time.

(3) The power under this paragraph to enter premises without a warrant does not apply in relation to premises used wholly or mainly as a private

dwelling unless 24 hours' notice of the intended entry has been given to the occupier and the occupier consents to the person entering the premises.

(4) A person ("P") entering any premises by virtue of this paragraph may —

(a) be accompanied by such persons, and may take onto the premises such equipment, as P thinks necessary;

(b) request any person on the premises to provide such assistance or information as P may reasonably require;

(c) inspect any part of the premises and inspect, examine and test any equipment on the premises;

(d) inspect or examine any books, accounts, documents and information (in whatever form they are held) on the premises or accessible from the premises and take possession of any such books, accounts, documents and information;

(e) have access to, and inspect and examine the operation of, any electronic device and any associated apparatus or material which is or has been in use in connection with any books, accounts, documents or information;

(f) take copies of any books, accounts, documents and information and, in the case of any information kept in electronic form, require such information to be produced in a form in which it can be taken away and in which it is visible or legible or from which it can be readily produced in a visible and legible form;

(g) request any person having charge of, or otherwise concerned with the operation of, any equipment to afford P such assistance as P may reasonably require;

(h) seize, remove and retain anything (including documents and equipment) if P reasonably believes that it constitutes or contains evidence of —

(i) the commission of an offence under this Act;

(ii) the breach of a term or condition of a casino licence or temporary premises certificate issued under this Act; or

(iii) non-compliance with any provision of this Act;

(i) take any other steps in relation to anything referred to in subparagraph (4)(h) as appear to be necessary for preserving it and preventing interference with it.

(5) Nothing in this paragraph —

(a) compels a person to disclose any items subject to legal privilege (within the meaning of section 13 of the *Police Powers and Procedures Act 1998*); or

(b) confers a right on a person who enters premises in exercise of a power under this paragraph to seize any items subject to legal privilege.

3 Requests for information for regulatory inspection purposes

(1) The Board may request any person whom it reasonably believes may hold information that the Board reasonably requires for a purpose mentioned in paragraph 1 (power of the Board) to provide that information to the Board.

(2) Without affecting the generality of subparagraph (1), the power to request any person to provide information under this paragraph includes the power to request information from —

(a) a person who is or has been the holder of a casino licence ("O");

(b) any person other than O, including (without limitation) —

(i) a person who is or has been an employee of O;

(ii) a person who is or has been a controller or beneficial owner of O;

(iii) a person that provides or has provided services to O or a person who is or has been an employee of such a person;

(iv) a person who is or has been involved in promoting or organising the playing of games on premises in respect of which a temporary premises certificate is or has been issued to O; or

(v) a person that is or was an associate of O;

(3) Without affecting the generality of subparagraph (1), the Board may request information about —

(a) the affairs of any person who is or has been a customer of O or who has requested to be a customer of O;

(b) any body corporate that is or has been —

(i) a holding company, subsidiary or related company of O;

(ii) a subsidiary of a holding company of O;

(iii) a holding company of a subsidiary of O;

(iv) a body corporate in respect of which a shareholder, controller or beneficial owner of O, either alone or with any associate or associates, is or has been entitled to exercise, or control the exercise of, 25% or more of the voting power at a general meeting or a meeting of the board of directors;

(c) any partnership of which O is or has been a member;

(d) any person who is or has been a controller or beneficial owner of O;

(e) any hosting services provided to O; or

(f) any other services provided to O.

(4) The power to request any person to provide information under subparagraph (1) includes the power to request a person to produce a document.

(5) If the Board has made a request of a holder of a casino licence, the Board may issue a direction under section 14B (directions) to that holder to secure that effect is given to a request under this paragraph.

(6) A statement given by a person in response to such a direction may not be used in evidence against that person in respect of any criminal proceedings except proceedings alleging contravention of section 19A (offences in connection with information) or paragraph 8 (offences).

(7) A person shall not be under an obligation under this paragraph to disclose any items subject to legal privilege within the meaning of section 13 of the *Police Powers and Procedures Act 1998*.

(8) To avoid doubt, any person playing a prescribed game on premises in respect of which a temporary premises certificate is issued, is a customer of the holder of the temporary premises certificate.

(9) In this paragraph, "document" includes information recorded in any form and, in relation to any information kept in electronic form, references to its production include reference to producing the information in a form in which it can be taken away and in which it is visible and legible or from which it can be readily produced in a visible and legible form.

(10) In this paragraph —

(a) "related company", in relation to O, means a body corporate (other than a subsidiary of O) in which O holds a qualifying capital interest;

(b) "qualifying capital interest" means an interest in relevant shares of the body corporate which O holds on a long-term basis for the purpose of securing a contribution to its own activities by the exercise of control or influence arising from that interest;

(c) "relevant shares" means shares comprised in the equity share capital of the body corporate of a class carrying rights to vote in all circumstances at general meetings of the body;

(d) "equity share capital" has the same meaning as in section 1(5) of the *Companies Act 1974*;

(e) a holding of 20% or more of the nominal value of the relevant shares of a body corporate shall be presumed to be a qualifying capital interest unless the contrary is shown.

(11) The power in this paragraph may be exercised by the Board during an inspection of premises under paragraph 2 (entry and inspection) or otherwise.

4 Power of the Board to require information

(1) The Board may apply to a justice of the peace for a written instrument authorising the Board to exercise the powers in this paragraph.

(2) The justice of the peace may issue the written instrument if the justice of the peace is satisfied that there is good reason to do so for the purposes of investigating the affairs, or any aspect of the affairs, of any person, in so far as those affairs are relevant to a casino or any gaming that the person is or was operating or appears to be or have been operating.

(3) The Board may by notice in writing, accompanied by a copy of the instrument issued by the justice of the peace under subparagraph (2), require the person whose affairs are to be investigated or any other person whom the Board has reason to believe has relevant information, documents or equipment —

(a) to attend before the Board at a specified time and place to answer questions or otherwise furnish information with respect to any matter relevant to the investigation;

(b) to produce at a specified time and place any specified documents, class of documents or copies of documents which appear to the Board to be relevant to the investigation;

(c) to make available to the Board for inspection, examination or testing, at a specified time and place, any specified equipment which appears to the Board to be relevant to the investigation.

(4) If a person who is required to produce a document or copies of documents under subparagraph (3)(b) fails to do so, the Board may require that person to state, to the best of that person's knowledge and belief, where they are.

(5) If any documents are produced as required under subparagraph (3)(b), the Board may —

(a) take possession of all such documents for so long as the Board considers necessary;

(b) take copies or extracts from them; or

(c) require the person producing them to provide an explanation of any of them.

(6) A notice under subparagraph (3) must include a statement informing the person of the offences under paragraph 8 (offences) and section 19A (offences in connection with information).

(7) A person shall not be under an obligation under this paragraph to disclose any items subject to legal privilege within the meaning of section 13 of the *Police Powers and Procedures Act 1998*.

(8) A statement given by a person in response to a requirement imposed under this paragraph may not be used in evidence against that person in respect of any criminal proceedings except proceedings alleging contravention of section 19A (offences in connection with information) or paragraph 8 (offences).

(9) In this paragraph "document" includes information recorded in any form and, in relation to any information kept in electronic form, references to its production include reference to producing the information in a form in which it can be taken away and in which it is visible and legible or from which it can be readily produced in a visible and legible form.

(10) If a person claims a lien on a document, its production under this paragraph is without prejudice to the lien.

5 Entry to premises under warrant

(1) The Board may apply to a Deemster for a warrant authorising the Board to enter any premises.

(2) A Deemster may issue the warrant only if, on information on oath laid by the Board, the Deemster is satisfied that —

(a) the Board would be permitted to enter the premises without a warrant in accordance with paragraph 2 (entry and inspection) and at least one of the conditions in subparagraph (3) is satisfied;

(b) a person has failed (wholly or in part) to comply with an obligation under paragraph 4 to furnish information, produce documents or make equipment available and there are reasonable grounds for suspecting that the information, documents or equipment are on the premises;

(c) there are reasonable grounds for suspecting that there are on the premises information, documents or equipment in relation to which the power in paragraph 4 could be exercised but if such a requirement were imposed it would not be complied with or might seriously prejudice the purpose of exercising that power; or

(d) there are reasonable grounds for suspecting that there are on the premises information, documents or equipment in relation to which the power in paragraph 4 could be exercised but it is not practicable to serve a notice under paragraph 4(3) in relation to them.

(3) Those conditions are —

(a) entry to the premises has been refused or is likely to be refused;

(b) the purpose of entry may be frustrated or seriously prejudiced unless immediate entry to the premises can be secured; or

(c) the premises are unoccupied or the occupier is absent.

(4) A warrant issued by a Deemster may authorise any person named in the warrant ("P"), to do any one or more of the following —

(a) to enter any premises specified in the warrant, using such force as is reasonably necessary for the purpose;

(b) to search any such premises;

(c) to be accompanied by such persons, and take onto the premises such equipment, as P thinks necessary;

(d) to seize, remove and retain any information, documents or equipment appearing to be information, documents or equipment of the description specified in the application for the warrant or take any other steps in relation to such information, documents or equipment as appear to be necessary for preserving them and preventing interference with them;

(e) if it is not reasonably practicable to determine on the premises if information, documents or equipment is or contains something that is entitled to be seized under the warrant, to seize and remove such information, documents or equipment from the premises to enable that determination to be made;

(f) to require any person on the premises to provide such assistance or information as P may reasonably require;

(g) to inspect any part of the premises and inspect, examine and test any equipment on the premises;

(h) to inspect or examine any books, accounts, documents and information (in whatever form they are held) on the premises or accessible from the premises and take possession of any such books, accounts, documents and information;

(i) to have access to, and inspect and examine the operation of, any electronic device and any associated apparatus or material which is or has been in use in connection with any books, accounts, documents or information;

(j) to take copies of any books, accounts, documents and information and, in the case of any information kept in electronic form, require such information to be produced in a form in which it can be taken away and in which it is visible or legible or from which it can be readily produced in a visible and legible form;

(k) to require any person having charge of, or otherwise concerned with the operation of, any equipment to afford P such assistance as P may reasonably require;

(l) to seize remove and retain anything (including documents and equipment) if P reasonably believes that it constitutes or contains evidence of —

(i) the commission of an offence under this Act;

(ii) the breach of a term or condition of a casino licence or temporary premises certificate issued under this Act; or

(iii) non-compliance with any provision of this Act;

(m) take any other steps in relation to anything referred to in subparagraph (4)(l) as appear to be necessary for preserving it and preventing interference with it.

(5) Any person executing a warrant issued under this paragraph must be accompanied by a constable.

(6) A warrant issued under this paragraph ceases to have effect at the end of the period of one month beginning with the day it is issued.

(7) If the premises are unoccupied or the occupier is temporarily absent, on leaving the premises the person executing the warrant must —

(a) leave a notice on the premises stating that the premises have been entered under a warrant under this paragraph; and

(b) leave the premises as effectively secured against trespassers as that person found them.

(8) Nothing in this paragraph —

(a) compels a person to disclose any items subject to legal privilege (within the meaning of section 13 of the *Police Powers and Procedures Act 1998*); or

(b) confers a right on a person who enters premises in exercise of a power under this paragraph to seize any items subject to legal privilege.

(9) A statement given by a person in response to a requirement imposed under this paragraph may not be used in evidence against that person in respect of any criminal proceedings except proceedings alleging contravention of section 19A (offences in connection with information) or paragraph 8 (offences).

6 Seized goods

(1) If the Board seizes, removes or takes possession of anything under paragraph 2 (entry and inspection) or paragraph 5 (entry to premises under warrant), the Board must take reasonable steps as soon as reasonably practicable to —

(a) inform the person from whom they are seized, removed or taken that they have been seized, removed or taken; and

(b) provide that person with a written record of what has been seized, removed or taken.

(2) Anything seized, removed or taken under this paragraph may be retained for so long as it may be required for the purpose for which it was seized, removed or taken.

7 Authorisation

(1) The Board may authorise in writing such persons as it thinks appropriate to exercise on its behalf all or any of the powers under this Schedule.

(2) A person seeking to exercise a power under this Schedule must, if requested to do so, produce evidence of the person's identity and authority to do so.

8 Offences

(1) A person who, without reasonable excuse, —

(a) obstructs or fails to cooperate with any person who is exercising or seeking to exercise a power under paragraph 2 (entry and inspection) or paragraph 5 (entry to premises under warrant);

(b) fails to comply with a requirement imposed under paragraph 4 (power of the Board to require information),

is guilty of an offence.

(2) A person who —

(a) knows or suspects that an inspection or investigation by the Board is being or is likely to be carried out; and

(b) falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, information that the person knows or suspects is or would be relevant to such an inspection or investigation,

is guilty of an offence.

(3) It is a defence for a person charged with an offence under subparagraph (2) to prove that there was no intention of concealing the facts disclosed by the information from persons carrying out such an inspection or investigation.

Maximum penalty for this section —

(a) (summary) – 6 months' custody or a fine of level 5 on the standard scale; or

(b) (information) - 2 years' custody or a fine.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

Section 24(1)

[Sch 2 amended by Payment of Members' Expenses Act 1989 Sch 2, by SD439/04 and by Audit Act 2006 Sch 2, and amends the following Acts —

Betting Act 1970 q.v.

Gaming (Amendment) Act 1984 q.v.]

SCHEDULE 3[105]

ENDNOTES

Table of Endnote References

[1] S 1 heading amended by Casino (Amendment) Act 2012 s 4.
[2] Subs (1) substituted by Gambling (Amendment) Act 2006 Sch 3.
[3] Subs (2) repealed by Casino (Amendment) Act 2012 s 4.
[4] Subs (3) repealed by Casino (Amendment) Act 2012 s 4.
[5] Subs (4) repealed by Government Departments Act 1987 Sch 4.
[6] S 1A inserted by Gaming, Betting and Lotteries Act 1988 Sch 6 and amended by GC155/91.
[7] Para (a) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.
[8] Subs (2) repealed by Gambling (Amendment) Act 2006 Sch 3.
[9] Subs (1) amended by GC155/91.
[10] Subs (1A) inserted by Gaming, Betting and Lotteries Act 1988 Sch 6.
[11] Subss (2) to (5) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.
[12] Para (c) amended by GC155/91.
[13] Subs (6) amended by GC155/91.
[14] Subs (7) repealed by Miscellaneous Provisions Act 1986 Sch 2.
[15] Subs (8) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.
[16] Para (b) amended by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.
[17] Subs (9) amended by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[18] Subs (1) amended by Gaming, Betting and Lotteries Act 1988 Sch 6 and by GC155/91.
[19] Subs (2) amended by Gaming, Betting and Lotteries Act 1988 Sch 6 and by GC155/91.
[20] Para (za) inserted by Casino (Amendment) Act 2018 s 4.
[21] Para (a) substituted by Gaming, Betting and Lotteries Act 1988 Sch 6.
[22] Subpara (iii) inserted by Casino (amendment) Act 2018 s 4.
[23] Para (f) amended by Miscellaneous Provisions Act 1986 s 5.
[24] Para (h) amended by Gaming, Betting and Lotteries Act 1988 Sch 6.
[25] Subs (4) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.
[26] Para (c) amended by SD352/09.
[27] Subs (6) amended by Miscellaneous Provisions Act 1986 s 5.
[28] Subs (7) inserted by Casino (Amendment) Act 2018 s 4.
[29] Subs (3A) inserted by Gaming, Betting and Lotteries Act 1988 Sch 6.
[30] Subs (4) substituted by Gaming, Betting and Lotteries Act 1988 Sch 6 and amended by GC155/91.
[31] Subs (5) repealed by Casino (Amendment) Act 1990 Sch.
[32] Para (a) substituted by Gaming, Betting and Lotteries Act 1988 Sch 8.
[33] Para (c) amended by Liquor Licensing and Public Entertainments Act 2021 Sch 2, as amended by SD2022/0289.
[34] Subs (7) amended by Gaming, Betting and Lotteries Act 1988 Sch 6.
[35] Subs (11) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.

[36] Para (za) inserted by Casino (Amendment) Act 2018 s 5.
[37] Para (a) amended by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3, by Statute Law Revision Act 1997 Sch 1 and by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[38] Subs (1A) inserted by Casino (Amendment) Act 2018 s 5.
[39] S 5A inserted by Casino (Amendment) Act 1990 s 1.
[40] S 6 repealed by Gambling Supervision Act 2010 Sch 5.
[41] Definition of "the court" amended by SD352/09.
[42] Subs (1) amended by Licensing Act 1995 Sch 3 and by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[43] Para (a) amended by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[44] Subs (2) substituted by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.
[45] Subs (4) amended by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.
[46] Subs (4) amended by Gaming, Betting and Lotteries Act 1988 Sch 8.
[47] Subs (2) amended by Fines and Penalties Act 2024 Sch 5.
[48] Para (a) substituted by Gaming, Betting and Lotteries Act 1988 Sch 6.
[49] Para (b) repealed by Audit (Amendment) Act 2015 s 26.
[50] Para (c) repealed by Audit (Amendment) Act 2015 s 26.
[51] Subs (4) amended by Fines and Penalties Act 2024 Sch 5.
[52] Part IIA inserted by Casino (Amendment) Act 2012 s 5.
[53] S 12A inserted by Casino (Amendment) Act 2012 s 5.
[54] S 12B inserted by Casino (Amendment) Act 2012 s 5.
[55] Subs (12) amended by Fines and Penalties Act 2024 Sch 5.
[56] Subs (13) repealed by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[57] S 12C inserted by Casino (Amendment) Act 2012 s 5.
[58] Subs (8) amended by Fines and Penalties Act 2024 Sch 5.
[59] S 12D inserted by Casino (Amendment) Act 2012 s 5.
[60] S 12E inserted by Casino (Amendment) Act 2012 s 5.
[61] S 12F inserted by Casino (Amendment) Act 2012 s 5.
[62] S 12G inserted by Casino (Amendment) Act 2012 s 5.
[63] Subs (1) amended by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[64] Para (b) amended by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[65] Para (a) amended by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[66] S 12H inserted by Casino (Amendment) Act 2012 s 5.
[67] S 12I inserted by Casino (Amendment) Act 2012 s 5 and amended by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[68] Subs (5) amended by Fines and Penalties Act 2024 Sch 5.
[69] S 12J inserted by Casino (Amendment) Act 2012 s 5.
[70] Subs (4) amended by Fines and Penalties Act 2024 Sch 5.
[71] S 12K inserted by Casino (Amendment) Act 2012 s 5.
[72] Subs (5) amended by Fines and Penalties Act 2024 Sch 5.
[73] S 12L inserted by Casino (Amendment) Act 2012 s 5.
[74] Subs (6) amended by Fines and Penalties Act 2024 Sch 5.

[75] S 12M inserted by Casino (Amendment) Act 2012 s 5.
[76] S 12N inserted by Casino (Amendment) Act 2012 s 5.
[77] Subs (1) amended by GC155/91.
[78] Subs (3) amended by GC155/91.
[79] Subs (4) amended by GC155/91.
[80] Subs (5) amended by GC155/91. Para (b) amended by GC155/91.
[81] Subs (6) amended by Gaming, Betting and Lotteries Act 1988 Sch 6 and by GC155/91.
[82] Subs (7) amended by Miscellaneous Provisions Act 1986 s 5.
[83] Para (b) amended by GC155/91.
[84] Subs (1) amended by GC155/91 and by Casino (Amendment) Act 2018 s 6.
[85] Subs (2) amended by Casino (Amendment) Act 2018 s 6.
[86] Subs (4) amended by Casino (Amendment) Act 2018 s 6.
[87] Subs (1A) inserted by Casino (Amendment) Act 2012 s 6.
[88] Subs (3) amended by Fines and Penalties Act 2024 Sch 3.
[89] S 16 repealed by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[90] Subs (1A) inserted by Online Gambling Regulation Act 2001 Sch.
[91] Subs (2) amended by Fines and Penalties Act 2024 Sch 5.
[92] Subs (2) amended by Fines and Penalties Act 2024 Sch 5.
[93] Subs (3) inserted by Casino (Amendment) Act 2012 s 8.
[94] Para (a) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.
[95] Para 21(b) amended by Casino (Amendment) Act 2012 s 9.
[96] Para (d) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.
[97] Definition of "associated premises" substituted by Gaming, Betting and Lotteries Act 1988 Sch 6.
[98] Definition of "the Board" amended by Gaming, Betting and Lotteries (Amendment) Act 2001 s 12 and by Gambling (Amendment) Act 2006 s 3(2) and by Casino (Amendment) Act 2012 s 10.
[99] Definition of "liquor" inserted by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3 and amended by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[100] Definition of "prescribed" amended by Gaming, Betting and Lotteries Act 1988 Sch 6 and Casino (Amendment) Act 2012 s 10.
[101] Subs (1) substituted by Miscellaneous Provisions Act 1986 s 5.
[102] Subs (2) amended by Constitution (Executive Council) (Amendment) (No. 2) Act 1986 s 1.
[103] Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.
[104] Sch 1 substituted by Liquor Licensing and Public Entertainments Act 2021 Sch 2.
[105] Sch 3 repealed by Statute Law Revision Act 1992 Sch 2.