

Isle of Man

Ellan Vannin

AT 22 of 2006

GAMBLING (AMENDMENT) ACT 2006

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GAMBLING (AMENDMENT) ACT 2006

Received Royal Assent: *12 December 2006*
Announced to Tynwald: *12 December 2006*
Commenced: *31 August 2007*

AN ACT to amend Acts relating to the regulation of gambling; to change the name of the Isle of Man Gambling Control Commissioners; to transfer functions from the Department of Home Affairs; and for connected purposes.

PART 1 – LICENSING OBJECTIVES

1 and 2 [Repealed][1]

PART 2 – GAMBLING SUPERVISION COMMISSION

3 The Commission

(1) The body corporate known as the Isle of Man Gambling Control Commissioners is renamed "the Isle of Man Gambling Supervision Commission".

(2) In any enactment or other instrument, for "Gambling Control Commissioners" substitute "Gambling Supervision Commission" and for "Commissioners" where used to describe the "Gambling Control Commissioners" substitute "Commission".

(3) [Repealed][2]

PART 3 – AMENDMENT OF GAMBLING ACTS

4 Amendment of the *Online Gambling Regulation Act 2001*

The amendments of the *Online Gambling Regulation Act 2001* in Schedule 2 shall have effect.

5 Amendment of other gambling legislation

The amendments in Schedule 3 shall have effect.

PART 4 – APPEALS

6 The Gambling Appeals Tribunal

(1) There shall be a tribunal to be known as the Gambling Appeals Tribunal (in this Part referred to as "**the Tribunal**").

(2) The Tribunal is a Part 2 Tribunal for the purposes of the *Tribunals Act 2006* and shall consist of a chairperson appointed under that Act and two members drawn from a panel appointed in accordance with that Act.

(3) The panel shall be drawn from persons —

(a) who have appropriate experience; and

(b) who are independent of both the appellant and the Isle of Man Gambling Supervision Commission (in this Part referred to as "**the Commissioners**").

(4) If the *Tribunals Act 2006* is not in operation the chairperson and members of the Tribunal shall be appointed as necessary by the Council of Ministers.

7 Appeal to Tribunal

(1) Where the Commissioners —

(a) take any decision or action specified in Schedule 4, or

(b) in taking any such decision or action, impose or vary a condition, other than one required by an enactment to be imposed,

any person aggrieved by the decision, action or condition may appeal to the Tribunal.[3]

(2) An appeal under this section must be instituted before the end of the period of one month beginning with the date of the decision or action appealed against.

(3) But the Tribunal may permit an appeal to be instituted after the end of that period.

8 Stay pending appeal

(1) A decision or other action specified under section 19 of the *Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018* (public statements) shall have no effect while an appeal under section 7 —

(a) could be brought (ignoring the possibility of an appeal out of time under section 7(3)), or

(b) has been brought and has not yet been either finally determined or abandoned.[4]

~~(2) But when making such a decision or taking such other action the Commissioners may direct that subsection (1) shall not apply if the Commissioners are satisfied that it is in the public interest to do so (whether on grounds of urgency or otherwise).~~

(2) When making such a decision or taking such other action in the case of an operator that is not an individual, the Commissioners may direct that subsection (1) shall not apply if the Commissioners are satisfied that it is in the public interest to do so (whether on grounds of urgency or otherwise).

(3) When making such a decision or taking such other action in the case of an individual, the Commissioners may direct that subsection (1) shall not apply if the Commissioners are satisfied that —

(a) it is in the public interest to do so (whether on grounds of urgency or otherwise); and

(b) information about the individual's conduct that would be contained in the public statement is already in the public domain.

9 Powers of Tribunal

(1) On an appeal under section 7 against a decision or action taken by the Commissioners the Tribunal may —

(a) affirm the Commissioners' decision or action;

(b) quash the Commissioners' decision or action in whole or in part;

(c) substitute for all or part of the Commissioners' decision or action another decision or action of a kind that the Commissioners could have taken;

(d) add to the Commissioners' decision or action a decision or action of a kind that the Commissioners could have taken;

(e) remit a matter to the Commissioners (generally, or for determination in accordance with a finding made or direction given by the Tribunal);

(f) reinstate a lapsed or revoked licence, permit, certificate or registration.[5]

(2) In determining an appeal the Tribunal —

(a) may take account of evidence which was not available to the Commissioners;

(b) so far as practicable, shall seek to achieve the regulatory objectives set out in section 5(2) of the *Gambling Supervision Act 2010*; and

(c) shall have regard to —

(i) the matters specified in section 5(3) of that Act, and

(ii) any policy or strategy specified under section 5(4) of that Act.[6]

(3) Section 7 applies to a decision or action of the Commissioners following remittal under subsection (1)(e).

10 Rules

(1) Rules under section 8 of the *Tribunals Act 2006* (rules for tribunals) may —

(a) regulate the exercise of a right of appeal to the Tribunal;

(b) specify that a class of person is or is not to be treated as a party to proceedings before the Tribunal for the purposes of this Part;

(c) provide that a person who, without reasonable excuse, fails to comply with a requirement of a specified kind imposed by or in accordance with the rules commits an offence; and

(d) provide that a person guilty of an offence under paragraph (c) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.[7]

(2) This section is additional to but does not prejudice the generality of section 8 of the *Tribunals Act 2006*.

(3) If the *Tribunals Act 2006* is not in operation or no rules under section 8 of that Act apply in respect of the Tribunal, the Tribunal shall —

(a) adopt such practices and procedures as are best calculated to ensure that the proceedings are conducted fairly;

(b) have the power to summon witnesses and take evidence on oath;

(c) have the power to award costs and where the Tribunal has ordered the payment of the costs of one party to an appeal ("the judgment creditor") by another party ("the judgment debtor"), payment of those costs will be enforced by the judgment creditor in accordance with rules under section 8 of the *Tribunals Act 2006*.

11 Appeal from Tribunal

A party to proceedings before the Tribunal under section 7 may appeal on a point of law to the High Court.

PART 5 – MISCELLANEOUS AND GENERAL

12 Transfer of functions

Where an amendment in this Act has the effect of transferring —

(a) any function of the Department of Home Affairs to the Treasury; or

(b) any function of the Isle of Man Gambling Supervision Commission to the Treasury,

paragraph 5 of Schedule 2 to the *Government Departments Act 1987* shall, with the necessary modifications, apply in respect of that transfer as it applies in relation to any order under paragraph 1 of that Schedule.

13 Short title and commencement

(1) This Act may be cited as the Gambling (Amendment) Act 2006.

(2) The provisions of this Act shall come into operation on such day or days as may be appointed by order made by the Treasury and different provisions may be brought into operation on different days and for different purposes.[8]

(3) An order under subsection (2) may (without prejudice to the generality of the *Interpretation Act 2015*) —

(a) in particular, bring a provision of this Act into force for the purpose of enabling an advance application for a licence or permit to be made, considered and determined;

(b) include transitional provisions and saving provisions modifying the application of a provision of an enactment pending the commencement of, or pending the doing of anything under, a provision of another enactment;

(c) save, with or without modification, a provision repealed by this Act;

(d) make provision of a kind similar to provision made by a provision repealed by this Act;

(e) modify a provision of this Act for such a purpose.[9]

SCHEDULE 1[10]

SCHEDULE 2

AMENDMENTS RELATING TO ONLINE GAMBLING REGULATION ACT 2001

Section 4

[Sch 2 amended by Gambling Supervision Act 2010 Sch 5 and amended the following Act —

Online Gambling Regulation Act 2001 q.v.]

SCHEDULE 3

AMENDMENTS RELATING TO OTHER GAMBLING ACTS

Section 5

[Sch 3 amended the following Acts —

Gaming (Amendment) Act 1984 q.v.

Casino Act 1986 q.v.

Gaming Betting and Lotteries Act 1988 q.v.

Gaming, Betting and Lotteries (Amendment) Act 2001 q.v.]

SCHEDULE 4

DECISIONS SUBJECT TO APPEAL[11]

Section 7(1)(a)

Betting

1. The refusal to grant ~~or renew~~ a bookmaker's permit under section 14 of the *Gaming, Betting and Lotteries Act 1988* ("the 1988 Act").

1A The refusal to renew a bookmaker's permit granted under section 14 of the 1998 Act.

2. The cancellation of a bookmaker's permit under paragraph 17 of ~~Schedule I~~ Schedule 1 to the 1988 Act.

3. The refusal to grant~~, renew or transfer~~ a betting office licence under section 15 of the 1988 Act.

3A. The refusal to renew or transfer a betting office licence granted under section 15 of the 1988 Act.

3B. The refusal to approve a director under paragraph 15(1)(a) of Schedule 1 to the 1988 Act.

3C. The refusal to approve a person under paragraph 15(1)(b) of Schedule 1 to the 1988 Act.

4. The refusal to approve a designated official under section 17 of the 1988 Act.

5. The refusal to grant ~~of~~ a racecourse licence under section 22 of the 1988 Act.

5A. The grant of a racecourse licence under section 22 of the 1988 Act subject to conditions.

5B. The amendment or cancellation of a racecourse licence granted under section 22 of the 1988 Act.

6. The refusal to grant ~~of~~ a licence authorising the setting up, keeping and operation of a totalisator under section 24 of the 1988 ~~that~~ Act.

6A. The grant of a licence under section 24 of the 1988 Act subject to terms and conditions.

6B. The amendment or revocation of a licence granted under section 24 of the 1988 Act.

6C. The issue or variation of a direction under section 46A of the 1988 Act or the refusal to vary or revoke such a direction.

Lotteries

7. The refusal to vary the conditions of a society lottery under section 32(4) of the 1988 Act.

8. The refusal to authorise the promotion of a series of society lotteries under section 32(4A) of the 1988 Act.

8A. The granting of authorisation to promote a series of society lotteries under section 32(4A) of the 1988 Act subject to conditions.

9. The refusal to register a society under section 33 of the 1988 Act.

10. The cancellation of the registration of a society under section 33 of the 1988 Act.

11 . The refusal to register, or the revocation of the registration of, a person as the manager of a British society lottery under section 33A of the 1988 Act.

11A. The issue or variation of a direction under section 46A of the 1988 Act or the refusal to vary or revoke such a direction.

Casinos

12. The refusal to renew a casino licence under section 5 of the *Casino Act 1986* ("the 1986 Act").

13. The suspension or revocation of a casino licence under section 5 of the 1986 Act.

13A. The refusal to approve a director pursuant to a licence condition under section 4(3)(c) of the 1986 Act.

14. The imposition or variation of a condition specified in a licence for the sale of liquor under section 8 of the 1986 Act.

14A. The refusal to issue a temporary premises certificate under section 12C of the 1986 Act.

14B. The issue of a temporary premises certificate under section 12D of the 1986 Act subject to conditions.

14C. The variation or revocation of a condition to which a temporary premises certificate is subject under section 12E(2) of the 1986 Act or the making of a temporary premises certificate subject to conditions or further conditions under that section.

14D. The revocation or suspension of a temporary premises certificate under section 12F of the 1986 Act.

14E. The decision that an objection to the issuing of a temporary premises certificate is without justification under section 12C(4) of the 1986 Act.

14F. The issue or variation of a direction under section 14B of the 1986 Act or the refusal to vary or revoke such a direction.

14G. The issue or variation of a direction under section 14C of the 1986 Act or the refusal to vary or revoke such a direction.

Online gambling

15. The refusal to grant, ~~renew, vary or transfer~~ a licence under section 4 of the *Online Gambling Regulation Act 2001* ("the 2001 Act").

15A. The grant of a licence under section 4 of the 2001 Act subject to conditions (other than conditions required under section 6(2) of the 2001 Act).

15B. The refusal to renew, vary or transfer a licence granted under section 4 of the 2001 Act.

15C. The imposition of a condition under section 7(2A)(b)(ii) of the 2001 Act, or the stipulation that a condition remains in effect (or the duration for which it so remains) after surrender of a licence under section 7(2B) of the 2001 Act.

15D. The variation of a licence granted under section 4 of the 2001 Act pursuant to section 9(1) of the 2001 Act.

16. The ~~imposition or variation of~~ refusal to vary or cancel a condition specified in a licence granted under section 4 of the 2001 Act or the refusal to impose a new condition on such a licence pursuant to section 9(2) of the 2001 Act.

16A. The variation or cancellation of a condition specified in a licence granted under section 4 of the 2001 Act or the imposition of a new condition on such a licence pursuant to section 9(2) of the 2001 Act.

17. The refusal to approve a designated official under section 10 of the 2001 Act.

18. The withdrawal of approval of a designated official under section 10 of the 2001 Act.

19. The refusal to approve an operations manager under section 10A of the 2001 Act.

19A. The refusal to approve a director under section 12(2) of the 2001 Act.

20. The suspension or cancellation of a licence under section 13 of the 2001 Act.

21. The issue or variation of a ~~A~~ direction under section 15 of the 2001 Act or the refusal to vary or revoke such a direction.

21A. The issue or variation of a direction under section 15A of the 2001 Act or the refusal to vary or revoke such a direction.

21B The imposition of a condition under section 7(2A)(b) of the Online Gambling Regulation Act 2001, or the stipulation that a condition remains in effect (or the duration for which it remains in effect) after surrender of a licence under section 7(2B) of that Act.

Controlled machines

22. The refusal to grant~~, renew or amend~~ a certificate under section 3 of the *Gaming (Amendment) Act 1984* ("the 1984 Act").

22A. The refusal to renew or amend a certificate under paragraph 8 of Schedule 1 to the 1984 Act.

23. The revocation or suspension of a certificate under paragraph 9 of Schedule 1 to the 1984 Act.

24. On the grant of a certificate, the specification of any matter specified in the certificate ~~it~~ pursuant to paragraph 6(e) or (f) of Schedule 1 to the 1984 Act.

25. On the renewal of a certificate, the alteration of any matter specified in the certificate ~~it~~ pursuant to paragraph 6(e) or (f) of Schedule 1 to the 1984 Act.

26. The refusal to issue or renew ~~of~~ a licence under section 5 of the 1984 Act.

26A. The revocation of a licence under paragraph 3 of Schedule 3 to the 1984 Act.

27. The refusal to register a controlled machine under paragraph 2 of Schedule 2 to the 1984 Act.

28. The deletion from the register of a controlled machine under paragraph 3 of Schedule 2 to the 1984 Act.

28A. The issue or variation of a direction under section 12A of the 1984 Act or the refusal to vary or revoke such a direction.

Gambling generally[12]

29. Any decision made or action taken by the Commissioners under any of the sections listed in section 34(2) of the *Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018*.[13]

ENDNOTES

Table of Endnote References

[1] Ss 1 and 2 repealed by Gambling Supervision Act 2010 Sch 5.
[2] Subs (3) repealed by Gambling Supervision Act 2010 Sch 5.
[3] Subs (1) substituted by Gambling Supervision Act 2010 s 9.
[4] Subs (1) amended by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 10.
[5] Para (f) amended by Gambling Supervision Act 2010 s 9.
[6] Subs (2) substituted by Gambling Supervision Act 2010 s 9.
[7] Para (d) amended by Fines and Penalties Act 2024 Sch 5.
[8] ADO – see table below

SD Number	Provision	Date in Operation
SD 555/07	s.1 s.2 s.3, subject to transitional and saving provisions s.4 and Sch.2 with the exception of – • para 3(d) • para 6(c) • para 11 • para 13(b) • para 13(c) • para 13(d), subject to transitional and saving provisions s.5 and Sch.3, subject to transitional and saving provisions s.12 s.13 Sch.1, subject to transitional and saving provisions	31/08/2007
SD 604/08	Sch.2 paras 3(d), 6(c), 13(c) & 13(d), subject to transitional provision	17/07/2008
SD 2017/0380	Remaining provisions (ie. s. 6 to 11) Editorial Note - Sch 2 paras 11 and 13(b) (never operative) repealed by Gambling Supervision Act 2010 Sch 5.	21/12/2017

[9] Subs (3) amended by Interpretation Act 2015 s 106.
[10] Sch 1 repealed by Gambling Supervision Act 2010 Sch 5.
[11] Sch 4 added by Gambling Supervision Act 2010 s 9.
[12] Cross-heading inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 10.

[13] Para 29 inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 10.