



Isle of Man

Ellan Vannin

CASINO (AMENDMENT) BILL 2012

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Explanatory Memorandum

1. This Bill is promoted by the Treasury on behalf of the Gambling Supervision Commission (“the Commission”).
2. The Bill makes provision for the holder of a casino licence to obtain a temporary premises certificate which enables certain gaming to take place on the premises specified in the certificate for a limited period. The Bill amends the Casino Act 1986 and the Gaming, Betting and Lotteries Act 1988 and also consequentially amends certain other enactments.
3. Part 1 of the Bill (clauses 1 to 3) contains the Bill’s introductory provisions. It deals with the short title of the Bill, the Bill’s commencement and its automatic repeal (as it is a wholly amending Bill). The amendments to other enactments made by the Bill will not be affected by its repeal.
4. Part 2 of the Bill (clauses 4 to 11) contains amendments to the Casino Act 1986 (“the 1986 Act”). The principal amendment is to insert a new Part IIA into the Act dealing with temporary premises certificates (see clause 5). Paragraph 5 (below) provides further detail about this and paragraph 6 (below) specifies the other amendments which the Bill makes to the 1986 Act.
5. New Part IIA makes provision for the Commission to issue temporary premises certificates. New section 12A provides that a temporary premises certificate authorises certain gaming to be carried out for a limited period on premises which do not form part of a casino. New section 12B sets out the application process. Only the holder of a casino licence may apply for a certificate. However, the premises need not be in the occupation or ownership of the casino licence-holder. Before applying, the applicant must give notice of its intention to apply. People have the right to object. Under new section 12C, the Commission may reject the application or issue the certificate. However, all owners and occupiers of the premises must consent to the use of the premises for the gaming envisaged. Further, if objections are made which the Commission considers to be without merit, the objector is able to appeal against the Commission’s decision to issue a certificate. New section 12D enables the Commission to attach conditions to the issue of the certificate. New section 12E permits the Commission to vary certain terms of the certificate and to add, vary or revoke conditions. New section 12F provides that the Commission may revoke or suspend a certificate. New section 12G sets out a wide range of appeal options for applicants for certificates who are aggrieved by a decision of the Commission. Persons who objected to the issue of a certificate are also able to appeal if the Commission considers the objection to be without justification. New section 12H deals with liquor licensing. If the premises are already

licensed, no new provision is needed. If a licence is required, the Commission has power to grant it to the casino licence-holder who applied for the certificate. The licence ceases to have effect when the certificate ceases to have effect. New section 12I provides a person who is gaming on premises in accordance with a temporary premises certificate with a defence to a prosecution under section 37 of the Licensing Act 1995. If a licence has been granted under new section 12H, section 37 would not apply anyway. However, the provision is needed in respect of premises which are already licensed but which are not casinos. New section 12J deals with oversight. The casino licence-holder must ensure that the gaming under the certificate is carried out in accordance with new Part IIA and must provide information and reports to the Commission, if required. New section 12K makes provision requiring certain people to be approved by the Commission before they may participate in the gaming to which the certificate relates. They are, essentially, the management and staff of (a) the casino licence-holder, (b) the party involved in promoting or organising the gaming (in conjunction with the casino licence-holder) and (c) the premises mentioned in the certificate. New section 12L enables the Commission to appoint inspectors to ensure the requirements of Part IIA are met. New section 12M gives the Commission wide powers to make regulations which must be approved by Tynwald before they have effect. New section 12N also enables the Commission to make rules regulating the manner in which certain games may be played on premises in respect of which a certificate is in issue.

6. Clause 4 amends section 1 of the 1986 Act to remove some redundant provisions. Clause 6 amends section 15 of the 1986 Act so as to treat premises referred to in a temporary premises certificate as part of a casino thereby enabling a court to prohibit persons it convicts from entering such premises. Clause 7 amends section 16 of the 1986 Act to remove some redundant provisions. Clause 8 amends section 19 of the 1986 Act so as to treat premises referred to in a temporary premises certificate as part of a casino thereby enabling constables and inspectors (within the meaning of the 1986 Act) to enter such premises. Clause 9 amends section 21 of the 1986 Act so as to require regulations made under new Part IIA to be approved by Tynwald before coming into operation. Clause 10 amends section 22 of the 1986 Act to make minor amendments to the interpretation provisions of the 1986 Act. Clause 11 amends Schedule 1 to the 1986 Act which sets out how the Licensing Act 1995 is modified in its application to casinos. The amendment extends the application of the modifications to premises in respect of which a temporary premises certificate is in issue.
7. Part 3 of the Bill (clauses 12 to 15 and the Schedule) contains amendments to the Gaming, Betting and Lotteries Act 1988 (“the 1988 Act”) and makes some other consequential amendments. Clause 12 amends section 7 of the 1988 Act so as not to preclude the advertising of gaming to be played on premises in respect of which a temporary premises certificate is in issue. Clause 13 amends section 8 of the 1988 Act so as to exempt the application of sections 2 to 6 of that Act to gaming conducted in accordance with a temporary premises certificate. Clause

14 amends section 48 of the 1988 Act to expand the definition of “prescribed game” so as to include games prescribed by regulations under inserted section 12M of the 1986 Act. Clause 15 introduces the consequential amendments to the enactments specified in the Schedule.

8. The Bill is not expected to have any significant effect on public revenue, expenditure or personnel. However, it is anticipated that it will enable gambling tournaments to take place in the Island which it is hoped will generate public revenue.
9. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



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CASINO (AMENDMENT) BILL 2012

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Ellan Vannin

CASINO (AMENDMENT) BILL 2012

1 **A BILL** to amend the Casino Act 1986 to make provision for the holder of a
 2 casino licence to obtain a temporary premises certificate enabling gaming to
 3 take place on specified premises for a specified period; to make minor and
 4 consequential amendments to the Casino Act 1986, the Gaming, Betting and
 5 Lotteries Act 1988 and other enactments; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and
 consent of the Council and Keys in Tynwald assembled, and by the authority of the
 same, as follows:—

6 **PART 1 – INTRODUCTORY**

7 **1 Short title**

8 The short title of this Act is the Casino (Amendment) Act 2012.

9 **2 Commencement**

10 (1) This Act, other than section 1 and this section, comes into operation on
 11 the day appointed by order of the Treasury.

12 (2) The Treasury may by order make transitional and saving provisions
 13 which it considers necessary or expedient in connection with the
 14 commencement of any provision made by or under this Act.

15 **3 Automatic repeal**

16 (1) This Act is automatically repealed —
 17 (a) on the day after its promulgation; or
 18 (b) if all its provisions are not in operation on its promulgation, on
 19 the day after the last provision is brought into operation.
 20 (2) However, the repeal does not affect the continuing operation of any
 21 amendments to enactments made by this Act.

PART 2 – AMENDMENTS TO THE CASINO ACT 1986

4 Section 1 amended

In section 1 of the Casino Act 1986¹ (Isle of Man Gaming Board of Control) —

- (a) subsections (2) and (3) are repealed;
- (b) for the marginal note, substitute “Isle of Man Gambling Supervision Commission”.

5 Part IIA inserted

After Part II of the Casino Act 1986 (regulation of casino), insert —

“PART IIA – TEMPORARY PREMISES CERTIFICATES

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.

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.

¹ c.16



- 1 | (3) Before making the application, the applicant must ensure that a
2 | notice has been published in 2 newspapers published and
3 | circulating in the Island to the effect that —
- 4 | (a) the applicant is to make an application under this section;
5 | and
6 | (b) that unless written objection is made to the Board within
7 | one month of the date of publishing, the Board may issue
8 | the certificate.
- 9 | (4) The notice must also specify any prescribed information.
- 10 | (5) An application under subsection (1) is to be made in the form
11 | required by the Board and is to be accompanied by —
- 12 | (a) any documents and information which the Board requires;
13 | (b) a copy of the notice published under subsection (3); and
14 | (c) the prescribed fee.
- 15 | (6) Upon receipt of an application, the Board must —
- 16 | (a) within a reasonable time, publish notice of the application
17 | on its website; and
18 | (b) wait at least one month before issuing the certificate or
19 | refusing the application under section 12C(1).
- 20 | (7) The Board must notify the applicant within a reasonable time if it
21 | receives a written objection to the issuing of the certificate.
- 22 | (8) Regulations under section 12M may amend subsection (3) so as to
23 | specify a different manner of publication of the notice referred to
24 | in it.
- 25 | (9) However, before amending subsection (3), the Board must be
26 | satisfied that the amendment will lead to persons likely to be
27 | affected by such applications being better informed.

28 | **12C The certificate**

- 29 | (1) In relation to an application for a temporary premises certificate,
30 | the Board may —
- 31 | (a) issue the certificate; or
32 | (b) refuse the application.
- 33 | (2) However, the Board may issue the certificate only if it is satisfied
34 | that, in all the circumstances, it ought to do so.
- 35 | (3) In particular, the Board may not issue the certificate unless it is
36 | satisfied that each owner and each occupier of the premises has
37 | consented to the premises being used for the purposes of playing
38 | prescribed games in a manner consistent with the application

1 under section 12B(1) and any accompanying documents and
2 information required under section 12B(5).

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

5 (a) the objection has been withdrawn; or
6 (b) the Board decides that the objection is without justification,
7 and —

8 (i) the objector has not appealed to the Gambling
9 Appeals Tribunal under section 12G against the
10 Board's decision; or

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

13 (5) The Board must give —

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

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

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

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

26 (8) A temporary premises certificate must specify —

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

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

33 (c) the premises to which the certificate relates;

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

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

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

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

- 1 (h) the rooms on the premises in which liquor may be sold or
2 supplied under a licence granted under section 12H(3);
- 3 (i) the facilities and amenities which are to be provided on the
4 premises in connection with the playing of prescribed
5 games and the persons responsible for their provision;
- 6 (j) the names of the representatives of the holder of the casino
7 licence for the purposes of section 12J(2);
- 8 (k) any conditions subject to which it is issued;
- 9 (l) any other prescribed matters.
- 10 (9) Only a room specified in the certificate is to be used as a gaming
11 room on the premises (subject to section 12E(1)(a)).
- 12 (10) Only a room specified in the certificate is to be used as a room in
13 which liquor may be sold or supplied under a licence granted
14 under section 12H(3) (subject to section 12E(1)(b)).
- 15 (11) Unless conditions specified in accordance with section 12D
16 require otherwise, a temporary premises certificate (or a copy of
17 it) must be prominently displayed on the premises to which it
18 relates whilst it has effect.
- 19 (12) If subsection (9), (10) or (11) is contravened, the holder of the
20 casino licence to whom the certificate was issued commits an
21 offence and is liable on summary conviction to a fine not
22 exceeding £5,000.
- 23 (13) The Music and Dancing Act 1961² does not apply to premises in
24 respect of which a temporary premises certificate is in issue.
- 25 (14) However, the issue of a temporary premises certificate does not
26 affect the application of —
- 27 (a) the Town and Country Planning Act 1999³; or
28 (b) an enactment amending or construed with that Act,
29 whether passed before or after this Act.

30 12D Certificate conditions

- 31 (1) The authorisation conferred by a temporary premises certificate is
32 subject to any conditions specified in it.
- 33 (2) Subsections (3) to (6) do not limit subsection (1).
- 34 (3) The certificate may specify conditions as to —
- 35 (a) the form, substance and timing of the advertising of the
36 prescribed games to be played on the premises;

² XIX p.486

³ c.9

- 1 (b) the facilities and amenities to be provided in connection
2 with the playing of the prescribed games;
- 3 (c) the works to be done to the premises to make them suitable
4 for the purpose of the playing of the prescribed games;
- 5 (d) the levying of charges in connection with the entry to the
6 premises and the playing of the prescribed games and the
7 accounting for such charges;
- 8 (e) the extent (if any) that the holder of the casino licence to
9 whom the certificate is issued or the person or body who is
10 to be involved in promoting or organising the playing of
11 prescribed games on the premises (in conjunction with the
12 holder of the casino licence) is to be precluded from
13 making a loan or otherwise providing or allowing a person
14 credit or enabling a person's debt to be reduced or
15 released —
- 16 (i) so that the person may play a prescribed game; or
17 (ii) in respect of loss incurred by the person by playing
18 the game; and
- 19 (f) any other prescribed matters.
- 20 (4) The certificate may include a condition that only part of the
21 certificate (or an extract from it) is required to be displayed
22 prominently on the premises for the purpose of section 12C(11).
- 23 (5) The certificate may include conditions requiring the holder of the
24 casino licence to whom the certificate was issued or the person or
25 body who is to be involved in promoting or organising the
26 playing of prescribed games on the premises (in conjunction with
27 the holder of the casino licence) to account for and pay at the
28 intervals specified in the certificate a royalty consisting of the
29 proportion of the gross daily receipts so specified.
- 30 (6) For the purpose of subsection (5), “**gross daily receipts**” means —
- 31 (a) in a case where a bet or stake made during the playing of a
32 prescribed game is accepted, the total amount taken in bets
33 or stakes at all such games played on any day after
34 deducting the total amount of all winnings paid out to
35 persons making such bets or stakes;
- 36 (b) in a case where no bet or stake is made but a fee is charged
37 for the use of facilities and staff in connection with the
38 playing of a prescribed game, the total amount taken in
39 fees at all such games played on any day; and
- 40 (c) in a case which in the opinion of the Board does not fall
41 within either paragraph (a) or (b) or, although falling
42 within one or other paragraph, operates so as to produce
43 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 £5,000.

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.

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.

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 2006⁴, 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

⁴ c.1



- 1 (b) a person who objected in writing to the issuing of a
 2 certificate and whose objections the Board considered to be
 3 without justification.
- 4 (3) On the determination of an appeal under this section the Tribunal
 5 must confirm, vary or revoke the decision in question.
- 6 (4) The variation or revocation of a decision does not affect the
 7 previous operation of that decision or anything duly done or
 8 suffered under it.
- 9 (5) A decision of the Tribunal on an appeal under this section is
 10 binding on the Board and the appellant.
- 11 (6) However, an appeal lies to the High Court, in accordance with
 12 rules of court, on a question of law from any decision of the
 13 Tribunal.
- 14 (7) Subsection (8) applies in the event that —
- 15 (a) rules have not been made (or do not have effect) under
 16 section 8 of the Tribunals Act 2006 at the time the appeal is
 17 to be made; or
- 18 (b) the Tribunal is otherwise unable to act.
- 19 (8) The appeal under subsection (1) is to be made to a court of
 20 summary jurisdiction and, if the appeal is so made, references in
 21 this section to the Tribunal are to be construed as references to the
 22 court of summary jurisdiction for the purposes of the appeal.

23 12H Sale of liquor

- 24 (1) If premises specified in a temporary premises certificate already
 25 comprise licensed premises under the Licensing Act 1995⁵, that
 26 Act applies in respect of the licensing of those premises.
- 27 (2) If the premises are not already licensed premises, or if a further
 28 licence is required in respect of the premises, —
- 29 (a) subsections (3) to (5) apply; and
- 30 (b) if a licence is granted under subsection (3), the Licensing
 31 Act 1995 applies to the premises subject to the exceptions,
 32 adaptations and modifications specified in Schedule 1.
- 33 (3) The Board may grant to the holder of a casino licence to whom a
 34 temporary premises certificate is to be issued a licence for the sale
 35 by retail of liquor in such room as may be specified in the
 36 certificate pursuant to section 12C(8)(h) or 12E(1)(b), subject to —

⁵ c.8

1 (a) any conditions prescribed, and applied to a licence under
2 this subsection, by regulations under section 9(1) of the
3 Licensing Act 1995; and

4 (b) any other conditions specified in the licence.

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

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

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

12 (b) the conditions under subsection 3(b) subject to which the
13 licence is granted.

14 **12I Defence in criminal proceedings**

15 It is a defence in proceedings for an offence under section 37 of the
16 Licensing Act 1995 (gaming) for the person accused to prove that —

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

21 (b) the acts in question took place in the course of playing a
22 prescribed game in that room.

23 **12J Oversight**

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

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

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

34 (a) to provide information; or

35 (b) to make a written report,

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

- 1 (4) The holder of the casino licence must comply with a requirement
2 under subsection (3) —
3 (a) while the temporary premises certificate is in issue; and
4 (b) for 3 months after the authority conferred by the certificate
5 has ceased.
- 6 (5) If subsection (2) is contravened or a requirement under subsection
7 (3) is not complied with in a reasonable time, the holder of the
8 casino licence commits an offence and is liable on summary
9 conviction to a fine not exceeding £5,000.

10 12K Approval of management and staff

- 11 (1) Subject to subsection (3), a person specified in subsection (2) may
12 not participate in the playing of a prescribed game in accordance
13 with a temporary premises certificate unless the person —
14 (a) has been approved by the Board as being fit and proper to
15 perform the function; and
16 (b) is the holder of a certificate to that effect issued by the
17 Board.
- 18 (2) The following persons are specified for the purposes of subsection
19 (1) —
20 (a) a person concerned in the management, regulation,
21 supervision, control or administration of —
22 (i) the casino to whom the temporary premises
23 certificate is issued;
24 (ii) a person or body named in the certificate as being
25 involved in promoting or organising the playing of
26 the prescribed games on the premises in respect of
27 which the certificate is issued (in conjunction with
28 the holder of a casino licence); and
29 (iii) the premises in respect of which the certificate is
30 issued; or
31 (b) a person employed or engaged —
32 (i) by the holder of the casino licence to whom the
33 certificate was issued;
34 (ii) by the person or body referred to in paragraph
35 (a)(ii); or
36 (iii) in or about the premises.
- 37 (3) However, the specified person may so participate in the playing
38 of the game if the nature of his or her employment requires the
39 person to conduct the game so as to enable other persons to play
40 it.

- 1 (4) A person who contravenes subsection (1) commits an offence and
2 is liable on summary conviction to a fine not exceeding £5,000.

3 **12L Inspection**

- 4 (1) The Board may appoint such persons (“inspectors”) as it
5 considers necessary to carry out inspections of premises in respect
6 of which a temporary premises certificate is in issue for the
7 purpose of ensuring that the requirements of this Part and
8 regulations under section 12M are observed.
- 9 (2) An inspector must act in accordance with general or specific
10 instructions given by the Board.
- 11 (3) A person specified in section 12K(2) must cooperate with a person
12 specified in subsection (4) by —
- 13 (a) allowing free and unhindered access to all areas of the
14 premises;
 - 15 (b) answering all questions posed; and
 - 16 (c) providing access to information and records as required
17 and in the form specified.
- 18 (4) The persons are —
- 19 (a) a member or officer of the Board;
 - 20 (b) an inspector appointed under subsection (1).
- 21 (5) A person who contravenes subsection (3) commits an offence and
22 is liable on summary conviction to a fine not exceeding £5,000.

23 **12M Regulations under this Part**

- 24 (1) The Board may by regulations provide for anything it considers to
25 be necessary or expedient —
- 26 (a) for the granting of temporary premises certificates and the
27 regulation and good conduct of gaming carried out at such
28 premises; or
 - 29 (b) otherwise to give effect to this Part.
- 30 (2) Without limiting subsection (1), the Board may make regulations
31 for any of the following purposes —
- 32 (a) to prescribe the games which may be played in gaming
33 rooms on the premises and to prohibit the playing of
34 games not so prescribed;
 - 35 (b) to regulate the stakes for which prescribed games may be
36 played on the premises;
 - 37 (c) to regulate, prohibit or control the fees which may be
38 charged for entry to the premises (or any part of the

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- 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.
- (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 1984⁶, 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 £5,000.

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.”.

6 Section 15 amended

In section 15 of the Casino Act 1986 (power of court to prohibit persons convicted of offences from entering casino), after subsection (1) insert —

“(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.”.

7 Section 16 amended

In section 16 of the Casino Act 1986 (exemption from certain enactments), subsections (2), (5) and (6)(b) are repealed.

8 Section 19 amended

In section 19 of the Casino Act 1986 (right of constables to enter casino), after subsection (2) insert —

“(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.”.

⁶ c.17

1 **9 Section 21 amended**

2 For section 21(b) of the Casino Act 1986 (approval of orders and regulations)
3 substitute —

4 | “(b) regulations under section 11 or section 12M;”.

5 **10 Section 22 amended**

6 In section 22 of the of the Casino Act 1986 (interpretation) —

7 (a) in the definition of “the Board”, the words “(or, until the coming
8 into operation of section 1(1), the Isle of Man Gaming Board of
9 Control)” are repealed; and

10 (b) in the definition of “prescribed”, after “regulations under section
11 11” insert “or section 12M”.

12 **11 Schedule 1 amended**

13 (1) For the heading to Schedule 1 to the Casino Act 1986 substitute —

14 | **“EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS SUBJECT TO**
15 | **WHICH THE LICENSING ACT 1995 APPLIES”.**

16 (2) For paragraphs 1 and 1A of Schedule 1 to the Casino Act 1986
17 substitute —

18 | “1. References to a licence or an on-licence are to be construed as
19 | references to a licence under section 8(2) or 12H(3) of this Act (as
20 | the context requires) and “holder of a licence” and “licensed
21 | premises” are to be construed accordingly.

22 | 1A. Section 14 is to apply subject to the modification that —

23 | (a) the casino and any associated premises; and
24 | (b) any premises in respect of which a temporary premises
25 | certificate is in issue under Part IIA (temporary premises
26 | certificates),

27 | are to be treated as the premises in respect of which the relevant
28 | on-licence is granted.”.

PART 3 – AMENDMENTS TO THE GAMING, BETTING AND LOTTERIES ACT 1988

12 Section 7 amended

For section 7(2) of the Gaming, Betting and Lotteries Act 1988⁷ (restrictions on advertisements relating to gaming) substitute –

“(2) Subsection (1) does not apply to the following advertisements –

- (a) advertisements in accordance with regulations under section 11(2)(l) of the Casino Act 1986 of a casino and the games which may be played there or on its associated premises (within the meaning of that Act) by virtue of regulations under section 11(2)(d) of that Act; and
- (b) advertisements in accordance with regulations under section 12M of the Casino Act 1986 concerning premises in respect of which a temporary premises certificate is in issue under Part IIA of that Act and the games which may be played there by virtue of regulations under section 12M(2)(a) of that Act (or by virtue of regulations under section 11(2)(d) of that Act which have effect under section 12M(4) of that Act);”.

13 Section 8 amended

For section 8(a) of the Gaming, Betting and Lotteries Act 1988 (exemptions: general) substitute –

“(a) the playing of a prescribed game –

- (i) at a casino or on its associated premises (within the meaning of the Casino Act 1986); or
- (ii) on premises in respect of which a temporary premises certificate is in issue under Part IIA of that Act,

in accordance with that Act.”.

14 Section 48 amended

In section 48 of the Gaming, Betting and Lotteries Act 1988 (interpretation), for the definition of “**prescribed game**” in subsection (1) substitute –

“ “**prescribed game**” means a game prescribed by regulations under section 11(2)(d) or 12M of the Casino Act 1986 (as the context requires) and played in accordance with rules (if any) under section 12 or 12N of that Act (as the case may be);”.

⁷ c.17

- 1
- 2
- 3

15 Consequential amendments

The amendments specified in the Schedule have effect.

1

SCHEDULE

2

CONSEQUENTIAL AMENDMENTS

3

[Section 15]

4

Gaming (Amendment) Act 1984⁸

5

1 In section 2(1), after paragraph (b) insert —

6

“(ba) subject to section 12M(5) of the Casino Act 1986, premises in respect of which a temporary premises certificate is in issue under Part IIA of that Act;”.

7

8

9

Value Added Tax Act 1996⁹

10

2 In Group 4 of Part II to Schedule 10, in note (1) —

11

(a) in paragraph (b), for “section 11 of the Casino Act 1986” substitute “section 11 or 12M of the Casino Act 1986”;

12

13

(b) in paragraph (d), after “section 3 of the Casino Act 1986” insert “or on premises in respect of which a temporary premises certificate is in issue under Part IIA of that Act”.

14

15

16

Proceeds of Crime Act 2008¹⁰

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3 In paragraph 1(1)(k) of Schedule 4, after “the Casino Act 1986” insert “or on premises in respect of which a temporary premises certificate is in issue under Part IIA of that Act”.

18

19

20

Proceeds of Crime (Money Laundering) Code 2010¹¹

21

4 In paragraph (9) of Schedule 1, after “the Casino Act 1986” insert “or on premises in respect of which a temporary premises certificate is in issue under Part IIA of that Act”.

22

23

24

Note: The amendment in paragraph 4 has effect as if made in a code under section 157(1) of the Proceeds of Crime Act 2008 and may itself be amended in this way.

25

26

Prevention of Terrorist Financing Code 2011¹²

27

5 In paragraph (9) of Schedule 1, after “the Casino Act 1986” insert “or on⁸ c.17⁹ c.1¹⁰ c.13¹¹ SD 508/10¹² SD 503/11

1 premises in respect of which a temporary premises certificate is in issue under
2 Part IIA of that Act”.

3 *Note: The amendment in paragraph 5 has effect as if made in a code under section*
4 *27A(1) of the Terrorism (Finance) Act 2009¹³ and may itself be amended in this*
5 *way.*

¹³ c.8



IN THE KEYS

CASINO (AMENDMENT) BILL 2012

A BILL to amend the Casino Act 1986 to make provision for the holder of a casino licence to obtain a temporary premises certificate enabling gaming to take place on specified premises for a specified period; to make minor and consequential amendments to the Casino Act 1986, the Gaming, Betting and Lotteries Act 1988 and other enactments; and for connected purposes.

Approved by the Council of Ministers
for introduction in the House of Keys.

MR HENDERSON

MARCH 2012