



THE CASINO ACT 1986

THE CASINO REGULATIONS 1997

*Approved by Tynwald*

*22nd October 1997*

*Coming into operation*

*1st November 1997*

In exercise of the powers conferred on the Isle of Man Gaming Control Commissioners by section 11 of the Casino Act 1986(a), and of all other enabling powers, the following Regulations are hereby made:—

*General provisions*

**Citation, commencement and interpretation**

1. (1) These Regulations may be cited as the Casino Regulations 1997 and, subject to section 21 of the Act, shall come into operation on the 1st November 1997.

(2) In these Regulations —

"the accountant" means the accountant appointed under section 2(2)(a) of the Act.

"the Act" means the Casino Act 1986;

"the Board" means Isle of Man Gaming Control Commissioners;

"consent" means consent in writing;

"the director", in relation to a casino, means (subject to regulation 9(6)) the person appointed as director under regulation 9;

"licence" means a casino licence.

---

(a) 1986 c.16

## **Revocation**

2. The Casino Regulations 1987(b) and the Casino (Amendment) Regulations 1987(c) are revoked.

## *Administration*

### **Issue and form of renewal licence**

3. A licence granted by the Board by way of renewal under section 5(2) of the Act shall be issued by the secretary of the Board by the direction of the Board, and shall be signed by at least 2 members of the Board and counter-signed by the secretary.

### **Inquiries**

4. (1) If it appears to the Board that there are or may be reasonable grounds of complaint justifying —

- (a) the revocation or suspension of a licence, or
- (b) a refusal to renew a licence,

they shall hold an inquiry into the circumstances, which shall be in private unless the holder of the licence otherwise agrees in writing.

(2) The secretary of the Board shall give notice in writing of the Board's intention to hold an inquiry under this regulation to the holder of the licence not less than 14 days before the day fixed for the inquiry.

- (3) A notice under paragraph (2) shall specify —

- (a) the date and place of the inquiry;
- (b) the ground of complaint;
- (c) any further information which the Board consider necessary or desirable to enable the holder of the licence adequately to answer the complaint.

- (4) On the holding of an inquiry under this regulation —

- (a) the Attorney General or a person appointed by him for the purpose may, if the Board so desire, sit with the Board in all respects as though he were a member thereof, but shall not participate in any vote;

- (b) the grounds of complaint may be presented by oral or written evidence;
- (c) the holder of the licence shall be entitled to be present and may be represented by an advocate, and may —
  - (i) cross-examine any witness called in support of the complaint, and
  - (ii) call witnesses to give evidence in his support.

(5) As soon as practicable after holding an inquiry under this regulation and (in the case of a proposal to refuse to renew a licence) after consulting the Council of Ministers under section 5(4) of the Act, the Board shall cause notice in writing of its decision, with its reasons therefor, to be sent to the holder of the licence; and a notice under this paragraph may be combined with a notice under section 5(7) of the Act.

#### **Appointment and salary of accountant**

5. (1) The accountant shall be appointed by an instrument signed by the secretary of the Board and specifying the terms as to remuneration and otherwise subject to which he is appointed. The secretary of the Board shall send a copy of the instrument to the holder of every licence.

(2) Where more than one licence is in force, the Board shall determine in what proportions the salary of the accountant shall be borne by the holders of the licences, and shall give to every holder notice in writing of its determination.

(3) The salary of the accountant shall be paid to him by the Treasury on behalf of the Board.

(4) The holder of a licence shall on demand reimburse to the Treasury the gross amount of the salary of the accountant, or such part of that amount as is apportioned to him under paragraph (2), as the case may be.

#### **Appointment of deputy or assistant accountant**

6. The accountant may, with the approval of the Board —

- (a) appoint a deputy to act in his place if he is absent or ill or otherwise unable to act, and
- (b) one or more assistants to assist him or his deputy in the exercise of his functions.

## **Duties of the accountant**

7. It shall be the duty of the accountant —
- (a) to ensure that all fees, royalties and other moneys payable to the Treasury by the holder of a licence are duly paid and accounted for; and
  - (b) to carry out such general or specific audits and inquiries as the Board may from time to time direct for the purpose of performing its duties under section 2(1) of the Act.

## **Inspectors**

8. (1) There shall be appointed at the request of the Board such persons as are necessary to carry out inspections of any casino for the purpose of ensuring that the requirements of the Act and these Regulations applicable to the casino are observed.

(2) An inspector shall act in accordance with any general or specific instructions given to him by the Board.

(3) Without prejudice to paragraph (2), an inspector shall, if so directed by the Board, assist the accountant in the performance of his functions.

## **Appointment of director of casino**

9. (1) The holder of a licence shall appoint —
- (a) a person to be the director of the casino for the purpose of these Regulations, and
  - (b) a person to act as the deputy of the director when the director is absent or ill or otherwise unable to act;

and if in consequence of the death, retirement or resignation of the director or deputy director or for any other cause there is at any time no director or no deputy director, the holder of the licence shall forthwith appoint a person to be director or deputy director in his place.

If the holder of the licence is an individual he may appoint himself either as director or as deputy director under this paragraph.

(2) A person shall not be qualified to be appointed or to be a director or a deputy director unless he resides in the Island.

(3) If the holder of a licence fails to comply with paragraph (1) he is guilty of an offence.

(4) If the director or the deputy director without either reasonable excuse or the consent of the Board leaves the Island —

- (a) when the other is absent, or
- (b) when the other leaves the Island,

he is guilty of an offence.

(5) The director, and if he is absent or unable to act the deputy director, shall be responsible to the Board for the management and conduct of the casino and shall represent the holder of the licence in all his dealings with the Board.

(6) Any reference in the following provisions of these Regulations to the director shall, where the director is absent or unable to act at the material time, be construed as a reference to the deputy director.

### *Operation of casino*

#### **Prescribed games**

10. (1) The following games are prescribed as games which, in accordance with such conditions as the Board may approve, may be played in the gaming rooms of a casino —

- Roulette
- Black Jack
- Pontoon
- Punto Banco
- Bingo
- Casino Brag
- Poker
- Poker Dice
- Baccarat
- Chemin-de-fer
- Backgammon
- Keno
- Super Pan 9
- Gambling on horse-races shown on a film or video recording
- Games played on automatic machines approved by the Board

(2) The playing of any other game in the gaming rooms is prohibited.

(3) If any game is played in contravention of paragraph (2) the director is guilty of an offence.

### **Requirements for gaming rooms**

11. (1) Subject to paragraph (2), the gaming rooms shall be so designed and arranged that persons elsewhere cannot see the gaming carried on therein.
- (2) The Board, on the application of the holder of the licence, may waive or modify the requirements of paragraph (1).
- (3) Notices shall be conspicuously displayed in, and in the vicinity of, each gaming room, at such places as the Board may direct, containing the following information —
- (a) the normal opening and closing times of the gaming room;
  - (b) the fee, if any, charged for admission to the gaming room;
  - (c) the rules of the games played in the gaming room;
  - (d) the minimum and maximum stakes, or the maximum stakes applicable to the several chances, or the minimum starting stake or the maximum amount of the banco or such other information relating to stakes as the Board may consider appropriate for a particular game;
- (4) If paragraph (3) is contravened, the director shall be guilty of an offence.

### **Entry fees**

12. The licence holder may, with the approval of the Board, charge an entry fee not exceeding such amount as the Board may specify for —
- (a) admission to the casino or to any part thereof;
  - (b) admission to or participation in any of the facilities and entertainments provided as part of the casino or for the right to play in any game or tournament in a gaming room.

### **Entry to gaming room**

13. (1) Subject to regulation 21, unless the Board otherwise direct, no person (other than the holder of a current certificate as mentioned in regulation 22(1)) shall be admitted to a gaming room in a casino during such of the hours specified in regulation 16 as the room is open for play, whether or not an entry fee for admission thereto is charged, unless he is a member of the casino and produces his membership card.
- (2) If any person is admitted to a gaming room in contravention of paragraph (1), the director is guilty of an offence.

## **Casino membership**

14. (1) The director of a casino shall supply an application form free of charge to any person desiring to become a member of the casino.

(2) An applicant for membership of a casino shall complete and sign the application form which shall require him to supply the following information —

- (a) his full names;
- (b) his occupation;
- (c) his date of birth;
- (d) his permanent residential address and, where that address is outside the Island, his temporary address in the Island.

(3) The completed application form, accompanied by the membership fee (which shall be of such amount as the Board may direct), shall be submitted to the director, who may require the applicant to furnish such documentary or other evidence in support of the accuracy of the statements therein as he thinks necessary or desirable.

(4) If the director determines to admit the applicant to membership, he shall issue the applicant with a membership card.

(5) If the director determines not to admit the applicant to membership, he shall notify the applicant of his decision and forthwith return his deposit.

(6) A membership card shall state the period for which it is valid (which shall be such period or periods as the Board may approve).

(7) Without the consent of the Board, no membership card may be issued unless the membership fee has been paid.

(8) The director may cancel the membership of any person for any reason which appears to him to be good and sufficient, but need not give any reason for so doing.

(9) The director shall keep an index (which may be kept on a computer) of every person who is, or has during the previous 6 months been, a member of the casino, showing in respect of each such person —

- (a) the number of his membership card; and
- (b) in the case of a former member, the reason for the cancellation of his membership.

(10) If any person in making an application for membership of the casino knowingly or recklessly makes any statement which is false in a material respect, he is guilty of an offence.

(11) Notice of the effect of paragraph (10), in a form approved by the Board, shall be conspicuously displayed in and outside every gaming room in a casino.

(12) If any provision of this regulation (except paragraph (10)) is contravened the director is guilty of an offence.

(13) References in this regulation (except paragraph (12)) to the director include references to a person appointed to act on behalf of the director.

### **Stakes**

15. (1) All stakes at a casino shall be represented by either —
- (a) coins or banknotes which are legal tender in the Island;
  - (b) counters supplied by the director; or
  - (c) sums of money credited to the player on an electronic device, supplied by the director, on which such sums may be credited or debited to the player in the course of play.

Provided that the casino management may stipulate that in respect of any particular game, stakes shall be represented only by counters or only by sums credited as mentioned in paragraph (1)(c).

(2) The minimum and maximum stakes for each of the prescribed games shall be such as the Board may direct.

(3) Counters may not be supplied by the director, and sums may not be credited on such a device as is mentioned in paragraph (1)(c) (except in the course of play), except in return for —

- (a) coins or banknotes (including coins or banknotes which are not legal tender in the Island);
- (b) a cheque or cheques drawn by the player to whom the counters are supplied or the sums are credited; or
- (c) a charge to a debit card in the name of that player, of an amount not exceeding such amount as the Board may direct.

(4) In this regulation "debit card" means a card by means of which money may immediately be debited to a bank account of the holder of the card, not being an



account a debit balance on which must be wholly or partly cleared by regular payments.

### **Hours during which gaming is permitted**

16. (1) Except as provided by paragraph (2), prescribed games may be played in any of the gaming rooms between the hours of 11.00 am and 4.00 am.

(2) No games may be played on Good Friday or Christmas Day.

### **Controlled machines**

17. The provisions of Parts I, II and V of the Gaming (Amendment) Act 1984(d) shall apply to a casino subject to the exceptions, adaptations and modifications specified in Schedule 1.

### *Financial provisions*

#### **Facilities to be granted to accountant**

18. (1) The director and all persons employed at the casino shall in accordance with any directions given by the Board —

- (a) give the accountant free and undisturbed access to the gaming rooms and to all the books and records connected with gaming, and
- (b) forthwith answer all questions with regard to the gaming or the books and records which may be put to them by the accountant.

(2) Where any records are kept on a computer, the obligation imposed on the director by paragraph (1) includes a duty to give the accountant access to any apparatus on which the records can be displayed and to provide him with such assistance as is necessary to enable him to view them or any part of them in a legible form.

(3) Any person who contravenes paragraph (1) is guilty of an offence.

(4) Without prejudice to paragraph (3), any person who obstructs the accountant in the performance of his functions under these Regulations, or any deputy or assistant of the accountant or any inspector performing any functions on behalf of or under the direction of the accountant, is guilty of an offence.

---

(d) 1984 c.17

## **Cheques**

19. (1) The director shall cause details of all cheques drawn in connection with gaming by patrons of the casino in favour of the holder of the licence or any person concerned in the management of the casino to be entered in a special register to be called "the Cheques Register", in which the following particulars shall also be entered —

- (a) the date on which the cheque is received;
- (b) the date on which the cheque is either paid in at the casino or redeemed by the drawer.

(2) The director shall cause details of all cheques drawn as mentioned in paragraph (1) which are returned unpaid by the drawer's bank to be forthwith entered in a special register to be called "the Dishonoured Cheques Register", in which the date (if any) on which the amount due or any part thereof is paid shall also be entered.

(3) The director shall notify the Board whenever the debt due on a cheque is assigned or a cheque is endorsed for the purpose of debt collection to any person other than an advocate, a solicitor or a clearing bank.

(4) The director shall cause details of all charges to debit cards made in connection with gaming by patrons of the casino in favour of the holder of the licence or any person concerned in the management of the casino to be entered in a special register to be called "the Debit Cards Register", in which the date on which the charge is made shall also be entered.

(5) If any provision of paragraph (1), (2), (3) or (4) is contravened, the director is guilty of an offence.

## *Miscellaneous*

### **Name**

20. The casino operated at the premises known as the Stakis Hotel (formerly the Palace Hotel) at Central Promenade, Douglas shall be called by the name Stakis Hotel & Casino.

### **Inspection of casino**

21. (1) If any person, on demand and on production of an authorisation purporting to be signed by the secretary of the Board, fails or refuses to allow —

- (a) any member of the Board,

- (b) any officer of the Board, or
- (c) any inspector,

free and uninterrupted access to any part of the casino, he is guilty of an offence.

(2) Without prejudice to paragraph (1), if that paragraph is contravened, the director is guilty of an offence.

(3) This regulation is without prejudice to regulation 18.

### **Approval of casino staff**

22. (1) No person employed or engaged by the holder of the licence shall without the consent of the Board perform any function to which this regulation applies unless he has been approved by the Board as a fit and proper person to perform that function and is the holder of a current certificate to that effect issued by the Board.

(2) This regulation applies to any function which is performed in the casino and consists of -

- (a) taking part in the game as a player;
- (b) assisting any gaming by operating or handling any apparatus, cards, tokens or other articles used in the gaming;
- (c) issuing, receiving, recording or in any way concerned with auditing of cash or tokens used in the gaming or cheques given in respect of any such cash or tokens or in respect of sums won or lost in the gaming;
- (d) watching the gaming or the performance by any person employed or engaged to perform any function within sub-paragraphs (a) to (c); or
- (e) acting as security staff, bar staff, valeting staff, waiter, waitress or receptionist in any of the gaming rooms.

(3) A certificate issued under paragraph (1) shall be of the appropriate colour specified in the following table —

| <i>Colour</i> | <i>Class of staff</i>   |
|---------------|---|
| blue          | casino cashier or croupier                                    |
| yellow        | head cashier, security manager (gaming security) or inspector |
| light green   | bingo manager, casino pit boss or slots manager               |

|            |   |
|------------|---|
| grey       | director, deputy director or casino manager                                   |
| dark green | slots cashier or slots mechanic   |
| red        | bingo cashier   |
| white      | internal audit  |
| salmon     | receptionist, bar staff, valeting staff, waiter or waitress,<br>kitchen staff |
| buff       | security staff  |

(4) If paragraph (1) is contravened, the director is guilty of an offence.

(5) The provisions of Schedule 2 shall have effect with respect to —

(a) applications to the Board for certificates under paragraph (1); and

(b) the issue and revocation of such certificates.

(6) Except with the consent in writing of the Board, no person shall give or offer a gratuity to a person performing a function to which this regulation applies (except the holder of a salmon-coloured certificate under paragraph (1)), and no such person shall accept any gratuity.

(7) If paragraph (6) is contravened, the person giving or offering and the person accepting the gratuity shall each be guilty of an offence.

### **Prohibition of persons under 18 entering gaming rooms**

23. (1) If any person under the age of 18 enters any gaming room without the consent in writing of the Board during such of the hours specified in regulation 16 as the room is open for play, he is guilty of an offence.

(2) Without prejudice to paragraph (1), if that paragraph is contravened, the director is guilty of an offence.

### **Further restrictions on persons under 15**

24. (1) In this regulation "controlled area" means any of the following areas within a casino —

(a) any night-club (including any cloakroom or toilet serving it);

(b) any discotheque or dance-hall where liquor may be supplied or consumed (including any cloakroom or toilet serving it);

(c) any bar where liquor is supplied or consumed.

(2) If a person under the age of 15 years without the consent of the Board enters any controlled area, he is guilty of an offence unless —

- (a) he is temporarily resident at the casino or any premises of which the casino forms part and is not employed there;
- (b) he does so only to pass to or from some other part of the premises to or from which there is no other convenient means of access or egress; or
- (c) he does so only to consume a meal at a table there and he is accompanied by a person who is 18 or over and is also there for that purpose;
- (d) he is attending a wedding reception or other function approved by the Board and is accompanied by a parent or other adult *in loco parentis*.
- (e) he does so only to attend a health club or other facility provided on the premises and is accompanied by a person who is 18 or over.

(3) Without prejudice to paragraph (2), if that paragraph is contravened, the director is guilty of an offence.

#### Notice of effect of regulations 22, 23 and 24

25. (1) Notice of the effect of regulation 23, in a form approved by the Board, shall be conspicuously displayed at the entrance to every gaming room in a casino.

(2) Notice of the effect of regulations 22 and 24, in a form approved by the Board, shall be conspicuously displayed in a controlled area (within the meaning of regulation 24).

(3) If paragraph (1) or (2) is contravened, the director is guilty of an offence.

#### Exclusion of persons from casino

26. (1) Subject to regulations 18 and 21, the director, and any person authorised by him, may exclude any person from the casino, either generally or on any particular occasion or for any particular period.

(2) Subject to regulations 18 and 21, the director, and any person authorised by him, may cause any person who —

- (a) contravenes any requirement of the Act or of or made under these Regulations, or

- (b) infringes any rules as to conduct or dress laid down by the holder of the licence or by the director, or
- (c) behaves in a disorderly or objectionable manner,

to be removed from the premises, and for such purpose may require the assistance of any constable.

### **Maintenance of casino**

27. The holder of the licence shall keep the casino in a good and tenantable state of repair and external and internal decoration, including —

- (a) maintaining, painting and papering such parts of the casino as require to be so treated, and
- (b) repairing and renewing the furnishings of the casino,

as often as is necessary to preserve its attractions for players and other patrons.

### **Approval of entertainments**

28. (1) No entertainment (other than live or recorded music) may be presented at the casino unless, before it takes place —

- (a) such particulars of it as the Board may require have been furnished to the Board, and
- (b) the Board has approved the entertainment.

(2) In giving its approval to an entertainment the Board may impose such conditions relating to the entertainment as it thinks fit.

(3) If an entertainment is presented at the casino in contravention of paragraph (1), or any conditions imposed under paragraph (2) are not complied with, the director is guilty of an offence.

### **Advertising**

29. (1) No advertisement of the casino shall be exhibited or distributed within the Island or elsewhere, whether on public or private property, unless it has first been approved by the Board.

(2) Any approval of the Board under paragraph (1) may be made conditional upon such restrictions as to size, illumination, place and period of exhibition or distribution as the Board thinks necessary or desirable.

(3) Any person who causes or permits an advertisement to be exhibited or distributed, or in the Island exhibits or distributes an advertisement, in contravention of paragraph (1), or without complying with any condition imposed under paragraph (2), is guilty of an offence.

## **Penalties**

30. Any person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding £5,000.

Regulation 17.

### SCHEDULE 1

#### MODIFICATIONS SUBJECT TO WHICH PARTS I, II AND V OF THE GAMING (AMENDMENT) ACT 1984 APPLY TO CASINOS

1. In section 2, for subsections (1) and (2) substitute —

"(1) No controlled machine shall be kept for use in a casino unless a certificate under section 3 is for the time being in force in respect of the casino.

(2) In subsection (1) "casino" does not include a gaming room forming part of a casino."

2. Omit section 3(2), (3) and (4).

3. (1) In section 17(1), after the definition of "enactment relating to gaming, betting and lotteries" insert —

"gaming room" has the same meaning as in the Casino Act 1986;"

(2) Omit section 17(2).

4. (1) Schedule 1 is modified as follows.

(2) In paragraph 1 —

(a) for the words from "(a)" onwards substitute "by the holder of the casino licence under section 3 of the Casino Act 1986 in respect of the premises";

(b) omit sub-paragraph (2)(c) to (f);

(c) omit sub-paragraph (3)(b) and (c).

(3) Omit paragraphs 2 and 3.

(4) In paragraph 4 —

(a) in sub-paragraph (a), for "1(1)(a) or (b), as the case may be" substitute "1(1)";

*Casino Regulations 1997*

- (b) omit sub-paragraphs (b) to (g).
  - (5) In paragraph 5, omit sub-paragraphs (1)(b) and (c), (2)(a) and (b) and (3).
  - (6) In paragraph 6 —
    - (a) omit "and, if appropriate, the person referred to in paragraph 5(1)(b) and (c)";
    - (b) omit sub-paragraph (b);
  - (7) In paragraph 8 —
    - (a) in sub-paragraph (1), for heads (a) and (b) substitute "paragraphs 1, 4, 6 and 7";
    - (b) in sub-paragraph (2), omit the words in brackets;
    - (c) in sub-paragraph (3), omit the words from "or, where" onwards.
  - (8) Omit paragraphs 10 and 11.
  - (9) References to a full certificate shall be construed as references to a certificate.
5. In paragraph 9 of Schedule 2, in the definition of "premises", after "means" insert "(subject to section 2(2))".

Regulation 22(5).

SCHEDULE 2

APPROVAL OF STAFF

*Application for approval*

1. (1) Any person may apply to the Board for the approval of the Board under regulation 22 the performance by him of functions in relation to a casino.
- (2) The application shall specify the casino and the function in respect of which the certificate is required and shall be accompanied by the fee of £15.00.

*Determination of application*

2. In determining an application under paragraph 1 the Board shall have regard only to the question whether, in relation to the casino specified in the application, the applicant is a fit and proper person to perform the function so specified.

*Duration of approval*

3. Subject to paragraph 5, an approval given by the Board, and a certificate issued on the giving of such approval, shall continue in force until the applicant ceases to be employed in performing the function in question or until it is revoked by the Board, whichever first occurs.

*Revocation of approval*

4. (1) The Board may at any time revoke its approval under regulation 22 and cancel the relevant certificate if it appears to the Board that, in relation to the casino specified in the certificate, the person to whom the certificate relates is not a fit and proper person to perform the function so specified.



*Casino Regulations 1997*

(2) Where the Board determines to revoke its approval it shall serve a notice to that effect on the person to whom it relates, specifying the date from which the revocation takes effect.

(3) A person who has accepted a gratuity in contravention of regulation 22(6) shall be treated as not being a fit and proper person for the purpose of this paragraph.

*Provisional approval*

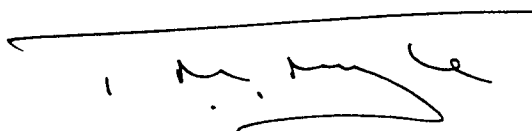
5. Where a person makes an application under paragraph 1 to the Board and at that time —

- (a) he is not approved under regulation 22 (whether in respect of the casino or function specified in the application, or in respect of some other casino or function), but
- (b) either —
  - (i) a certificate issued by the Gaming Board for Great Britain under section 19 of the Gaming Act 1968 (an Act of Parliament) in respect of him is in force; or
  - (ii) the Board considers there are good reasons for doing so;

the Board may limit its approval of the applicant for such period (not exceeding one year) as it may determine, and may issue a provisional certificate accordingly.

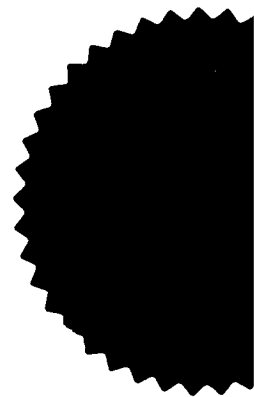
The Common Seal of the Isle of Man  
Gaming Control Commissioners is  
hereunto affixed the 22<sup>nd</sup> July  
1997 in the presence of:—

Chairman



Secretary

*M. A. Christian*



EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations, which replace the Casino Regulations 1987 as amended, provide for the operation and control of casinos in accordance with the Casino Act 1986.