

CASINO ACT 1986

(Chapter 16)

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GENERAL NOTE: The maximum fines in this Act are as increased by the Criminal Justice (Penalties, Etc.) Act 1993 s 1.

AN ACT

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

PART I GAMING CONTROL COMMISSION

1 Isle of Man Gaming Board of Control

(1) The Isle of Man Gaming Board of Control (in this Act referred to as 'the Board') shall continue to be a body corporate, and shall henceforth be named 'the Isle of Man Gambling Control Commissioners.'

[Subs (1) amended by Gaming, Betting and Lotteries (Amendment) Act 2001 s 12.]

(2) The Board shall consist of-

- (a) a chairman, who shall be an advocate, barrister or solicitor of not less than 10 years' standing; and
- (b) 4 other members,

all of whom shall be appointed by the Council of Ministers.

[Subs (2) amended by Transfer of Governor's Functions Act 1992 Sch 1.]

(3) The members of the Board shall hold office during the pleasure of the Council of Ministers.

[Subs (3) amended by Transfer of Governor's Functions Act 1992 Sch 1.]

(4)

[Subs (4) repealed by Government Departments Act 1987 Sch 4.]

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.

[S 1A inserted by Gaming, Betting and Lotteries Act 1988 Sch 6 and amended by GC155/91.]

2 Duties of the Board

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

(a)

[Para (a) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.]

- (b) supervise and control the operation of any casino;
 - (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;
 - (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) For the purpose of performing their duties under subsection (1) the Board shall-
- (a) appoint an accountant to act on its behalf, on such terms as to remuneration and otherwise as the Board with the consent of the Treasury may determine; and
 - (b) make arrangements with the Civil Service Commission for the appointment or secondment of persons (being members of the Isle of Man Civil Service) to act as inspectors for the purpose of ensuring that any provisions of this Act or of regulations thereunder are complied with in relation to any casino.

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.

[Subs (1) amended by GC155/91.]

(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.

[Subs (1A) inserted by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(2) to (5)

[Subss (2) to (5) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(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;

[Para (c) amended by GC155/91.]

- (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.

[Subs (6) amended by GC155/91.]

- (7)

[Subs (7) repealed by Miscellaneous Provisions Act 1986 Sch 2.]

- (8)

[Subs (8) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(9) A casino licence shall specify the rooms in the casino which (subject to the provisions of this Act and of the Licensing Act 1961) may be used-

- (a) as gaming rooms; and
- (b) for the sale or supply of liquor.

[Para (b) amended by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.]

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.

[Subs (1) amended by Gaming, Betting and Lotteries Act 1988 Sch 6 and by GC155/91.]

(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-

- (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.

[Subs (2) amended by Gaming, Betting and Lotteries Act 1988 Sch 6 and by GC155/91.]

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

(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;

[Para (a) substituted by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(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;

(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;

(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;

(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.

[Para (f) amended by Miscellaneous Provisions Act 1986 s 5.]

(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).

[Para (h) amended by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(4).....

[Subs (4) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(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 Common Law Division (Summary Jurisdiction) as being the gross receipts of the holder arising out of the playing of a prescribed game.

(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.

[Subs (6) amended by Miscellaneous Provisions Act 1986 s 5.]

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.

(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.

[Subs (3A) inserted by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(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).

[Subs (4) substituted by Gaming, Betting and Lotteries Act 1988 Sch 6 and amended by GC155/91.]

(5)

[Subs (5) repealed by Casino (Amendment) Act 1990 Sch.]

(6) Subject to subsections (3) and (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);

[Para (a) substituted by Gaming, Betting and Lotteries Act 1988 Sch 8.]

- (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 134(1) of the Licensing Act 1961 (drunkenness in licensed premises);
- (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.

[Subs (7) amended by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(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)

[Subs (11) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.]

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-

- (a) by varying the rooms which (subject to the provisions of this Act and of the Licencing Act 1995) may be used as gaming rooms and for the sale or supply of liquor; or

[Para (a) amended by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3 and by Statute Law Revision Act 1997 Sch 1.]

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

(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.

[S 5A inserted by Casino (Amendment) Act 1990 s 1.]

6 Appeals

(1) Any person aggrieved by the refusal by the Board to renew a casino licence or by the revocation or suspension of the licence may appeal to the Staff of Government Division.

(2) On an appeal under subsection (1), a judge of the said Division may by order direct that the licence shall continue to have effect, subject to such conditions (if any) as may be specified in the order (in addition to the conditions contained in the licence by virtue of section 4(l) to (3), until the appeal is determined or abandoned.

[Subs (2) amended by Miscellaneous Provisions Act 1986 s 5.]

(3) Sections 2, 3 and 5 of the Summary Jurisdiction Act 1956 (appeals from courts of summary jurisdiction) shall, with any necessary modifications, apply to an appeal under subsection (1).

[See now Summary Jurisdiction Act 1989 ss 103 and 105 to 108.]

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 Chancery Division.

8 Sale of liquor etc

(1) The Licensing Act 1995 shall apply to a casino subject to the exceptions, adaptations and modifications specified in Schedule 1.

[Subs (1) amended by Licensing Act 1995 Sch 3.]

(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 9(1) of the Licensing Act 1995, and
- (b) such other conditions as are specified in the licence under this subsection.

[Subs (2) substituted by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.]

(3) Subject to any order under section 6(2), 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.

[Subs (4) amended by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.]

9 Provision of credit for gaming

(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.

[Subs (4) amended by Gaming, Betting and Lotteries Act 1988 Sch 8.]

(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 £5,000.

11 Regulations

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

(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.

[Para (a) substituted by Gaming, Betting and Lotteries Act 1988 Sch 6.]

- (b) to provide for the appointment of the accountant in accordance with section 2(2)(a) and for the reimbursement to the Board of his salary by holders of casino licences;
- (c) to prescribe the manner in which the accountant's duties are to be carried out and the facilities to be granted to him for such purposes;
- (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.

(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, adaptations 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 £5,000.

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 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.

[Subs (1) amended by GC155/91.]

(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.

[Subs (3) amended by GC155/91.]

(4) The Council of Ministers shall not grant a concession to any person unless he 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)).

[Subs (4) amended by GC155/91.]

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

- (a) if he 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 in connection with the grant of the concession or any other matter relating thereto was to his knowledge false in any material particular.

[Subs (5) amended by GC155/91. Para (b) amended by GC155/91.]

(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 or the time within which, or the timetable in accordance with which, they are to be provided.

[Subs (6) amended by Gaming, Betting and Lotteries Act 1988 Sch 6 and by GC155/91.]

(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.

[Subs (7) amended by Miscellaneous Provisions Act 1986 s 5.]

(8) Section 6(1) and (3) (appeals) 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;

[Para (b) amended by GC155/91.]

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(l), 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 shall before granting a concession require the concessionaire to deposit with the Treasury a sum equal to 20 per cent. of the estimated total cost of the provision of the premises to be provided in accordance with the concession, as certified by an independent expert approved by the Council of Ministers.

[Subs (1) amended by GC155/91.]

(2) Unless forfeited under subsection (4), the 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).

(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), the deposit shall, subject to any order made on appeal, be forfeited and paid into the general revenue of the Island.

PART IV MISCELLANEOUS AND SUPPLEMENTAL

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.

(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 £1,000.

16 Exemption from certain enactments

(1)

[Subs (1) repealed by Gaming, Betting and Lotteries Act 1988 Sch 9.]

(2) In proceedings for an offence under-

(a)

[Para (a) repealed by Gaming, Betting and Lotteries Act 1988 Sch 9.]

(b) section 148 of the Licensing Act 1961 (gaming on licensed premises);

it shall be a defence for the person accused to prove that the premises in question were a gaming room specified as such in a casino licence under section 3(5)(a) and that the acts in question took place there in the course of the playing of a prescribed game therein.

[Subs (2) amended by Gaming, Betting and Lotteries Act 1988 Sch 9.]

(3) and (4)

[Subss (3) and (4) repealed by Gaming, Betting and Lotteries Act 1988 Sch 9.]

(5) In this section references to the playing of a prescribed game are to the playing of the game in accordance with regulations under section 11 and rules (if any) under section 12.

(6) The following enactments shall not apply to a casino-

(a) the Music and Dancing Act 1961; and

(b) section 242 (theatre certificates) of the Local Government Consolidation Act 1916.

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.

[Subs (1A) inserted by Online Gambling Regulation Act 2001 Sch.]

(2) Any person contravening subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.

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 £5,000.

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)

[Para (a) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.]

(b) regulations under section 11;

(c) a concession;

(d)

[Para (d) repealed by Gaming, Betting and Lotteries Act 1988 Sch 6.]

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

22 Interpretation

In this Act-

'associated premises', in relation to a casino, means premises specified in the licence pursuant to section 3(1A)(b);

[Definition of 'associated premises' substituted by Gaming, Betting and Lotteries Act 1988 Sch 6.]

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

'the Board' means the Isle of Man Gambling Control Commissioners (or, until the coming

into operation of section 1(1), the Isle of Man Gaming Board of Control);

[Definition of 'the Board' amended by Gaming, Betting and Lotteries (Amendment) Act 2001 s 12.]

'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);

'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 Licensing Act 1995;

[Definition of 'liquor' inserted by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.]

'prescribed' means prescribed by regulations under section 11;

[Definition of 'prescribed' amended by Gaming, Betting and Lotteries Act 1988 Sch 6.]

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

'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.

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.

[Subs (1) substituted by Miscellaneous Provisions Act 1986 s 5.]

(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.

[Subs (2) amended by Constitution (Executive Council) (Amendment) (No. 2) Act 1986 s 1.]

(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)

[Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.]

25 Short title

This Act may be cited as the Casino Act 1986.

Schedule 1

Exceptions, Adaptations and Modifications Subject to which the Licensing Act 1995 Applies to a Casino

[Sch 1 substituted by Licensing Act 1995 Sch 3.]

1. References to a licence or an on-licence shall be construed as references to a licence under section 8(2) of this Act, and 'holder of a licence' and 'licensed premises' shall be construed accordingly.

1A. Section 14 shall apply subject to the modification that the casino and any associated premises shall be treated as the premises in respect of which the relevant on-licence is granted.

[Para 1A inserted by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.]

2 and 3.

[Paras 2 and 3 repealed by Licensing (Amendment) Act 2001 Sch 2.]

4. The following provisions shall not apply-

Part 1 (licensing courts);

Part 2 (liquor licensing) except section 9(1), (2) and (7), section 14 and (so far as they are applied by section 14(5)) sections 6(4), 7 and 9(5), (6) and (9);

section 28 (music and dancing);

sections 29 to 31 (alterations, etc.);

section 32 (notices);

section 37 (gaming);

section 44 (inspection);

Part 4 (registered clubs);
section 56 (appeals);
section 60 (supply of liquor by clubs);
section 66 (disqualification).

[Para 4 amended by Gaming, Betting and Lotteries (Amendment) Act 1996 s 3.]

Schedule 2

Consequential Amendments

[Sch 2 amended by Payment of Members' Expenses Act 1989 Sch 2, and amends the following Acts-

Children and Young Persons Act 1969 q.v.

Betting Act 1970 q.v.

Audit Act 1983 q.v.

Gaming (Amendment) Act 1984 q.v.]

Schedule 3

[Sch 3 repealed by Statute Law Revision Act 1992 Sch 2.]
