



THE GAMING, BETTING AND LOTTERIES ACT 1988

**THE RESTRICTED BETTING OFFICES REGULATIONS 2001**

*Approved by Tynwald*

*19<sup>th</sup> June 2001*

*Coming into operation*

*1<sup>st</sup> July 2001*

In exercise of the powers conferred on the Isle of Man Gaming Control Commissioners by Section 20(1A) of the Gaming, Betting and Lotteries Act 1988<sup>1</sup>, and of all other enabling powers, and with the consent of the Council of Ministers the following Regulations are hereby made:-

**Citation, commencement and interpretation**

1. (1) These Regulations may be cited as the Restricted Betting Offices Regulations 2001 and, subject to section 47(2) of the Act, shall come into operation on the 1<sup>st</sup> July 2001.

(2) In these Regulations —

"the accountant" means person appointed under regulation 2;

"the Act" means the Gaming, Betting and Lotteries Act 1988;

"approval" and "consent" mean approval in writing and consent in writing respectively;

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

"the designated official", in relation to any premises, has the meaning given by section 17(2)(b) of the Act.

"licence holder" means the holder of a restricted betting office licence;

"betting office" means the premises in respect of which a restricted betting office licence is in force.

**Appointment and salary of accountant**

2. (1) The Commissioners shall appoint a member of an approved accounting body to act as the accountant for the purpose of these Regulations.

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<sup>1</sup> 1988 c.17

(2) The accountant shall be appointed at such salary, and on such terms, as may be agreed between him and the Commissioners and approved by the Treasury.

### **Duties of the accountant**

3. It shall be the duty of the accountant —
- (a) to supervise on behalf of the Commissioners the operation of betting offices;
  - b) to ensure that all fees payable to the Treasury by the licence holder other than betting duty are duly paid and accounted for; and
  - (c) to carry out such general or specific audits and inquiries at betting offices as the Commission may from time to time.

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

4. (1) The licence holder and all persons employed at a betting office shall in accordance with any directions given by the Commission —

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

(2) Where any records are kept in electronic format, the obligation imposed on the licence holder 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 and if required to print out paper copies of records.

(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 is guilty of an offence.

### **Debt**

5. The licence holder shall cause details of any debts to be entered in a register of debts kept for the purpose.

## **Application to open account**

6. (1) The licence holder shall comply with the following procedure before -

- (a) entering into a betting transaction with any person other than an existing account holder, where the transaction is not an exempted one-off transaction for the purposes of the Anti-Money Laundering Code 1998<sup>2</sup>; or
- (b) allowing any person other than an existing account holder to withdraw any winnings derived from betting transactions.

(2) The applicant shall complete and sign the application form which shall require him to supply the following information -

- (a) his full names;
- (b) his date of birth;
- (c) his permanent residential address.

(3) The completed application form shall be submitted to the licence holder, who may require the customer 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 licence holder determines not to allow the customer to open an account, he shall notify the customer of his decision.

(5) The licence holder may close the account of any person for any reason which appears to him to be good and sufficient, but need not give any reason for not doing so.

(6) The licence holder shall keep an index of every person who has during the previous 36 months made a betting transaction at the betting office showing in respect of each such person -

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

## **Conditions of business**

7. (1) Every licence holder shall set out in writing the conditions on and subject to which any betting transactions entered into with him are effected.

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<sup>2</sup> SD 531/98

(2) The licence holder shall notify every person with whom he enters into any betting transaction —

- (a) that that person is entitled to see a copy of those conditions, and
- (b) of one or more places (including the website maintained under paragraph (3)) where they may be inspected free of charge.

(3) Every licence holder shall maintain a site on the World Wide Web which may be inspected by any person and includes a notice containing the following particulars —

- (a) the normal hours of operation during which betting transactions may be effected;
- (b) the fee, if any, of any description charged in addition to any bet;
- (c) the conditions referred to in paragraph (1);
- (d) the minimum and maximum stakes in any betting transactions.

#### **Staff Presence**

8. The licence holder shall ensure at least one member of staff is available during the hours of operation to receive communications, other than betting transactions.

#### **Charges**

9. The licence holder shall not levy any charge (other than general betting duty) in addition to the stake on any betting transaction,

#### **Inspection of a betting office**

10. (1) Any person present in a betting office shall, on demand and on production of an authorisation purporting to be signed by the Secretary of the Commissioners allow —

- (a) any member of the Commissioners,
  - (b) any constable, or
  - (c) any person authorised in writing by the Commissioners.
- free and uninterrupted access to any part of the betting office.

**Offences**

11. Any person who contravenes any requirement of regulations 5 to 10 is guilty of an offence.

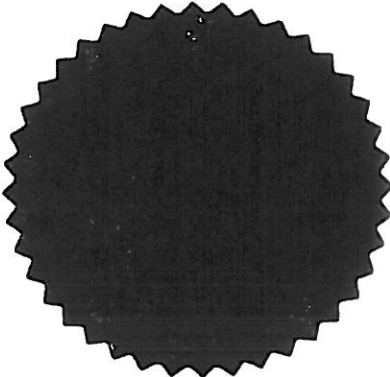
**Penalties**

12. Any person guilty of an offence under these Regulations is liable —
- (a) on conviction on information, to a fine; or
  - (b) on summary conviction, to a fine not exceeding £5,000.

MADE      *23rd May*      2001

The Common Seal of the Isle of Man :  
Gaming Control Commissioners is  
hereunto affixed the in the presence of :

:  
Chairman : *[Signature]*  
:  
Secretary : *[Signature]*



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**EXPLANATORY NOTE**

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

These Regulations prescribe the rules in accordance with which restricted licensed betting offices shall be managed and the conditions subject to which betting transactions may be effected at such offices. They also provide for the appointment of an accountant to supervise the operation of such office and prescribe his duties.