



Statutory Document No 271/07

THE ONLINE GAMBLING REGULATION ACT 2001

THE ONLINE GAMBLING (BETTING AND MISCELLANEOUS PROVISIONS) REGULATIONS 2007

Laid before Tynwald: June 2007
Coming into operation: 1st May 2007

In exercise of the powers conferred on the Department of Home Affairs by sections 21(1)(a) and 21(1)(b) of the Online Regulation Act 2001¹, and of all other enabling powers the following Regulations are hereby made:-

1. Citation, Commencement and Interpretation

(1) These Regulations may be cited as the Online Gambling (Betting and Miscellaneous Provisions) Regulations 2007 and shall come into operation on 1st May 2007.

(2) In these Regulations:-

“Act” means the Online Gambling Regulation Act 2001 as amended;

“Bet” means the same as defined in the Act;

“Betting” means the placing or making of a Bet, whether by an individual or in the course of business and whether on behalf of a third party or otherwise, for winnings in money or money’s worth, whether or not the party placing or making the Bet is at the risk of losing any money or money’s worth;

“Betting Operation” means any business or part thereof involved in the negotiating or receiving of a Bet, or that maintains or permits to be maintained in the Isle of Man any computer or other device on or by means of which a Bet is received and that requires to be licensed under the Act;

“Business Participant” means a party participating, in the course of business, in Betting with an Operator;

Price £.85 Code A

¹ 2001 c.10

“Commissioners” means the same as defined in the Act;

“Gaming” means the same as defined in the Act;

“Lottery” means any lottery in which any party acquires or may acquire a chance by means of a Telecommunication;

“Online Gambling” means the same as defined in the Act;

“Operator” in relation to any Online Gambling, means the party by whom it is conducted and who is licensed under the Act;

“Participant” means a Player and/or a Business Participant;

“Player” means in relation to any Online Gambling any party participating in Betting, other than the Operator or an employee or director of an Operator, but excluding any Business Participant;

“Telecommunication” means the same as defined in the Act;

“2006 Code” means the Anti-Money Laundering (Online Gambling and Peer to Peer Gambling) Code 2006²;

2. Provision of Regulations

- (1) These Regulations are made pursuant to sections 21(1)(a) and 21(1)(b) of the Act and provide for the requirements with which any Operator must comply if, it is a Betting Operation or in relation to that part of its business as an Operator that is a Betting Operation.

3. Accounts and Information

- (1) Every Operator that is a Betting Operation or that conducts part of its business as a Betting Operation shall, in relation to its Betting Operation:-
 - a) keep such accounts and records as may be required by the Commissioners and make such promptly available to the Commissioners on request; and,
 - b) prepare statements of accounts in such form and in respect of such period or periods as may be required by the Commissioners to determine any and all duty of excise payable under section 5(3) of the Act; and,
 - c) provide such information regarding its Betting Operation as shall be required by the Commissioners, promptly and fully to the Commissioners.

² (782/06)

4. AML Issues

- (1) Whether an Operator is dealing with a Player and/or a Business Participant in relation to any Betting, the Operator shall be obliged to comply with the terms of the 2006 Code.

5. Decisions of the Commissioners

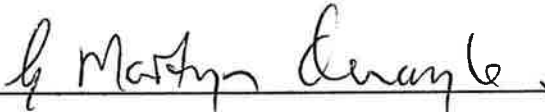
- (1) In the event that there is any ambiguity as to whether or not an Operator, or any part of its business, is a Betting Operation or rather, is conducting Gaming or a Lottery, the determination regarding the matter shall be made by the Commissioners.
- (2) The Commissioners shall be entitled to make a finding that an Operator is conducting a combination of the activities defined as Online Gambling under section 1 of the Act.
- (3) The Commissioners may impose in any licence granted under the Act to an Operator that is a Betting Operation or in relation to that part of the Operator's business that is a Betting Operation, such conditions as the Commissioners may deem appropriate.
- (4) The decision of the Commissioners under this paragraph 5 shall be subject to the appeal provisions detailed in the Act.

6. Penalties

- (1) Without prejudice to the terms of the 1998 Code and the 2006 Code and the penalties thereunder, if any Operator is in breach of any of the provisions herein, it shall be guilty of an offence and liable upon summary conviction to a fine not exceeding £5,000.

MADE

26th April 2007

 Minister for Home Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made under the Online Gambling Regulation Act 2001 and provide rules regulating the conduct of online Betting for any business or part thereof involved in the same and the penalties for non compliance.