



Statutory Document No. 388/11

## CASINO ACT 1986

### CASINO REGULATIONS 2011

*Approved by Tynwald*

*14<sup>th</sup> July 2011*

*Coming into operation*

*1<sup>st</sup> August 2011*

The Isle of Man Gambling Supervision Commission makes these Regulations under section 11 of the Casino Act 1986<sup>1</sup>.

#### **1 Title**

The title of these Regulations is the Casino Regulations 2011.

#### **2 Commencement**

If approved by Tynwald, these Regulations come into operation on August 1<sup>st</sup> 2011

#### **3 Interpretation**

In these Regulations —

"the Act" means the Casino Act 1986;

"the Commission" means the Isle of Man Gambling Supervision Commission;

"the director", in relation to a casino, means (subject to regulation 6(8)) the person appointed as director under regulation 6.

#### *Administration*

#### **4 Inquiries**

- (1) If it appears to the Commission that there are or may be reasonable grounds of complaint justifying —
- (a) the revocation or suspension of a licence, or

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<sup>1</sup> 1986 c.16  
Price £2.30

- (b) a refusal to renew a licence,  
it must hold an inquiry into the circumstances, which must be in private unless the holder of the licence otherwise agrees in writing.
- (2) The Commission must give notice in writing of its intention to hold an inquiry under this regulation to the holder of the licence.
- (3) The Commission will allow the holder of the licence a reasonable period of time to prepare for the inquiry, this period in any event being no shorter than 21 days.
- (4) A notice under paragraph (2) must specify —
  - (a) the date and place of the inquiry;
  - (b) the ground of the complaint; and
  - (c) any further information which the Commission considers necessary or desirable to enable the holder of the licence adequately to answer the complaint.
- (5) On the holding of an inquiry under this regulation —
  - (a) the Attorney General or a person appointed by the Attorney General for the purpose may, if the Commission so desires, sit with the Commission in all respects as though a member of the Commission, 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 is 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 support of a case.
- (6) As soon as practicable after holding an inquiry under this regulation and after consulting the Council of Ministers under section 5(4) of the Act, the Commission must cause notice in writing of its decision, with its reasons for it, 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.

## **5 Inspectors**

- (1) The Commission may appoint 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 must act in accordance with any general or specific instructions given by the Commission.
- (3) A director and those under the director's control must cooperate with an inspector as well as any other parties to which regulation 16 refers by:
  - (a) allowing free and unhindered access to all areas of the casino;
  - (b) answering all questions raised;
  - (c) providing access to information and records as required and in a form specified by the Commission or its delegates.
- (4) Any person failing to cooperate with an inspector under paragraph (3) commits an offence.

## **6 Appointment of director of casino**

- (1) The holder of a licence must 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.
- (2) 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 must forthwith appoint a new director or deputy director.
- (3) If the holder of the licence is an individual that person may appoint them self either as director or as deputy director under this paragraph.
- (4) A person is not qualified to be appointed or to be a director or a deputy director unless resident in the Island.
- (5) If the holder of a licence fails to comply with paragraph (1) the holder of a licence is guilty of an offence.
- (6) If the director or the deputy director without either reasonable excuse or the consent of the Commission leaves the Island —
  - (a) when the other is absent, or
  - (b) when the other leaves the Island,he is guilty of an offence.

- (7) The director, and if the director is absent or unable to act the deputy director, shall be responsible to the Commission for the management and conduct of the casino and shall represent the holder of the licence in all the holder's dealings with the Commission.
- (8) 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*

### **7 Liability of the director**

- (1) A director of a casino must ensure these regulations are complied with in relation to the casino.
- (2) If a director contravenes paragraph (1), the director commits an offence.

### **8 Prescribed games**

- (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,  
Gambling on horse-races shown on a film or video  
Casino Brag,  
Poker,  
Games of Dice,  
Baccarat,  
Chemin-de-fer,  
Backgammon,  
Keno,  
Playing on automatic machines,  
Wheel of fortune and  
Super Pan 9.

- (2) Games and activities other than those prescribed in paragraph 1 may not be played, offered or conducted without the written permission of the Commission.

#### **9 Requirements for gaming rooms**

(1) Notices must be conspicuously displayed in, or in the vicinity of, each gaming room, at such places as the Commission 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;

(2) The Commission may set limits on the stakes for games played in the gaming rooms.

(3) The limits must not be exceeded.

#### **10 Entry fees**

The holder of a licence may charge an entry fee for admission to gambling facilities or events at the holder's casino.

#### **11 Mechanisms used to represent games and activities**

(1) Only technology approved by the Commission may be used to present games.

(2) The outcomes of any prescribed games may be supplied to an online operator or other third party without restriction.

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

(1) Except as provided by paragraph (2), prescribed games may be played, and prescribed gambling activities may be undertaken in any of the gaming rooms at any time.

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

### **13 Controlled machines**

The provisions of Parts I, II and V of the Gaming (Amendment) Act 1984<sup>2</sup> apply to a casino subject to the exceptions, adaptations and modifications specified in Schedule 1.

#### *Financial provisions*

### **14 Stakes**

- (1) All stakes in the gaming rooms must be represented by one of the following methods:
  - (a) coins or banknotes (including coins or banknotes which are not legal tender in the Island);
  - (b) counters supplied by the director;
  - (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;
  - (d) sums of money debited to a player's bank account by means of a debit card issued by the player's bank; or
  - (e) a token or voucher issued by the holder of the licence as part of a promotion.
- (2) The director of a casino may stipulate for a particular game to be played at a casino that the stakes can only be represented using a particular method or methods provided the method or methods used to represent stakes are selected from paragraphs (1)(a) to (1)(e).

### **15 Name**

A casino operated by the holder of a licence shall be called by the name shown on that casino's licence.

### **16 Inspection of casino**

Any person employed by a casino who, when asked for access and shown an authorisation purporting to be signed on behalf of the Commission, fails or refuses to allow —

- (a) any member of the Commission,
- (b) any officer of the Commission,
- (c) any inspector, or

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<sup>2</sup> 1984 c.17

(d) any third party appointed by the Commission to perform work on its behalf,

free and uninterrupted access to any part of a casino commits an offence.

#### **17 Approval of casino staff**

(1) No person employed or engaged by the holder of the licence may without the consent of the Commission perform any function to which this regulation applies unless that person —

(i) has been approved by the Commission as a fit and proper person to perform that function, and

(ii) is the holder of a current certificate to that effect issued by the Commission.

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

(a) taking part in a game as a representative of the house by operating any apparatus, or dealing or handling any cards, dice, tiles, tokens or other articles, used in a gambling activity;

(b) directly or indirectly managing or supervising the performance by any person employed or engaged to perform any function within sub-paragraph (a) ;

(c) repairing or maintaining any critical apparatus used in a game where critical apparatus is any mechanism that influences the fairness or outcome of the gambling activity when gambling activity is in progress

(d) preparing or issuing any cards, dice, tiles, tokens or other articles used in a game; or

(e) issuing, receiving, recording or auditing —

(i) cash arising from gambling activity;

(ii) counters representing money or money's worth, arising from gambling activity;

(iii) sums paid or received by means of a device mentioned in regulation 14(1)(c);

(iii) cheques, arising from gambling activity or

(iv) charges or credits to a card, arising from gambling activity

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

- (a) applications to the Commission for certificates under paragraph (1); and
- (b) the issue and revocation of such certificates.

### **18 Prohibition of persons entering a gaming room**

- (1) No person under the age of 18 shall be allowed to enter a gaming room when gambling activity is taking place.
- (2) Any person under the age of 18 who enters a gaming room when gambling activity is taking place commits an offence.
- (3) A notice stating paragraphs (1) and (2), in a form approved by the Commission, must be conspicuously displayed at the entrance to every gaming room in a casino.

### **19 Further restrictions on persons under 16**

- (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) A person under the age of 16 who enters any controlled area without the consent of the Commission commits an offence unless that person—
  - (a) is temporarily resident at the casino or any premises of which the casino forms part and is not employed there;
  - (b) 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) does so only to consume a meal at a table there and is accompanied by a person who is 18 or over who is also there for that purpose;
  - (d) is attending a wedding reception or a similar social function and is accompanied by a parent or other adult *in loco parentis*.
  - (e) does so only to attend a health club or other leisure facility provided on the premises and is accompanied by a person who is 18 or over; or
  - (f) does so in order to comply with health and safety directives or to evacuate the building in an emergency.



- (3) A notice stating the provisions of paragraph 2, in a form approved by the Commission, must be conspicuously displayed in a controlled area.

## **20 Exclusion of persons from casino**

- (1) With the exception of persons referred to in regulation 16, the director of a casino or any person authorised by the director, may exclude any other person from that casino, either generally or on any particular occasion or for any particular period.
- (2) There is no obligation for the director or any person authorised by the director to specify a reason for an exclusion under paragraph 1.
- (3) With the exception of persons referred to in regulation 16, the director or any person authorised by the director, may cause any other person to be removed from the premises and for such purpose may call upon the assistance of any constable.
- (4) A person who contravenes any requirement of the Act or these regulations must be removed from the premises.
- (5) The director must maintain order on the casino premises and the director or any person authorised by the director may remove people who behave in a disorderly or objectionable manner.
- (6) The director or person acting upon the director's instructions must identify themselves as a casino employee before asking the person to leave.
- (7) A person refusing to leave the premises once asked to by the director of a casino or by a casino employee who is acting on the director's behalf commits an offence.
- (8) The director or person acting upon the director's instructions must have reasonable cause when excluding or having removed a person from the casino premises.

## **21 Maintenance of casino**

The holder of a casino licence must keep the casino in a good and tenable 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.

## **22 Regulation of entertainments**

No entertainment can be presented by the director if it contravenes public decency laws.

## **23 Advertising**

- (1) No advertisement of a casino may be published, exhibited or distributed in the Island or elsewhere unless it complies with the following conditions –
  - (a) it is not indecent or offensive;
  - (b) it is based on fact;
  - (c) it is not false, deceptive or misleading in any material particular;
  - (d) it has no sexual content;
  - (e) it is not directed at persons under 18;
  - (f) it does not contain any material in breach of copyright.
  - (g) any claims on payouts are substantiated by the return-to-player performance of the game.
- (2) The Commission may at any time, by notice in writing to the holder of a licence, prohibit or restrict the publication, exhibition or distribution in the Island or elsewhere of any advertisement of a casino or any description of advertisement of a casino.
- (3) Any person who knowingly causes or permits an advertisement to be published, exhibited or distributed, or in the Island publishes, exhibits or distributes an advertisement, in contravention of –
  - (a) paragraph (1), or
  - (b) a prohibition or restriction imposed under paragraph (2),commits an offence.

### *Enforcement*

## **24 Penalties**

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

### *Licensing*

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

A licence granted by the Board by way of a 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.

## **26 Revocation**

The following regulations are revoked —

- (a) the Casino Regulations 1997<sup>3</sup>;
- (b) the Casino (Amendment) Regulations 1999<sup>4</sup>;
- (c) the Casino (Amendment) Regulations 2001<sup>5</sup>.

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<sup>3</sup> SD 76/97

<sup>4</sup> SD 743/99

<sup>5</sup> SD 360/01

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)";
    - (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 paragraph 10.
  - (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 17.

SCHEDULE 2

APPROVAL OF STAFF

*Application for approval*

1. (1) Any person may apply to the Commission for the approval of the Commission under regulation 17 for the purpose of the performance by the applicant of functions in relation to a casino.
- (2) The application must specify the casino and the function in respect of which the certificate is required and be accompanied by the fee of £15.00.

*Determination of application*

2. In determining an application under paragraph 1 the Commission may 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. (1) Subject to paragraph 5, an approval given by the Commission, and a certificate issued on the giving of such approval, continues in force until a period of 5 years has elapsed or until it is revoked by the Commission, whichever first occurs.
- (1) Approval continues in force after 5 years elapses provided that an application for renewal is received prior to the expiry of that approval.

*Revocation of approval*

4. (1) The Commission may at any time revoke its approval under regulation 17 and cancel the relevant certificate if it appears to the Commission 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.
- (2) Where the Commission determines to revoke its approval it must serve a notice to that effect on the person to whom it relates, specifying the date from which the revocation takes effect.

*Provisional approval*

5. Where a person makes an application under paragraph 1 to the Commission and at that time —
    - (a) the person is not approved under regulation 17 (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) holds a personal function licence issued by the UK Gambling Commission under Part 6 of the Gambling Act 2005 (an Act of Parliament) in respect of the person is in force; or
      - (ii) the Commission considers there are good reasons for doing so,
- the Commission 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  
Gambling Supervision Commission  
is hereunto affixed in the presence of:



Chairman

*Maire Clarke*

Chief Executive

*[Signature]*

2/6/2011

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EXPLANATORY NOTE

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

These Regulations, replace all of the present Casino Regulations which provide for the operation and control of casinos in accordance with the Casino Act: 1986.