

A CONSULTATION DOCUMENT



**ISLE OF MAN
GAMBLING SUPERVISION COMMISSION
CONSULTATION ON**

CASINO REGULATIONS REFORM

Isle of Man Gambling Supervision Commission
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The contents of this document are the property of the Gambling Supervision Commission.

1. Introduction

The Isle of Man Gambling Supervision Commission (GSC) is responsible for regulating all gambling in the Isle of Man.

Part of that remit is to create and enforce regulations in respect of Isle of Man casinos.

The GSC is currently creating a new set of casino regulations and wishes to consult on them in order to understand the views of all stakeholders.

2. Background

Under the 1986 Casino Act, the Gambling Supervision Commission (GSC) which is the gambling regulator in the Isle of Man makes regulations to determine how the casino conducts its business in the Isle of Man. These regulations cover subjects as diverse as the games that may be played and the certification and approval of people that manage the casino through to the notices that must be erected and the standard of decor that must prevail.

The last regulations were introduced in 1997.

Since then, the casino has seen substantial competition, principally from the emergence of the online gaming sector, some of which is also licensed on the Isle of Man.

The regulations that govern online operators, while still very strict, are not as strict as those that govern an Isle of Man casino operator. The administrative burden placed on a casino operator is therefore greater than that placed on an online operator.

The GSC has a duty under the Gambling Supervision Act 2010 to ensure that in its work it facilitates the development of the gambling industry in the Island and that it promotes competition within that industry.

The GSC therefore proposes to rewrite the current regulations to ensure that the administrative burden on a casino operator is no greater than

that which is placed upon an Isle of Man license offering online games. In addition, the proposed new regulations will modernise certain elements of the current regulations to reflect twenty-first century sensibilities and attitudes to gaming and allow a casino operator to expand its entertainment offering in an attempt to compete with the online industry, particularly for custom from the new technologically savvy, computer literate generation.

The new regulations will replace the 1997 regulations; in some cases the new regulations' clauses remain largely or wholly unmodified from their counterparts in the old regulations because they are either still fit for purpose or are necessary to reflect a peculiarity of regulating a terrestrial casino.

In other cases they have been removed or substantially modified in order to streamline processes within either the casino or the Gambling Supervision Commission, sometimes in both.

The current 1997 regulations can be found on our website at <http://www.gov.im/lib/docs/gambling//casinoregulations1997.pdf>

3. Consultation

- 3.1 This consultation exercise is designed to invite comments on the Consultation document produced by the Gambling Supervision Commission
- 3.2 A list of Consultees can be found at Appendix [] of this document. If there is anyone not on the list who you think should be consulted please contact the Officer named below.
- 3.3 The Gambling Supervision Commission welcomes your views on the proposed regulations.
- 3.4 Comments should be submitted in writing by post or email to:

Mark Rutherford
Policy and Legislation

Isle of Man Gambling Supervision Commission
4th Floor, St. Andrews House, Douglas, Isle of Man, IM1 2PX
Mark.Rutherford2@gov.im

The consultation will be open until the close of business on Monday May 16th 2011.

- 3.5 When submitting your views please can you indicate whether you are responding on behalf of an organisation.
- 3.6 For additional hard copies please contact the Gambling Supervision Commission by telephoning 01624 694331. Hard copies will also be available from the Central Reference Library, Government Offices, Bucks Road, Douglas.
- 3.7 Electronic copies of this document are also available at <http://www.gov.im/gambling/regulatory.xml>
- 3.8 To ensure that the process is open and honest and in line with the Government's Code of Conduct on Consultation responses can only be accepted if you provide your name with your response.
- 3.9 Unless specifically requested otherwise, any responses received may be published either in part or in their entirety. Please mark your response clearly if you wish your response and name to be kept confidential. Confidential responses will be included in any statistical summary and numbers of comments received.
- 3.10 A summary of the responses received will be published within 3 months of the closing date for this consultation, and will be made available on the Government website or by contacting the above named Officer.
- 3.11 The purpose of consultation is not to be a referendum but an information, views and evidence gathering exercise from which to take an informed decision on the content of proposed regulation changes. In any consultation exercise the responses received do not guarantee changes will be made to what has been proposed.

Issued on 15th March 2011

4. Summary of Proposals

This section details the changes being made in the regulations. While feedback is welcome on any point within the document, specific questions have been raised as part of the consultation.

Regulations 1 to 3

These are technical legislation elements of the regulations.

Regulation 4

Regulation 4 deals with the investigation of complaints against the casino licence holder where the complaint is of sufficient seriousness to potentially put the casino licence in hazard.

This remains largely unaltered but the 2nd paragraph introduces the ability for the Commission to exercise discretion when determining how much time to allow a casino licence holder in order to prepare their case and extends the minimum lead time notified to a casino licence holder from 14 days to 21 days.

❖ Do you think that 21 days is sufficient time for a license holder to prepare for a hearing which could possibly lead to a suspension or revocation of their license?

Regulation 5

Regulation 5 deals with the oversight of the casino by the Commission.

When the casino was initially set up, Government had a direct financial interest in its operation and in order to ensure financial probity, an accountant was appointed to oversee its conduct and to ensure Government received its correct financial due. A casino is now a privately run organisation and Government's financial interests are limited to taxation, VAT and the charging of a licence fee.

This regulation removes the need for an accountant (and the law which governs the accountant's appointment, deputy and duties) and allows inspectors to be appointed to ensure that the casino adheres to its licence conditions. This part of the regulation is largely unchanged with the exception that a paragraph referring to the account has been removed.

Regulation 6

Regulation 6 defines the requirement for a director to be appointed and remains largely unchanged. Additional paragraphs add clarity to whom the

director can delegate power.

Regulation 7

This regulation obliges the director to comply with all of the provisions of the regulations and creates the offence for a lack of such compliance. This single regulation replaces the constant, regulation-by-regulation re-stating of offences that characterises the 1997 regulations. Where a regulation in the proposed 2011 regulations contains the possibility of offences that can be committed by other people as well as the director, those offences that a director can commit are highlighted separately.

Regulation 8

This regulation outlines which games can be offered in the casino.

It again remains largely unchanged, being a list of prescribed games which can be offered. The regulation has been modified however to allow 'wheel of fortune' style games and to allow the Commission the flexibility to approve, in writing, new games which the casino wishes to offer. This allows the Isle of Man's casinos to stay abreast of the latest developments in the UK and beyond.

❖ Do you think that the Isle of Man's casinos should be allowed to adopt developments in the UK and abroad in order to stay competitive?

Regulation 9

This regulation describes the rules governing designated gaming areas called gaming rooms. Hitherto, gaming rooms were required to be obscured from view so that members of the public could not observe gambling in progress unless they entered the room.

The paragraphs relating to this requirement are removed although a casino may still choose to screen its customers to protect their privacy.

The requirements to display certain notices (opening times, fees for admission-if any and game rules) in the gaming room have been retained.

❖ Do you agree that the requirement to screen gambling from the view of the general public is overly conservative in an age where gambling activity is readily observable on television, the internet and the general media?

❖ Do you think that allowing gambling activity in the Isle of Man to become more open will affect the national character and if so, in what way?

Regulation 10

This regulation allows the casino to charge an entry fee for admission to parts of the casino and events if they wish. The requirement for Commission

approval has been removed and the presence and value of any entry fee is simply a commercial decision for the casino management to make.

Regulation 11

Regulation 11 allows for future technologies to be exploited by the casino whilst allowing the Commission to prohibit (through absence of approval) any technology it feels is unsuitable.

This regulation also contains provision (in paragraph 2) for the casino to provide certain services to third parties in order to generate extra revenue. A typical application of paragraph 2 would be something known as 'live dealing'.

In a live dealing scenario, an online operator joins forces with a land-based casino or a specialised dealing studio and installs hardware and software that allows online participants to enjoy the games being played in the casino or studio. The player sees a video feed from the casino as well as a computerised version of the game with which he or she can interact. Specialised hardware and software such as barcode scanners or optical recognition software allows the computer to identify the cards drawn, the dice rolled, the roulette number upon which the ball settles, etc to be identified. Live dealing, already popular with players in the far East is growing in popularity in Western markets and there is an opportunity for Isle of Man casinos to enter into agreements with online gambling suppliers in the future if these regulations are introduced.

❖ Do you think that it is desirable for Isle of Man casinos to diversify by providing services to global consumers?

Regulation 12

This regulation has been reworked to support the live dealing opportunity in the previous regulation. In effect, a casino can now become a truly 24-hour operation (with the continued exceptions of Good Friday and Christmas Day). It is doubtful that commercial realities will support 24 hour opening for the domestic market but 24-hour availability will be crucial to any live dealing arrangements a casino concludes.

It should be highlighted that the casino can already operate 20 hours out of every 24 and that the current license holder reports there is insufficient business to justify operating to the fullest extent of the law at present.

❖ Do you foresee any drawbacks to changes in the law regarding an extension of permitted operating hours?

Regulation 13

This regulation allows the casino to offer slot machines and the like and refers to a schedule of changes which modify the requirements of the Gaming (Amendment) Act 1984 for machines deployed in a casino. This regulation is unchanged from the 1997 version (currently regulation 17).

Regulation 14

The ways in which players can fund their gambling is described in this regulation. It remains largely conservative and declines to expand the funding options to credit cards at this time.

The ability for a director to offer promotional vouchers is introduced formally as a regulation.

❖ Do you think that credit cards should be allowed in the Isle of Man casino environment, just as they are online?

Regulation 15

Hitherto, whenever an Isle of Man casino changes its name, these regulations must be amended to reflect the new name. This regulation will be changed and in the future, the name the casino must use will be defined by the name used on its licence.

Regulation 16

Inspection rights are established in this regulation and largely mirror those currently in force. An additional category of inspector has been added – that of a third party appointed by the Commission – to enable technical experts (such as those employed by specialist testing organisations) to gain access to the casino when required by the Commission to perform specialist tasks.

Regulation 17

This regulation governs the approval of staff who work in a casino; it stipulates who must be approved and refers to a schedule that dictates how the approvals are processed. Changes have been made to this regulation in order to focus the approval requirements on staff who can actively influence the fairness of a game played in the casino. Auxiliary staff such as doormen and waiters/waitresses have been formally removed from the approval process although they may continue to require separate approval from other bodies in relation to their work.

Regulation 18

This regulation ensures that young people (the under 18s) are excluded from gambling. The paragraph has undergone some wording changes to allow for under 18s to enter the gaming rooms when they are not in use. This allows for the occasions where a visiting maintenance technician may be accompanied by an under-18 apprentice or equivalent.

Entering a gaming area under age when gambling is taking place remains an offence, as does permitting such entry.

❖ Do you agree that the exclusion of youth from the gambling environment is

still the most effective way to encourage a sensible attitude towards gambling?

Regulation 19

This regulation establishes controlled areas within a casino, a practice that currently exists, and defines a series of reasons which allow the under 16s may enter such areas despite the general prohibition on such entry.

A number of simple changes have been made to the existing rules: the age specified has been changed from "under 15" to "under 16" to align the law with other age-related legislation e.g. the voting age. The ability to enter such an area under-age in order to comply with health and safety directives has been included.

Regulation 20

This regulation allows the director or the director's delegates to exclude people from his or her casino. Minor modifications have been made to the existing regulations regarding procedure: the director cannot exclude Commissioners, inspectors and their delegates and the director or a person working for them must identify themselves to a patron as a casino employee before making a request that they leave.

Regulation 21

This regulation which requires the casino be maintained to a high standard of repair and decoration remains unchanged.

Regulation 22

This regulation determines what entertainments a director may offer at a casino. The current regulations require all entertainments to be approved by the Commission. This regulation has been rewritten to allow the director the freedom to exercise judgement on what entertainments to provide, subject to that entertainment not attracting prosecution on the grounds of a public decency or obscenity offence.

This removes a significant layer of bureaucracy for a casino operator.

❖ Do you agree that the director of a casino should be required to exercise judgement in the same way as other entertainment providers and not require Commission approval beforehand?

Regulation 23

In a similar fashion to regulation 22, the requirements for casino advertising have been shifted from the approval of the Commission to a series of standards against which a director can exercise judgement. The standards cited happen to be the same standards the Commission currently expects of

its online gambling licence holders and this is the first of a number of legislative revisions that will ultimately bring consistency between the online and domestic, terrestrial sector.

❖ Do you agree that a casino should be allowed to advertise freely provided its advertising conforms to the standards expected by the UK's advertising standards agency?

Regulation 24

This regulation which specifies the maximum size of fine an infringement can attract remains unchanged.

Regulation 25

This is a technical legislation element of the regulations. It serves to switch off the legislation which these new regulations replace.

Regulations that have been completely removed and not replaced by equivalents.

Regulation 14 of the 1997 regulations mandating a membership scheme has been removed because of its overly bureaucratic requirements. The establishment and maintenance of a membership now becomes optional for a casino, although their requirements under Anti-money laundering legislation (separate to these regulations) remain, and a membership scheme does present a convenient way to verify the identity of players.

❖ Do you agree that a membership scheme should be a commercial decision that a casino makes rather than a legal requirement?

Regulation 18 refers to facilities and cooperation owing to the appointed accountant. The new regulations remove the need for a government accountant and so these regulations are no longer needed. The requirement for cooperation with the inspectorate is now enshrined in regulation 5.

Regulation 19 refers to the administrative process regarding cheque-handling. The new regulations relegate this to an operational issue for the casino to administer as it sees fit. This removes a significant administrative burden.

Regulation 25 referred to notices that are required to be displayed regarding minimum age to enter, etc. These requirements have simply been absorbed into the regulations that define the criteria for the notice.

The schedules

The schedules that append to the regulations govern modifications to the legislation that regulates controlled machines (slots, etc) and also govern the process for staff approval. These schedule remain unchanged except for schedule 2 which has been modified to be gender-neutral and to point to renumbered regulations.

Appendix A

A list of stakeholders consulted

Members of Tynwald;

The general public of the Isle of Man;

General Government via chief officers;

The Isle of Man Law Society;

The Isle of Man Chamber of Commerce;

The current casino license holder.

Appendix B

Consultation Code of Practice

This consultation follows the Code of Practice on Consultation the criteria for which are set below.

The Six Consultation Criteria

1. Consult widely throughout the process, allowing a minimum of 6 weeks for a minimum of one written consultation at least once during the development of the legislation or policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your Department's effectiveness at consultation.
6. Ensure your consultation follows best practice, including carrying out an Impact Assessment if appropriate.

The full Code of Practice is available at www.gov.im/cso

Appendix C
Proposed casino regulations 2011



2010-12-22

Statutory Document No.

CASINO ACT 1986

CASINO REGULATIONS 2011

<i>Approved by Tynwald</i>	2011
<i>Coming into operation</i>	2011

The Isle of Man Gambling Supervision Commission makes these Regulations under section 11 of the Casino Act 1986¹.

1 Title

The title of these Regulations is the Casino Regulations 2011.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 16th May 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.

¹ 1986 c.16

Price **TBD**

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
 - (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 1984² 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,

² 1984 c.17

- (c) any inspector, or
- (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.

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 1997³;
- (b) the Casino (Amendment) Regulations 1999⁴;
- (c) the Casino (Amendment) Regulations 2001⁵.

³ SD 76/97

⁴ SD 743/99

⁵ 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(I)(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

Chief Executive

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.

