



# CASINO (TEMPORARY PREMISES) REGULATIONS 2013

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Statutory Document No. 0677/2012



*Casino Act 1986*

## CASINO (TEMPORARY PREMISES) REGULATIONS 2013

*Approved by Tynwald: 21 February 2013*

*Coming into Operation: 22 February 2013*

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The Isle of Man Gambling Supervision Commission makes the following Regulations under 12M of the Casino Act 1986.

### 1 Title

These Regulations are the Casino (Temporary Premises) Regulations 2013.

### 2 Commencement

If approved by Tynwald<sup>1</sup>, these Regulations come into operation on 22 February 2013.

### 3 Interpretation

(1) In these regulations —

“**the Commission**” means the Isle of Man Gambling Supervision Commission;

“**controlled machine**” has the same meaning as in section 1 of the Gaming (Amendment) Act 1984;

“**temporarily certified premises**” means premises in respect of which a temporary premises certificate has been issued under Part IIA of the Casino Act 1986;

“**prescribed games**” means the games listed in regulation 8 of the Casino Regulations 2011<sup>2</sup>.

(2) A reference to a section of a certain number or letter without further identification is a reference to the section of that number or letter in the Casino Act 1986.

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<sup>1</sup> As required by section 21 of the Casino Act 1986

<sup>2</sup> SD388/11

#### **4 Form of application for temporary premises certificate**

- (1) An application for a temporary premises certificate under section 12B(1) must —
  - (a) be in the form of a written request made by the holder of a casino licence addressed to the Secretary of the Commission;
  - (b) specify the intended premises;
  - (c) specify any intended business partners;
  - (d) specify the intended start and end dates and times;
  - (e) specify the prescribed games that will be made available at the premises;
  - (f) include a request for a liquor licence if needed;
  - (g) be accompanied by the written consent of the owner of the intended premises for their use as temporarily certified premises.
- (2) A notice to the public made under section 12B(3) must —
  - (a) begin with the words, “Advance notice of the intention to offer gambling at” followed by the name of the premises;
  - (b) describe the nature of the gambling to be undertaken at the premises;
  - (c) specify the times and dates from and until which the gambling is to take place;
  - (d) specify the full address of the premises to be used;
  - (e) specify the address of the Commission.
- (3) A notice made under section 12B(3) may also include any additional information provided that it is not presented as promotional material.

#### **5 Application fee for temporary premises certificate**

A non-refundable fee of £2,000 must accompany an application under regulation 4.

#### **6 Approval of management and staff**

Schedule 1 has effect to regulate the persons who may participate in the playing of a prescribed game at temporarily certified premises.

#### **7 Application of the Casino Regulations 2011 to temporarily certified premises.**

The Casino Regulations 2011 apply to temporarily certified premises to the extent set out in Schedule 2.

**8 Application of the Gambling (Amendment) Act 1984**

- (1) The provisions of Parts I, II and V of the Gambling (Amendment) Act 1984 as modified by regulation 13 of the Casino Regulations 2011 apply to the keeping for use of controlled machines at temporarily certified premises save that the modification in paragraph 2 applies.
- (2) In section 2(2), after the words “forming part of a casino” insert “or any premises in respect of which a temporary premises certificate has been issued under Part IIA of the Casino Act 1986”.

**THE COMMON SEAL OF THE ISLE OF MAN  
GAMBLING SUPERVISION COMMISSION  
IS HEREUNTO AFFIXED IN THE PRESENCE OF:**

**MR R SPENCER**

**CHAIRMAN**

**MR S BRENNAN**

**CHIEF EXECUTIVE**

Date: 21<sup>st</sup> January 2013



**SCHEDULE 1**

[Regulation 6]

**APPROVAL OF MANAGEMENT AND STAFF PARTICIPATING IN GAMING AT TEMPORARILY CERTIFIED PREMISES****1 Issue of certificates to management and staff**

- (1) A person specified in section 12K(2) may apply to the Commission for a certificate under section 12K(1)(b).
- (2) In deciding whether a person is fit and proper to participate in the playing of prescribed games in accordance with a temporary premises certificate for section 12K(1)(a), the Commission may have regard to whether —
  - (a) the person is in possession of a certificate issued under regulation 17 of the Casino Regulations 2011;
  - (b) the person is in possession of a certificate issued by a regulatory authority in any other country that the Commission considers suitable; or
  - (c) it otherwise considers that the person is of sufficient competence and integrity to do so.
- (3) The Commission may issue a certificate under section 12(1)(b) to a person —
  - (a) for one or more specified events to be held at temporarily certified premises; or
  - (b) for all events held at such premises during a period not exceeding 5 years from the date of approval.

**2 Revocation of certificates**

The Commission may revoke any certificate issued under section 12K(1)(b) if it considers the person to whom it was issued is no longer a fit and proper person for approval under section 12K(1)(a) to participate in the playing of prescribed games in accordance with a temporary premises certificate.

**3 Renewal of certificates**

A certificate issued under section 12K(1)(b) that has lapsed may be renewed either on the application of the person to whom it was issued or on the Commission's own motion.

**SCHEDULE 2**

[Regulation 7]

**APPLICATION OF THE CASINO REGULATIONS 2011 TO TEMPORARILY CERTIFIED PREMISES**

- (1) Regulations 3, 8, 9, 11, 12, 16, 18, 20, 22, 23 and 24 of the Casino Regulations 2011 apply to temporarily certified premises subject to the modifications in paragraphs (2) to (9).
- (2) In regulation 3 –
  - (a) omit the definition of “director”.
  - (b) insert in its place the following definition –

“**temporarily certified premises**” means premises in respect of which a temporary premises certificate has been issued under Part IIA of the Casino Act 1986.”.
- (3) In regulation 8(1) for “gaming room of a casino” substitute “temporarily certified premises”.
- (4) In regulation 9 and its heading, for “gaming room” and “gaming rooms” wherever occurring substitute “temporarily certified premises”.
- (5) In regulation 12(1), for “of the gaming rooms” substitute “temporarily certified premises”.
- (6) In regulation 16 –
  - (a) in the heading for “casino” substitute “temporarily certified premises”;
  - (b) after “by a casino” insert “, the casino’s business partner or the temporarily certified premises”;
  - (b) for “to any part of a casino” substitute “to any part of the temporarily certified premises”.
- (7) In regulation 18 –
  - (a) for “a gaming room” wherever occurring (including the heading) substitute “temporarily certified premises”;
  - (b) for “gaming room in a casino” substitute “temporarily certified premises”.
- (8) In regulation 20 –
  - (a) in the heading for “casino” substitute “temporarily certified premises”;
  - (b) in paragraph (1) for “that casino” substitute “the temporarily certified premises”;



- (c) in paragraphs (5) and (8) for “casino premises” substitute “temporarily certified premises”
  - (d) after paragraph (8) insert –
  - “(9) In this regulation “director” means the director of the casino the holder of a licence in respect of which is also the holder of a temporary premises certificate under Part IIA of the Act, or the person authorised to act in place of the director.”.
- (9) In regulation 23 –
- (a) in paragraph (1) for “of a casino” substitute “for an event being held at temporarily certified premises”;
  - (b) in paragraph (2) for “advertisement of a casino or any description of advertisement of a casino” substitute “advertisement or any description of advertisement for an event being held at temporarily certified premises”.



*EXPLANATORY NOTE*

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

These Regulations describe the procedures and requirements in respect of temporarily certified premises.

Temporarily certified premises are Isle of Man venues apart from an Isle of Man casino which are intended to be used temporarily for the purposes of gambling. In order for the premises to be used, the Isle of Man Gambling Supervision Commission (the Commission) must first issue a temporary premises certificate to the casino wishing to use the premises.

*Regulation 4* describes the application process which a casino licence-holder undertakes and describes the information that must be supplied to the Commission for consideration.

*Regulation 5* provides for an administrative fee to be charged on a casino applying for a temporary premises certificate.

*Regulation 6* and the associated *Schedule 1* describe the process by which the Commission approves the staff that may participate in the gambling at temporarily certified premises.

*Regulation 7* and the associated *Schedule 2* apply with modifications some of the existing regulations that apply to a casino's main premises to temporarily certified premises.

*Regulation 8* applies the law that currently applies to controlled machines (e.g. fruit machines, poker machines, etc.) that are kept for use in a casino to any machines that are made available for use to the public at temporarily certified premises.

The effect of these regulations is to temporarily apply all of the safeguards that apply to consumers in a casino to any activities which take place outside a casino which is using temporarily certified premises.