



Isle of Man

Ellan Vannin

AT 17 of 1988

**GAMING BETTING AND LOTTERIES ACT
1988**



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**Isle of Man***Ellan Vannin*

GAMING BETTING AND LOTTERIES ACT 1988

Received Royal Assent: 14 October 1988
Passed: 18 October 1988
Commenced: See section 51

AN ACT to re-enact with amendments the enactments relating to gaming, betting and lotteries; and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

PART I – GAMING

Definition of gaming

1 Definition of gaming

[P1968/65/52; NI85/11/2]

- (1) In this Act “**gaming**”, subject to subsections (2) and (3), means the playing of a game of chance for winnings in money or money’s worth, whether or not any person playing the game is at risk of losing any money or money’s worth.
- (2) Where apart from this subsection the playing of a game of chance would constitute gaming and also constitutes a lottery, then if —
 - (a) in so far as it is a lottery, it is a lottery promoted as mentioned in section 30, 31 or 32, or it is a lottery which is designated under section 1 of the *National Lottery Act 1999*, and¹
 - (b) each winner of a prize is ascertained by reference to not more than 3 determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event,the playing of the game shall not constitute gaming for the purposes of this Act.

- (2A) Subsection (2)(b) does not apply to a lottery mentioned in section 34A except so far as any conditions prescribed under paragraph (b) of that section so provide.²
- (3) In this Act “gaming” does not include the making of bets by way of pool betting.
- (4) In this section “game of chance” does not include any athletic game or sport but, with that exception, includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined.

Restrictions on gaming

2 Prohibition of certain gaming

[P1968/65/2; NI85/11/54]

- (1) Subject to subsection (2), no gaming shall take place where any one or more than one of the following conditions is fulfilled —
- (a) the game involves playing or staking against a bank, whether the bank is held by one of the players or not;
 - (b) the nature of the game is such that the chances in the game are not equally favourable to all the players;
 - (c) the nature of the game is such that the chances in it lie between the player and some other person, or (if there are 2 or more players) lie wholly or partly between the players and some other person, and those chances are not as favourable to the player or players as they are to that other person.
- (2) Subsection (1) shall not apply to —
- (a) gaming which takes place on a domestic occasion in premises used only as a private residence;
 - (b) any gaming where the gaming takes place in a hostel, hall of residence or similar establishment which is not carried on by way of a trade or business and the players consist exclusively or mainly of persons who are residents or inmates in that establishment.

3 No charge for taking part in gaming

[P1968/65/3; NI85/11/55]

- (1) No gaming shall take place in circumstances where (apart from any stakes hazarded) a charge, whether compulsory, customary or voluntary, and whether in money or money’s worth, is made in respect of that gaming.
- (2) Subject to subsection (3), any admission charge shall, unless the contrary is proved, be taken to be a charge made as mentioned in subsection (1).

- (3) For the purposes of this section a payment which constitutes payment of, or of a quarterly or half-yearly instalment of, an annual subscription to a club, or which constitutes payment of an entrance subscription for membership of a club, shall not be taken to be a charge made as mentioned in subsection (1); but this paragraph shall not apply —
- (a) in relation to a club, unless it is shown that the club is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character; and
 - (b) in relation to an entrance subscription, unless it is shown that the payment is not made in respect of temporary membership of the club.
- (4) Regulations may —
- (a) require the officers of a club to make, and to retain during such period, such records and accounts with respect to gaming on the club premises as may be prescribed;
 - (b) require the disclosure to club members, and the display in the club premises, of such accounts in such manner and at such intervals as may be prescribed.

4 No levy on stakes or winnings

[P1968/65/4; NI85/11/56]

Without prejudice to section 3, no gaming shall take place where a levy is charged on any of the stakes or on the winnings of any of the players, whether —

- (a) by way of direct payment or deduction, or
- (b) by the exchange of tokens at a lower rate than the rate at which they were issued, or
- (c) by any other means.

5 Offences relating to gaming

[P1968/65/8; NI85/11/58]

- (1) If any gaming takes place in contravention of any of the provisions of sections 2 to 4, every person concerned in the organisation or management of the gaming shall be guilty of an offence.
- (2) For the purposes of subsection (1) any person who takes part in procuring the assembly of the players shall be taken to be concerned in the organisation of the gaming.
- (3) Without prejudice to subsections (1) and (2), where any gaming takes place on any premises in contravention of any of the provisions of sections 2 to 4, any person who, knowing or having reasonable cause to suspect that the premises would be used for gaming in contravention of any of those provisions, —

- (a) allowed the premises to be used for the purpose of the gaming, or
- (b) let, or let on hire, the premises, or otherwise made the premises available, to any person by whom an offence under subsection (1) is committed in connection with the gaming,

shall be guilty of an offence.

6 Prohibition of gaming in streets etc

[P1968/65/5; NI85/11/57]

- (1) Any person taking part in gaming in a street or public place shall be guilty of an offence.
- (2) [Repealed]³

Advertisements

7 Restrictions on advertisements relating to gaming

[P1968/65/42; NI85/11/130]

- (1) Except as provided by this section, no person shall issue, or cause to be issued, any advertisement —
 - (a) informing the public that any premises in the Island are premises on which gaming takes place or is to take place, or
 - (b) inviting the public to take part as players in any gaming which takes place, or is to take place, on any such premises, or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, in the Island, or
 - (c) inviting the public to subscribe any money or money's worth to be used in gaming whether in the Island or elsewhere, or to apply for information about facilities for subscribing any money or money's worth to be so used,

and any person who contravenes this subsection shall be guilty of an offence.

- (2) Subsection (1) does not apply to the following advertisements —
 - (a) advertisements in accordance with regulations under section 11(2)(1) of the *Casino Act 1986* of a casino and the games which may be played there or on its associated premises (within the meaning of that Act) by virtue of regulations under section 11(2)(d) of that Act; and
 - (b) advertisements in accordance with regulations under section 12M of the *Casino Act 1986* concerning premises in respect of which a temporary premises certificate is in issue under Part IIA of that Act and the games which may be played there by virtue of regulations under section 12M(2)(a) of that Act (or by virtue of

regulations under section 11(2)(d) of that Act which have effect under section 12M(4) of that Act).⁴

- (3) Subsection (1) does not apply to any advertisement in so far as it relates to gaming which is, or is to be, gaming by means of a controlled machine in accordance with the *Gaming (Amendment) Act 1984*.
- (4) Subsection (1) does not apply to the publication or display of a notice, where the notice is required to be published or displayed by any provision of the said Act of 1984 and the publication or display is so made as to comply with the requirements of that provision.
- (4A) Subsection (1) does not apply to the advertisement, in accordance with regulations under section 3(2) or 21(1)(i) of the *Online Gambling Regulation Act 2001*, of online gambling within the meaning of that Act.⁵
- (5) Where a person is charged with an offence under this section it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this section.
- (6) For the purposes of this section an advertisement issued by displaying or exhibiting it shall be treated as issued on every day on which it is displayed or exhibited.
- (7) In this section —

“advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film or by way of sound broadcasting or television or by means of a telecommunication system, and references to the issue of an advertisement shall be construed accordingly;

“the public” means the public in the Island, and includes any section of the public, however selected.

Exemptions

8 Exemptions: general

Sections 2 to 6 do not apply to —

- (a) the playing of a prescribed game —
 - (i) at a casino or on its associated premises (within the meaning of the *Casino Act 1986*); or
 - (ii) on premises in respect of which a temporary premises certificate is in issue under Part IIA of that Act,
 in accordance with that Act.⁶

- (b) the playing of a game by means of a controlled machine in accordance with the *Gaming (Amendment) Act 1984*, other than an amusement to which section 10 applies; or
- (c) the playing of a game authorised by a licence under the *Online Gambling Regulation Act 2001* in accordance with the provisions of that Act and the terms of the licence.⁷

9 Gaming at entertainments not held for private gain

[1980/10/2]

- (1) Sections 3 to 7 do not apply to games played at an entertainment promoted otherwise than for purposes of private gain in accordance with the following conditions —
 - (a) in respect of all games played at the entertainment, not more than one payment (whether by way of entrance fee or stake or otherwise) shall be made by each player, and no such payment shall exceed £4;⁸
 - (b) the total value of all prizes and awards distributed in respect of all games played at the entertainment shall not exceed £400;⁹
 - (c) the whole of the proceeds of such payments as are mentioned in paragraph (a), after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, shall be applied for purposes other than private gain;
 - (d) the sum appropriated out of those proceeds in respect of expenses shall not exceed the reasonable cost incurred in the provision of the facilities for the purposes of the games.
- (2) Where 2 or more entertainments are promoted on the same premises by the same persons on the same day, paragraphs (a) to (d) of subsection (1) shall have effect in relation to those entertainments collectively as if they were a single entertainment.
- (3) Where a series of entertainments is held otherwise than as mentioned in subsection (2) —
 - (a) paragraphs (a) to (d) of subsection (1) shall have effect separately in relation to each entertainment in the series, whether some or all of the persons taking part in any one of those entertainments are thereby qualified to take part in any other of them or not, and
 - (b) if each of the persons taking part in the games played at the final entertainment of the series is qualified to do so by reason of having taken part in the games played at another entertainment of the series held on a previous day, paragraph (b) shall have effect in relation to that final entertainment as if for “£400” there were substituted “£900”.¹⁰

- (4) The Isle of Man Gambling Supervision Commission (in this Act referred to as “the Commission”) may by order substitute, in relation to entertainments held on or after the date on which the order comes into operation, for any amount specified in this section such other amount as may be specified in the order.¹¹

10 Amusements with prizes

[P1967/32/16; NI85/11/154]

- (1) This section applies to amusements with prizes where —
- (a) they constitute a lottery or gaming or both, but
 - (b) they do not constitute a game or games played by means of a controlled machine having a slot or other aperture for the insertion of money or money’s worth in the form of cash or tokens, and
 - (c) they are provided on premises used wholly or mainly for the provision of amusements and in respect of which a full certificate under section 3 of the *Gaming (Amendment) Act 1984* is for the time being in force.
- (2) Sections 2 to 7 do not apply to amusements to which this section applies, but in relation to any such amusement the conditions set out in subsection (3) shall be observed.
- (3) The conditions referred to in subsection (2) are —
- (a) that the amount paid by any person for any one chance to win a prize does not exceed 30p;
 - (b) that the aggregate amount taken by way of the sale of chances in any one determination of winners, if any, of prizes does not exceed £30, and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided;¹²
 - (c) that no money prize is distributed or offered which exceeds £5; and¹³
 - (d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further payment by him, to any further opportunity to win money or money’s worth by taking part in any amusement with prizes or in any gaming or lottery.
- (4) If any condition set out in subsection (3) is contravened in relation to any amusement to which this section applies —
- (a) every person concerned in the provision or conduct of the amusement;
 - (b) the holder (within the meaning of the said Act of 1984) of the certificate referred to in subsection (1)(c); and

- (c) the person specified in the certificate in respect of the premises under paragraph 6(d) of Schedule 1 to the said Act of 1984, shall be guilty of an offence.
- (5) It shall be a defence for any person charged with an offence under subsection (4) to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (6) The Commission may by order substitute for any amount specified in subsection (3) such other amount as may be specified in the order.¹⁴

PART II – BETTING

General restrictions on betting

11 Restriction on use of premises for betting

[P1963/2/1(1); NI85/11/3]

- (1) Subject to subsection (2), it shall be unlawful for any person to use, or cause or permit any other person to use, any premises for the purpose of the effecting of any betting transactions by that person or, as the case may be, that other person with persons resorting to those premises.
- (2) Subsection (1) shall not apply —
- (a) where the premises are a licensed betting office and the person using the premises or, as the case may be, the other person is the licensed bookmaker who is the holder of the betting office licence relating to the premises or his servant or agent;¹⁵
- (b) to bookmaking or a pool betting business carried on on an approved racecourse on any day on which under regulations under section 21(2)(b) betting may lawfully be carried on on the racecourse;
- (c) where both the person using the premises and all the persons with whom the betting transactions are effected either reside or work on those premises or on premises of which those premises form part.
- (d) to betting transactions authorised by a licence under the *Online Gambling Regulation Act 2001* and carried out in accordance with the provisions of that Act and the terms of the licence.¹⁶
- (3) Any person acting in contravention of subsection (1) shall be guilty of an offence.

12 Persons found on premises used for betting transaction

[P1963/2/1(2) and (3); NI85/11/4]

- (1) Any person found on any premises which are being used in contravention of section 11(1) shall, unless he proves that he is there for a lawful purpose, be guilty of an offence.
- (2) Where, on being asked by a constable for his name and address, a person found as mentioned in subsection (1) —
 - (a) refuses to give them, or
 - (b) gives a false name or address, or
 - (c) refuses to answer satisfactorily any question put to him to ascertain the correctness of the name or address given,he shall be guilty of an offence.
- (3) A constable may arrest without warrant any person whom he with reasonable cause suspects of having committed an offence under subsection (2).

13 Prohibition of betting in streets etc

[P1963/2/8; NI85/11/5]

- (1) Any person frequenting or loitering in a street or public place, on behalf either of himself or of any other person, for the purpose of bookmaking, betting, agreeing to bet, or paying, receiving or settling bets shall be guilty of an offence.
- (2) A constable may seize and detain any books, cards, papers and other articles relating to gaming which may be found in the possession of a person found committing an offence under this section.¹⁷

Bookmakers

14 Restriction on bookmaking

[P1963/2/2(1); NI85/11/6]

- (1) It shall be unlawful for any person to —
 - (a) carry on business or act as a bookmaker, or
 - (b) hold himself out or represent himself to be a bookmaker,unless he holds a bookmaker's permit granted by the Commission authorising him to do so.¹⁸
- (1A) Subsection (1) shall not apply to a person acting as a bookmaker in relation to transactions (other than the negotiating or receiving of any bet from a person in the Island by means of a telecommunication) that are online gambling within the meaning of section 1 of the *Online Gambling Regulation Act 2001*.¹⁹

- (2) Any person who contravenes subsection (1) shall be guilty of an offence.

15 Betting office licences

- (1) A licensed bookmaker shall not carry on or represent himself as carrying on the business of a bookmaker in any premises unless he holds a licence (a “betting office licence”) granted by the Commission authorising him to do so in those premises.²⁰
- (2) A betting office licence shall authorise the licensee to effect betting transactions with —
- (a) persons resorting to the premises to which the licence relates, and
 - (b) other persons who are within the Island and who are placing bets by means of a telecommunication.²¹
- (3) For the purpose of subsection (2), a betting transaction effected with one person as agent for another shall be treated as effected with each of those persons.
- (4) Any licensed bookmaker who —
- (a) contravenes subsection (1); or
 - (b) effects a betting transaction with a person other than one with whom he is authorised by a betting office licence to effect such transactions,
- shall be guilty of an offence.
- (5) In proceedings for an offence under subsection (4)(b) it shall be a defence for the person accused to show that he took all reasonable steps to ascertain whether the person with whom the betting transaction was effected was a person with whom he was authorised by a betting office licence to effect such transactions.²²

16 Grant of permits and licences

Schedule 1 shall have effect in relation to the grant, transfer and renewal of, and other matters relating to, bookmakers’ permits and betting office licences.

17 Application by body corporate

[1975/25/6]

- (1) If a body corporate is an applicant for the grant, renewal or transfer of a betting office licence in respect of any premises, the body corporate may be represented in the application and the formalities ancillary thereto by the secretary or a director of the body corporate.
- (2) In any application mentioned in subsection (1) the body corporate shall, when lodging its application, furnish the Commission with —

- (a) the name and description of the manager of the business or other official of the body corporate designated by it to be responsible for the conduct of the premises the subject of the application; and
 - (b) 3 certificates as to the character and qualifications of that manager or official (in this Part referred to as a “designated official”).²³
- (3) Subject to subsection (4), the designated official shall appear before the Commission and, if approved, his name shall be endorsed upon the betting office licence if the application is granted.²⁴
- (4) If a designated official has appeared before and been approved by the Commission on a previous application in respect of the same premises, it shall not be necessary for that person to attend again for such a purpose, unless the Commission requires his attendance.²⁵
- (5) In the case of a designated official ceasing to act as such, the body corporate shall, within 14 days of him so ceasing to act, furnish the Commission with the particulars required to be furnished under subsection (2), and subsections (3) and (4) have effect in relation to this subsection as they have in relation to subsection (2).²⁶
- (6) In the case of the infringement of any provisions of Part I or this Part, proceedings may be taken and penalties enforced against both the designated official and the body corporate severally.
- (7) If a body corporate fails, within 14 days, to replace a designated official who has ceased to act in that capacity and to notify the Commission in accordance with subsection (5), the body corporate and every director of that company shall severally be guilty of an offence.²⁷

18 Cancellation of permit and disqualification

- (1) If the holder of a bookmaker’s permit, or any servant or agent of the holder, is convicted of —
 - (a) an offence under section 11, 12, 13, 26 or 27, or
 - (b) any offence punishable (in the case of an adult) with custody,²⁸the court by or before which he is convicted may, if the court thinks fit, order that the permit shall be cancelled.
- (2) Where any person is convicted of an offence mentioned in subsection (1) by reason only of his being the holder of a bookmaker’s permit, his permit shall not be cancelled if he proves that the contravention for which he was convicted took place without his consent or connivance and that he exercised all due diligence to prevent it.
- (3) An order under subsection (1) shall be deemed for the purposes of any appeal to be part of the sentence for the offence; and the permit shall not be cancelled under that order —

- (a) until the date of expiration of the period within which notice of appeal against the conviction or sentence may be given; or
 - (b) if notice of appeal against the conviction or sentence is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal.
- (4) Subject to subsection (5), a person whose bookmaker's permit is cancelled in pursuance of an order under subsection (1) shall, by virtue of that order, be disqualified for holding or obtaining a permit for a period of 5 years beginning with the date of the conviction which gave rise to the order.
- (5) In a case where it appears to the court making an order under subsection (1) to be just in all the circumstances, the court may include in the order a direction that the period of disqualification shall be such period shorter than 5 years as the court may specify.
- (6) Where a bookmaker's permit is cancelled in pursuance of an order under subsection (1), the clerk of the court by which the order was made shall send a copy of the order to the Commission.²⁹

19 Offences by holder of permit

- (1) Any holder of a bookmaker's permit who employs in his bookmaking business any person known to him to be for the time being disqualified under section 18(4) shall be guilty of an offence.
- (2) If the holder of a bookmaker's permit, on being required by a constable to produce his permit for examination, refuses or without reasonable cause fails so to do, he shall be guilty of an offence.

20 Conduct of licensed betting offices

- (1) The Commission may make regulations —
- (a) prescribing the rules in accordance with which licensed betting offices shall be managed; and³⁰
 - (b) providing that a contravention of any provision thereof shall be an offence punishable —
 - (i) on information by a fine; or
 - (ii) on summary conviction by a fine not exceeding £5,000.³¹
- (1A) [Repealed]³²
- (2) Where any person is charged with an offence under regulations under subsection (1) by reason only of his being the licensee, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.³³

- (3) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, in the case of a licensed betting office the licensee or any servant or agent of his may refuse to admit to, or may expel from the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence on those premises would subject the licensee or any servant or agent of his to a penalty under subsection (1).³⁴
- (4) If any person liable to be expelled from the licensed premises under subsection (3), when requested by the licensee, any servant or agent of the licensee or any constable to leave those premises, fails to do so, he shall be guilty of an offence.
- (5) Any constable may, on the request of the licensee or any servant or agent of the licensee, help to expel from a licensed betting office any person whom the constable has reasonable cause to believe to be liable to be expelled from it under subsection (3), and the constable may use such force as may be required for that purpose.³⁵
- (6) Subject to subsection (6A), no advertisement may be published —
- (a) indicating that any particular premises are a licensed betting office; or³⁶
 - (b) indicating where any such office may be found; or
 - (c) drawing attention to the availability of, or to the facilities afforded to persons resorting to, such offices.³⁷
- (6A) Subsection (6) does not apply to an advertisement which —
- (a) is published in a material form; or
 - (b) is published inside but not outside a licensed betting office; or³⁸
 - (c) complies with such restrictions as may be prescribed and is, in such manner as may be prescribed, published outside a licensed betting office —
 - (i) from a place inside such an office; or
 - (ii) in premises giving access to such an office.³⁹
- (6B) If subsection (6) is contravened —
- (a) any person who published the advertisement or caused or permitted it to be published, and
 - (b) in the case of an advertisement in connection with the office or offices of a particular licensee, that licensee,
- shall be guilty of an offence.⁴⁰
- (7) It shall be a defence for any person charged with an offence under subsection (6B) to prove —
- (i) that he did not know and had no reasonable cause to suspect that the advertisement was, and that he had taken

- all reasonable steps to ascertain that it was not, such an advertisement as aforesaid; or
- (ii) if he is charged by reason only of being a licensee, that the advertisement was published without his consent or connivance and that he exercised all due diligence to prevent the publishing of any such advertisement in connection with his office or offices.⁴¹

Racecourse betting

21 Restriction of bookmaking and pool betting on racecourses

[NI85/11/36]

- (1) Subject to subsection (2), it shall be unlawful for bookmaking or a pool betting business to be carried on on any racecourse unless the occupier of the racecourse holds a racecourse licence in respect of the racecourse.
- (2) Regulations may specify —
- (a) the conditions relating to betting at, or (subject to Schedule 3) the operation of the totalisator at, an approved racecourse; and
- (b) the days on which such betting may take place or on which the totalisator may be so operated.
- (3) Where, in the case of any racecourse, by virtue of subsection (1) bookmaking is carried on, it shall be unlawful for any person to effect with persons resorting to the racecourse any betting transaction other than such transactions on sport of the same kind as that taking place on that racecourse on that day.
- (4) If bookmaking or a pool betting business is carried on by any person in contravention of subsection (1) or (3), or of regulations under subsection (2), that person and the occupier of the racecourse shall each be guilty of an offence.
- (5) Where any person is charged with an offence under subsection (4) by reason only of his being the occupier of a racecourse, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

22 Grant etc of racecourse licences

[1975/14/2(1) and (3) and 3; NI85/11/37]

- (1) On the application of the occupier of a racecourse the Commission may, if it thinks fit, grant to him a racecourse licence authorising the provision of betting facilities on the racecourse in accordance with —
- (a) regulations under section 21(2), and
- (b) such further conditions (if any) as may be specified in the licence.⁴²

- (2) The Commission may at any time amend or cancel a racecourse licence.⁴³
- (3) If the holder of a racecourse licence fails to comply with any conditions specified in the licence under subsection (1)(b), he shall be guilty of an offence.

23 Restriction of pool betting

[NI85/11/44]

- (1) Subject to subsection (3), no person shall carry on any pool betting business otherwise than on an approved racecourse.
- (2) No pool betting business shall be carried on on any approved racecourse except by means of a totalisator operated in accordance with a licence under section 24.
- (3) Subsection (1) does not apply to —
 - (a) a registered pool promoter who carries on his pool betting business by post; or
 - (b) the holder of a licence under the *Online Gambling Regulation Act 2001* authorising the receiving or negotiating of bets made by way of pool betting who carries on a pool betting business in accordance with the provisions of that Act and the terms of the licence.⁴⁴
- (4) Any person acting in contravention of subsection (1) or (2) shall be guilty of an offence.

24 Authorisation of totalisator etc

[1975/14/2(2) and (3) and 3]

- (1) The Commission may, if it thinks fit, grant to any person of good character and aged 25 years or over a licence authorising him to set up, keep and operate a totalisator on an approved racecourse.⁴⁵
- (2) Subject to subsection (3), the Commission may on the grant of a licence under this section impose such terms and conditions as it thinks fit.⁴⁶
- (3) Schedule 3 shall have effect with respect to the operation of a totalisator under a licence granted under this section.
- (4) The Commission may at any time amend or revoke a licence under this section —
 - (a) at the request of the holder of the licence, or
 - (b) after giving him a reasonable opportunity to show cause why the licence should not be amended or revoked, as the case may be.⁴⁷
- (5) If the holder of a licence under this section fails to comply with any terms and conditions imposed under subsection (2), or with a requirement of Schedule 3, he shall be guilty of an offence.

*Temporary exemptions***25 Temporary exemptions**

[1984/17/15A; 1986/6/1/26(2)]

- (1) The Commission may by order provide that, during such period or periods (not exceeding 4 weeks in the aggregate) as may be specified in the order, the foregoing provisions of this Part shall have effect subject to such modifications as may be so specified.⁴⁸
- (2) The Commission may by order provide that, on such day or days (not exceeding 7 in all), at such time or times and in such place as is specified in the order, sections 11, 14 and 15 shall not apply to the effecting, by a person of a description so specified, of betting transactions of a kind so specified.⁴⁹

*Young persons***26 Betting with minors**

[NI85/11/51]

- (1) Any person who —
 - (a) has any betting transaction with a minor; or
 - (b) employs a minor in the effecting of any betting transaction or in a licensed betting office; or
 - (c) receives or negotiates any bet through a minor;shall be guilty of an offence.
- (2) A person shall not be guilty of an offence under subsection (1) by reason of —
 - (a) the employment of a minor in the effecting of betting transactions by post; or
 - (b) the carriage by a minor of a communication relating to a betting transaction for the purpose of its conveyance by post.
- (3) In this section, in relation to an alleged offence, “minor” includes a person apparently under the age of 18 years; but in proceedings for such an offence it shall be a defence for the accused to show that the person in question had at the time of the offence attained the age of 18 years.
- (4) In proceedings for an offence under subsection (1)(a) or (c) it shall be a defence for the accused to show that the betting transaction in question was effected by means of online gambling within the meaning of the *Online Gambling Regulation Act 2001*.⁵⁰

27 Inciting minors to bet

- (1) If any person, for the purpose of earning commission, reward or other profit, sends or causes to be sent to a person whom he knows to be a minor any circular, notice, advertisement, letter, telegram or other document which invites, or may reasonably be implied to invite, the person receiving it —
 - (a) to make any bet; or
 - (b) to enter into or to take any share or interest in any betting transaction; or
 - (c) to apply to any person or at any place for information or advice for the purpose of any bet or wager, or for information as to any race, fight, game, sport or other contingency upon which betting is generally carried on,shall be guilty of an offence.
- (2) If any such document names or refers to anyone as a person to whom any payment may be made, or from whom information may be obtained, for the purpose of or in relation to betting, that person shall be deemed to have sent or caused to be sent that document, unless he proves that he had not consented to be so named and that he was in no way a party to, and was wholly ignorant of, the sending of the document.
- (3) If any such document is sent to any person at any university, college, school or other place of education, and that person is a minor, the person sending or causing the document to be sent shall be deemed to have known that that person was a minor, unless he proves that he had reasonable ground for believing that the person was of full age.

PART III – LOTTERIES*Restrictions on lotteries***28 Illegality of lotteries**

Subject to the provisions of this Part, all lotteries which do not constitute gaming are unlawful.

29 Offences relating to lotteries

- (1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted in the Island or elsewhere —
 - (a) subject to subsection (2), makes, prints, advertises or publishes any tickets for use in the lottery or any proposal, scheme or plan relating to the lottery; or

- (b) sells, barter, exchanges or otherwise disposes of, or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution —
 - (i) any advertisement of the lottery; or
 - (ii) any list (whether complete or not) of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
- (d) brings, or invites any person to send, into the Island for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
- (e) conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who, or the holder of what lots, tickets, numbers or chances, are the winners of any property proposed to be advanced, lent, given, sold or disposed of by the lottery; or
- (f) sends or attempts to send out of the Island any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or
- (g) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
- (h) causes, procures or attempts to procure any person to do any of the above mentioned acts;

shall be guilty of an offence.

- (2) In any proceedings for an offence under subsection (1) it shall be a defence for any person charged to prove —
 - (a) that the lottery to which the proceedings relate was a lottery declared not to be unlawful by section 30 or 31, and that at the date of the alleged offence he believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken; or
 - (aa) that the lottery to which the proceedings relate was a lottery declared not to be unlawful by section 1 of the *National Lottery Act*

- 1999, and that at the date of the alleged offence he believed, and had reasonable ground for believing, it to be such a lottery; or⁵¹
- (ab) that the lottery to which the proceedings relate was authorised by a licence under the *Online Gambling Regulation Act 2001*, and that at the date of the alleged offence he believed, and had reasonable ground for believing, that it was being conducted in accordance with the provisions of that Act and the terms of the licence;⁵²
 - (b) that the lottery to which the proceedings relate was a society lottery, and that at the date of the alleged offence he believed, and had reasonable ground for believing, that it was being conducted in accordance with the requirements of this Part.
- (2A) In any proceedings for an offence under subsection (1) it shall be a defence for any person charged to prove —
- (a) that the lottery to which the proceedings relate was a lottery which is declared to be not unlawful in Great Britain by section 5(3) (societies' lotteries promoted in Great Britain) of the Lotteries and Amusements Act 1976 (an Act of Parliament),
 - (b) that the promotion of the lottery was managed by a person registered by the Commission under section 33A, and⁵³
 - (c) that at the date of the alleged offence he believed, and had reasonable ground for believing, that it was being conducted in accordance with the requirements of that Act and any regulations for the time being in force under that Act.⁵⁴
- (3) Proceedings for an offence under subsection (1)(c)(iii) in respect of any matter published in a newspaper shall not be instituted except by, or by direction of, the Attorney General.
- (4) This section does not apply to —
- (a) the recalling by drawing of lots of any bonds, debentures, shares, stocks or other securities, upon the redemption thereof whether with or without interest or payment of premium or otherwise; or
 - (b) the division by lot or chance of any estate in land or any moveable property amongst the joint tenants or tenants in common thereof, or amongst other persons having joint interests therein.

Private lotteries

30 Private lotteries

[1974/19/2]

- (1) In this Part “private lottery” means lottery in the Island which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either —

- (a) members of one society established and conducted for purposes not connected with gaming, betting or lotteries; or
 - (b) persons all of whom work on the same premises; or
 - (c) persons all of whom reside on the same premises; or
 - (d) in the case of a Christmas draw only, persons working in any licensed premises and bona fide customers using those premises.
- (2) In this section “Christmas draw” means a lottery the tickets or chances in which are not issued except in the months of November and December and the draw in which takes place on or after the 18th December and before the 1st January next.⁵⁵
- (3) A private lottery is not unlawful if the following conditions are observed in connection with its promotion and conduct —
- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of the society, shall be devoted —
 - (i) to the provision of such prizes; or
 - (ii) to purposes which are purposes of the society; or
 - (iii) as to part to the provision of such prizes and as to the remainder to such purposes;
 - (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than —
 - (i) a notice of it exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside or (in the case of a Christmas draw) on the licensed premises in question; and
 - (ii) such announcement or advertisement of it as is contained in the tickets, if any;
 - (c) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
 - (d) every ticket shall bear upon the face of it —
 - (i) the name and address of each of the promoters,
 - (ii) a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and
 - (iii) a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them,and no prize shall be paid or delivered except in accordance with that statement;

- (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of its full price, and no money or valuable thing so received by a promoter shall in any circumstances be returned;
 - (f) no tickets in the lottery shall be sent through the post.
- (4) If any of the conditions set out in subsection (3) is contravened, each of the promoters of the lottery, and where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence.
- (5) It shall be a defence for a person charged with an offence under subsection (4) only by reason of his being a promoter of the lottery to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (6) For the purposes of this section, each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

Small lotteries at entertainments

31 Small lotteries at entertainments

[1974/19/1; 1976/25/1]

- (1) Where a lottery is promoted as an incident of a bazaar, sale of work, fete, dinner, dance, sporting or athletic event or other entertainment of a similar character (whether limited to one day or extending over 2 or more days), that lottery is not unlawful if the conditions set out in subsection (2) are observed in connection with its promotion and conduct.
- (2) The conditions referred to in subsection (1) are —
- (a) that the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting —
 - (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery;
 - (ii) the expenses incurred in printing tickets in the lottery; and
 - (iii) such sum (if any), not exceeding £50, as the promoters of the lottery think fit to appropriate on account of any expenses incurred by them in purchasing prizes in the lottery;shall be devoted to purposes other than private gain;
 - (b) that none of the prizes in the lottery shall be a money prize;
 - (c) that tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

- (d) that the facilities for participating in lotteries, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.
- (3) If any of the conditions set out in subsection (2) is contravened in relation to any lottery, every person concerned in the promotion or conduct of that lottery shall be guilty of an offence.
- (4) In any proceedings for an offence under subsection (3) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.
- (5) The Commission may by order substitute, in relation to entertainments held on or after the date when the order comes into operation, for the amount specified in subsection (2)(a)(iii) such other amount as may be specified in the order.⁵⁶

Society lotteries

32 Exemption of society lotteries

[1976/25/2; 1980/1/1/239; 1980/10/1]

- (1) In this Part “society lottery” means a lottery (other than a lottery which is declared not to be unlawful by any other provision of this Part) which is promoted in the Island on behalf of a registered society for raising money to be applied for the purposes of the society.
- (2) In this Part “registered society” means a society which is —
 - (a) established and conducted wholly or mainly for one or more of the following purposes —
 - (i) charitable purposes;
 - (ii) participation in or support of athletic sports or games or cultural activities;
 - (iii) purposes which are not within sub-paragraph (i) or (ii) but are neither purposes of private gain nor purposes of any commercial undertaking; and
 - (b) registered by the Commission under section 33.⁵⁷
- (3) A society lottery is not unlawful if the following conditions are observed in connection with the promotion and conduct of the lottery, that is to say —
 - (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as such;

- (b) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by him in connection therewith who carries on a betting business or is otherwise engaged by way of business in the organisation of betting;
- (c) no ticket or chance shall be sold at a price exceeding £1;⁵⁸
- (ca) no prize (except a jackpot prize authorised under subsection (4A)) shall exceed £2,000 in amount or value;⁵⁹
- (cb) no jackpot prize authorised under subsection (4A) shall exceed £10,000 in amount or value;⁶⁰
- (d) the whole proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society, being purposes described in subsection (2)(a);
- (e) the amount of the proceeds appropriated on account of expenses shall not exceed the expenses actually incurred, or 15 per cent. of the whole proceeds, whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one-half of the whole proceeds;
- (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (g) the total value of the tickets or chances sold shall not exceed £7,500, and if on any day on which tickets or chances in the lottery are on sale, tickets or chances are on sale in another lottery to which this section applies promoted on behalf of the society, the total value of the tickets or chances sold in those lotteries taken together shall not exceed £7,500;⁶¹
- (h) no written notice or advertisement of the lottery shall be exhibited, published or distributed, and no notice or advertisement of the lottery shall be included in a programme service (within the meaning of the *Broadcasting Act 1993*), except —
 - (i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively or solely to members of the society;
 - (ii) such notice or advertisement as may be contained in the tickets, if any;
 - (iii) a notice or advertisement of such a description, and complying with such conditions, as may be prescribed;⁶²
- (i) every ticket shall specify the name of the society, the name and address of the promoter, and the date on which the draw, determination or event by or by reference to which the prize-winners are ascertained will take place;⁶³

- (ia) every notice or advertisement of the lottery lawfully exhibited, distributed or published (other than such notice or advertisement as may be contained in the tickets, if any) shall contain such information as may be prescribed;⁶⁴
 - (j) no ticket shall be sent through the post to a person not being a member of the society;
 - (k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned;
 - (l) no payment on account of expenses or prizes shall be made out of moneys of the society not being proceeds of the lottery;
 - (m) no ticket or chance shall be sold by or to a person aged less than 16 years; and
 - (n) upon a prize winner being ascertained he shall be notified of the event and such notice shall include particulars of the time and manner in which the prize can be claimed.
- (4) Subject to subsection (4B), the Commission may vary the conditions imposed by subsection (3)(c), (ca), (cb) and (g) in their application to a society lottery, to such extent and subject to such conditions as the Commission may determine.⁶⁵
- (4A) Subject to subsection (4B), the Commission may authorise a registered society, subject to such conditions as the Commission may determine, to promote a series of society lotteries in which a jackpot prize or prizes may be given.⁶⁶
- (4B) Subsections (4) and (4A) do not apply to a society lottery unless –
- (a) it is promoted on behalf of a registered society, being a society established and conducted wholly or mainly for charitable purpose, and
 - (b) the whole proceeds of the lottery, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, are to be devoted to a charitable purpose.⁶⁷
- (5) If any condition required by subsection (3), or by the Commission under subsection (4), to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is party to the contravention shall be guilty of an offence.⁶⁸
- (6) It shall be a defence for a person charged with an offence under subsection (5) only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

- (7) It shall be a defence for any person charged with an offence under subsection (5) in respect of an appropriation or payment made in contravention of subsection (3)(e) or (l) to prove —
- (a) that the proceeds of the lottery fell short of the sum reasonably estimated,
 - (b) that the appropriation or payment was made in respect of expenses actually incurred or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances, and
 - (c) that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under subsection (3)(e) if the said proceeds had amounted to the sum reasonably estimated.
- (8) For the purposes of this section, tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which such tickets or chances are first and last sold, whether or not any such ticket or chance is sold on that day.
- (9) The Commission may by order substitute, in relation to a lottery promoted after the date on which the order comes into operation, for any amount specified in this section such other amount as may be specified in the order.⁶⁹

33 Registration of societies

[1976/25/3]

- (1) An application for the registration of a society under this section shall be made to the Commission and shall specify the purposes for which the society is established and conducted: and subject to the provisions of this section, the Commission shall, upon application duly made on behalf of a society and on payment of a fee of £5, register the society in a register kept for the purpose, and notify the society in writing that it has done so.⁷⁰
- (2) The Commission, after giving the society concerned an opportunity of being heard, may refuse to register a society under this section, or cancel the registration of a society under this section, if it appears to it —
- (a) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society; or
 - (b) that the society is not or has ceased to be a society on behalf of which lotteries may be promoted under section 32.⁷¹
- (3) [Repealed].⁷²

- (4) A society which is for the time being registered under this section may at any time apply to the Commission for the cancellation of the registration; and the Commission shall cancel the registration accordingly.⁷³
- (5) Every society which is registered under this section shall pay to the Treasury on the 1st January in each year while it is so registered a fee of £5, and, if any such fee remains unpaid at the end of that month, the registration of the society shall be cancelled forthwith.
- (6) The Treasury may by order substitute for any amount specified in this section such other amount as may be specified in the order.

33A Registration of managers of British societies' lotteries

- (1) An application for the registration under this section of a person as the manager of a lottery referred to in section 29(2A)(a) shall be made to the Commission and shall specify —
 - (a) the name and address of the applicant;
 - (b) the name and address of the society by which the lottery is promoted,
 - (c) the purposes for which the society is established and conducted;
 - (d) the name and address of the registration authority with which the society is registered under Schedule 1 to the 1976 Act or, as the case may be, that the society is registered with the Gaming Board for Great Britain under Schedule 1A to that Act;
 - (e) where the applicant is a person mentioned in section 9A(1)(e) of that Act, the name and address of the person certified under Schedule 2A to that Act by whom he is employed; and
 - (f) the name and address of a person resident in the Island (who may be the applicant) who is occupying a position of responsibility in relation to the promotion of the lottery in the Island.⁷⁴
- (2) The application shall have attached to it —
 - (a) a copy of the scheme approved under section 5(3)(c) of the 1976 Act which relates to the lottery,
 - (b) where the applicant is a person mentioned in section 9A(1)(d) or (e) of that Act, a copy of the current certificate issued under Schedule 2A to that Act to the applicant or to the person by whom he is employed, as the case may be; and
 - (c) a statement in writing signed by the person specified in the application under subsection (1)(f) that he understands that he will be liable under section 37A(8) to pay any society lottery duty, and to make any payments on account of society lottery duty, in respect of the lottery.

- (3) Subject to the provisions of this section, the Commission shall, on application duly made under subsection (1) and on payment of a fee of £50, register the applicant in a register kept for the purpose, and notify the applicant in writing that they have done so.⁷⁵
- (4) The Commission, after giving the person concerned an opportunity of being heard, may refuse to register an applicant as manager of a lottery, or revoke the registration of the manager of a lottery, if it appears to it —
 - (a) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society;
 - (b) that the society is not or has ceased to be a society on behalf of which lotteries may be promoted under the 1976 Act;
 - (c) the applicant or manager is not or has ceased to be qualified to manage the lottery under section 9A(1) of that Act; or
 - (d) that the person specified in the application under subsection (1)(f) —
 - (i) is not or has ceased to be resident in the Island;
 - (ii) does not occupy, or has ceased to occupy, a position of responsibility in relation to the promotion of the lottery in the Island; or
 - (iii) is unlikely, or has failed, to discharge his liability under section 37A(8) in relation to that or any other lottery.⁷⁶
- (5) Where registration has been refused or revoked under this section, the Commission shall forthwith notify the person concerned and the society in respect of whose lottery he is registered of the refusal or revocation.⁷⁷
- (6) Where a person is for the time being registered under this section, that person, or the society in respect of whose lottery he is registered, may at any time apply to the Commission for the cancellation of the registration; and the Commission shall cancel the registration accordingly.⁷⁸
- (7) Every person who is registered under this section shall pay to the Treasury on the 1st January in each year while he is so registered a fee of £50, and, if any such fee remains unpaid at the end of that month, the registration of the society shall be cancelled forthwith.
- (8) The Treasury may by order substitute for any amount specified in this section such other amount as may be specified in the order.
- (9) In this section “the 1976 Act” means the Lotteries and Amusements Act 1976 (an Act of Parliament).⁷⁹

33B Exemption for British societies’ lotteries

A lottery is not unlawful if —

- (a) it is declared to be not unlawful by section 5(3) (societies' lotteries promoted in Great Britain) of the Lotteries and Amusements Act 1976 (an Act of Parliament),
- (b) the promotion of the lottery is managed by a person registered by the Commission under section 33A, and⁸⁰
- (c) it is being conducted in accordance with the requirements of that Act and any regulations for the time being in force under that Act.⁸¹

34 Returns etc to be made by promoters

- (1) The promoter of a society lottery shall, not later than the end of one month after the month in which the winners of prizes in the lottery are ascertained, deliver to the Commission a return, certified by a member of an approved accounting body, showing —
 - (a) the whole proceeds of the lottery;
 - (b) the sums appropriated out of the proceeds on account of expenses and on account of prizes respectively;
 - (c) the particular purpose or purposes to which proceeds of the lottery were applied in pursuance of section 32(3)(d), and the amount applied for that purpose, or for each of those purposes, as the case may be;
 - (d) the dates between which tickets or chances in the lottery were sold;
 - (e) the number of tickets or chances —
 - (i) printed;
 - (ii) sold; and
 - (iii) unsold.⁸²
- (2) The promoter of a society lottery shall, if so required by the Commission by a notice in writing, deliver to the Commission within 14 days of the date of such notice —
 - (a) particulars in writing accounting for all tickets or chances unsold; and
 - (b) all such books, vouchers, unsold tickets and other documents relating to the lottery as may be specified in the notice.⁸³
- (3) The Commission shall preserve any return or written account sent to it under this section for a period of at least one year, and during that period shall keep it deposited at the Commission's office and permit any member of the public to inspect it during office hours free of charge.⁸⁴
- (4) Any person who —

- (a) fails to deliver a return or written account, or any book, voucher, unsold ticket or other document in accordance with the provisions of this section, or
- (b) knowingly gives in any return or account delivered by him thereunder any information which is false or misleading, or
- (c) certifies any return to be delivered under this section knowing it to contain any such information,

shall be guilty of an offence.

- (5) It shall be a defence for any person charged with an offence of failing to comply with any of the requirements of a notice given under subsection (2) to prove that any book, voucher, unsold ticket or other document specified in the notice is in the possession of another person and that he has taken all reasonable steps to recover it.

34A Society lotteries played as games

A society lottery is not unlawful if —

- (a) it is played as a game, and
- (b) it complies with such conditions as may be prescribed.⁸⁵

Public lotteries

35 Public lotteries

[1981/26/1]

A lottery promoted by the Treasury in accordance with the *Public Lotteries Act 1981* is not an unlawful lottery.

36 Government securities

No security issued by or under the authority of the Government, or the Government of the United Kingdom, is an unlawful lottery by reason of any use or proposed use of chance to select particular securities for special benefits if the terms of the issue provide that the amount subscribed is to be repayable in full in the case of all the securities.

Amusements with prizes

37 Amusements with prizes

An amusement to which section 10 applies and in relation to which the conditions set out in section 10(3) are observed is not an unlawful lottery.

PART IV – MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

38 Prize competitions

- (1) Subject to subsection (2), it is unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public –
 - (a) any competition in which prizes are offered for forecasts of the result either –
 - (i) of a future event; or
 - (ii) of a past event the result of which is not yet ascertained, or not yet generally known;
 - (b) any other competition in which success does not depend to a substantial degree on the exercise of skill.
- (2) Nothing in subsection (1) with respect to the conducting of competitions in connection with a trade or business applies in relation to pool betting operations carried on by a person whose only trade or business is that of a bookmaker and whose business premises are situate outside the Island.
- (3) Any person who contravenes this section shall be guilty of an offence, without prejudice to any liability under section 29.

39 Cheating

Every person who by any fraud or cheat –

- (a) in organising or managing or assisting in organising or managing or in providing facilities for any game or
- (b) in acting as banker for those who play or in playing at, or in wagering on the event of, any game, sport, pastime or exercise,

wins from any other person or causes or procures any person to win from another any property shall be guilty of an offence.

40 Gaming and wagering contracts void

- (1) Every contract by way of gaming or wagering is void.
- (2) No action shall lie for the recovery of any money or thing which is alleged to be won or to have been paid upon a wager or which has been deposited to abide the event on which a wager is made.
- (3) A promise, express or implied, to pay any person any money paid by him under or in respect of a contract such as is mentioned in subsection (1) or to pay any money by way of commission, fee, reward or otherwise in respect of such a contract or of any services connected with

such a contract is void and no action shall lie for the recovery of any such money.

- (4) This section does not apply to any agreement to subscribe or contribute to any place, prize or sum of money to be awarded to the winner or winners of any game, sport or pastime not prohibited or regulated by this Act, if the subscription or contribution is not a stake.

41 Securities in connection with gaming and wagering illegal

- (1) Every security given in whole or in part —
- (a) for any money or thing won by gaming or wagering, or
 - (b) for any money knowingly lent for gaming or wagering, or
 - (c) for any money lent, in a place where and at a time when gaming or wagering is taking place, to or for the benefit of any persons who are or may be gaming or wagering there,

shall be deemed to have been given for an illegal consideration.

- (2) In this section —

“gaming” includes taking part in an athletic game or sport;

“security” includes any note, bill, bond, mortgage or conveyance, and also includes a judgment other than a judgment obtained adversely.

42 [Repealed]⁸⁶

Enforcement

43 Penalties

- (1) Schedule 5 sets out in tabular form the manner in which offences under this Act are punishable on conviction.
- (2) In relation to an offence under a provision specified in column 1 of that Schedule (the general nature of which is described in column 2) —
- (a) column 3 shows whether the offence is punishable on summary conviction or on conviction on information or either way; and
 - (b) column 4 shows the punishment which may be imposed on a person convicted of the offence in the way specified in column 3, any reference —
 - (i) to a period being read as imprisonment for a term not exceeding that period,
 - (ii) to an amount, as a fine not exceeding that amount, and
 - (iii) to a fine (without any amount), as an unlimited fine.

44 Offences of bodies corporate

- (1) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

45 Forfeiture

[NI85/11/183]

- (1) Subject to subsection (2), the court by or before which a person is convicted of an offence under this Act may order anything shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (2) The court shall not order anything to be forfeited under this section where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

46 Powers of entry

[NI85/11/180]

- (1) For the purpose of ascertaining whether a contravention of the Act or of any regulations made under it is being or has been committed or whether any conditions which are applicable under this Act are being or have been complied with, a constable or a duly authorised officer of the Commission may at any reasonable time —
 - (a) enter —
 - (i) any licensed betting office;
 - (ii) any approved racecourse;
 - (iii) any premises on which a constable has reason to believe an entertainment to which section 9 or 29 applies is being held; or
 - (iv) any office of a registered society; and
 - (b) inspect any premises mentioned in paragraph (a) and any machine or other equipment or any book or document found on those premises; and

- (c) upon production of a receipt, remove any such book or document for the purpose of having copies of it made or extracts taken from it; and
 - (d) ask of any person found on any premises mentioned in paragraph (a) such reasonable questions in relation to the business carried on on those premises as he thinks proper.⁸⁷
- (2) An officer of the Commission shall, if so required, produce evidence of his authority before exercising any of the powers conferred by subsection (1).⁸⁸
- (3) If the holder of any licence, certificate or permit held in respect of any premises mentioned in subsection (1)(a), or any officer of the registered society, or any person organising the entertainment, as the case may require, or any person acting on behalf of any such holder, officer or person —
- (a) fails without reasonable excuse to admit a constable or authorised officer who demands admission to the premises under subsection (1); or
 - (b) on being required by a constable or authorised officer to do so fails without reasonable excuse to permit the constable or officer to inspect the premises or any machine or other equipment on those premises; or
 - (c) on being required by a constable or authorised officer to produce any book or document in his possession or under his control which relates to the premises and which the constable or officer reasonably requires to inspect for the purpose specified in subsection (1), fails without reasonable excuse to produce it to the constable or officer and to permit the constable or officer to remove the book or document for the purpose of taking copies of it or of any entry in it; or
 - (d) fails or refuses to answer to the best of his knowledge and ability any question asked of him by a constable or authorised officer in exercise of the power conferred by subsection (1) or gives an answer to any such question which is to his knowledge false or misleading;

he shall be guilty of an offence.

- (4) If, on complaint on oath, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an offence under this Act is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search the premises.⁸⁹
- (5) Any constable who enters any premises under the authority of a warrant issued under subsection (4) may —

- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act, and
 - (b) search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.⁹⁰
- (6) [Repealed]⁹¹

Supplemental

47 Orders and regulations

- (1) The Commission may by regulations prescribe any matter which under any provision of this Act may be prescribed.⁹²
- (2) Regulations under any provision of this Act, and orders under sections 9(4), 10(6), 25(1), 31(5), 32(9), 33(6), 33A(8) and 48(1A), paragraph 12(2) of Schedule 1 and paragraph 1 of Schedule 2, shall not have effect unless they are approved by Tynwald.⁹³
- (3) An order under section 25(2) shall be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which the order is laid or the next following sitting resolves that the order be annulled, it shall cease to have effect.⁹⁴

48 Interpretation

- (1) In this Act —
 - “**approved accounting body**” means —
 - the Institute of Chartered Accountants in England and Wales;
 - the Institute of Chartered Accountants of Scotland;
 - the Association of Certified Accountants;
 - the Institute of Chartered Accountants in Ireland;
 - the Chartered Institute of Public Finance and Accountancy;
 - “**approved racecourse**” means a racecourse in respect of which there is for the time being in force a racecourse licence;
 - “**bet**” does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming;
 - “**betting office licence**” means a betting office licence granted under section 15(2);⁹⁵

“**betting transaction**” includes the collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker;

“**bookmaker**” means any person who —

- (a) whether on his own account or as servant or agent of any other person carries on, whether occasionally or regularly, the business of receiving or negotiating bets; or
- (b) by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets;

but a person shall not be deemed to be a bookmaker by reason only of the fact that —

- (i) he is, or is employed by, or is an agent or collector for, a person carrying on business as a registered pool promoter; or
- (ii) he operates, or is employed in operating, a totalisator; or
- (iii) he is employed in a licensed office as the servant or agent of a licensed bookmaker;

“**bookmaker’s permit**” means a permit granted by the Commission authorising the holder of the permit to carry on the business of a bookmaker at premises for which he holds a betting office licence;⁹⁶

“**business**” includes any business whether or not carried on for profit;

“**the Commission**” means the Isle of Man Gambling Supervision Commission;⁹⁷

“**controlled machine**” has the meaning given by section 1(1) of the *Gaming (Amendment) Act 1984*;

“**gaming**” has the meaning given by section 1;

“**jackpot prize**” means a prize which accumulates in size from one lottery to the next until it is won;⁹⁸

“**licensed betting office**” means premises in respect of which there is for the time being in force a betting office licence;

“**licensed bookmaker**” means a person who is for the time being the holder of a bookmaker’s permit;

“**licensed premises**” has the same meaning as in the *Licensing Act 1961*;

“**pool betting**” has the meaning given by section 2 of the *Pool Betting (Isle of Man) Act 1961*;

“**premises**” includes any place, and any vessel or vehicle;

“**prescribed**” (except in “**prescribed game**”) means **prescribed by regulations**;

“**prescribed game**” means a game prescribed by regulations under section 11(2)(d) or 12M of the *Casino Act 1986* (as the context requires)

and played in accordance with rules (if any) under section 12 or 12N of that Act (as the case may be);⁹⁹

“**printing**” includes writing and other modes of reproducing words in a visible form;

“**private lottery**” has the meaning given by section 30(1);

“**prohibited machine**” has the meaning given by section 1(4) of the *Gaming (Amendment) Act 1984*;

“**public betting office licence**” [Repealed]¹⁰⁰

“**public licensed betting office**” [Repealed]¹⁰¹

“**racecourse**” means premises on which horse or dog races of any description take place;

“**racecourse licence**” means a licence under section 22;

“**registered pool promoter**” has the meaning given by section 5(1) of the *Pool Betting (Isle of Man) Act 1961*;

“**regulations**” means regulations made by the Commission;¹⁰²

“**registered society**” has the meaning given by section 32(2);

“**restricted licensed betting office**” [Repealed]¹⁰³

“**restricted betting office licence**” [Repealed]¹⁰⁴

“**society**” includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association;

“**society lottery**” has the meaning given by section 32(1);

“**street**” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is open to the public; and the doorways and entrances of premises abutting upon, and any land adjoining and open to, a street shall be treated as forming part of the street;

“**telecommunication system**” has the same meaning as in the *Telecommunications Act 1984*;

“**ticket**”, in relation to a lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery;

“**totalisator**” means the contrivance for betting known as the totalisator or *pari mutuel*, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

(1A) The Commission may by order amend the definition of “approved accounting body” in subsection (1).¹⁰⁵

(2) For the purposes of this Act, where any payment falls to be made in respect of any equipment for holding a lottery or gaming at any

entertainment, then if, but only if the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the proceeds of the entertainment for the purposes of private gain.

(3) For the purposes of this Act, proceeds of any entertainment, lottery or gaming promoted on behalf of a society which is established and conducted either —

(a) wholly for purposes other than purposes of any commercial undertaking; or

(b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games,

which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(4) For the purpose of this Act, any purpose for which a society is established and conducted and which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual.

(5) References in this Act to a game played by means of a controlled machine in accordance with the *Gaming (Amendment) Act 1984* are to a game played —

(a) on premises in respect of which a certificate under section 3 of that Act is for the time being in force,

(b) in accordance with the conditions subject to which the certificate is granted, and

(c) by means of a machine —

(i) registered under paragraph 2 of Schedule 2 to that Act and

(ii) complying with conditions prescribed, either generally or as respects controlled machines of the same description, by regulations under paragraph 7(1)(b) of that Schedule.

49 Amendment of Casino Act 1986

(1) The *Casino Act 1986* is amended in accordance with Part I of Schedule 6.

(2) The transitional provisions in Part II of that Schedule shall have effect.

50 Transitional provisions and amendments

(1) The transitional provisions in Schedule 7 shall have effect.

- (2) The enactments specified in Schedule 8 are amended in accordance with that Schedule.
- (3) [Repealed]¹⁰⁶

51 Short title and commencement

- (1) This Act may be cited as the Gaming, Betting and Lotteries Act 1988.
- (2) This Act, except section 49 and Schedule 6, shall come into operation on such day as the Governor in Council may by order appoint.¹⁰⁷

SCHEDULE 1

BOOKMAKERS' PERMITS AND BETTING OFFICE LICENCES

Section 16

Interpretation

1. In this Schedule —
 - “**the Collector**” means the Collector of Customs and Excise;
 - “**gambling duty**” means the duty payable in accordance with the *Gambling Duty Act 2012*;¹⁰⁸
 - “**licence**” and “**permit**” mean a betting office licence and a bookmaker’s permit respectively;
 - “**relevant premises**” means —
 - (a) in relation to a bookmaker’s permit, the premises at which for the time being the applicant for or holder of the permit has his office or, if he has more than one office, his principal office or, if he is a company, his registered office or, if he has no office, his usual place of residence;
 - (b) in relation to an application for the grant or renewal of a betting office licence, the premises in respect of which the application is made.

Meetings to consider applications

2. (1) The Commission shall in each year fix a day on which (subject to paragraph 5) they will hold a meeting for the purpose of considering any application for the grant of a permit or licence then awaiting consideration.¹⁰⁹
 - (2) In addition to any meeting on a day fixed in pursuance of subparagraph (1), the Commission may hold a meeting on any other day for the purpose of considering any such applications.¹¹⁰

Form of application

3. (1) Any application for the grant of a permit or licence may be made at any time, and shall be made to the secretary to the Commission in such form and manner, and shall contain such particulars and (if the application is for a permit) give such references, as may be prescribed; and, not later than 7 days after the date of the application, the applicant shall send a copy of the application to the Chief Constable and to the Collector.¹¹¹
 - (2) If the applicant knowingly makes any false statement in any such application he shall be guilty of an offence.

Notice of application

4. (1) Not later than 14 days after the date of any application for the grant of a permit or licence, the applicant shall cause to be published in a newspaper published and circulating in the Island a notice of the application, which shall state that any person who desires to object to the grant of the permit or licence should send to the secretary to the Commission, before such date (not earlier than 14 days after the publication of the notice) as may be specified therein, 2 copies of a brief statement in writing of the grounds of his objection.¹¹²

(2) In the case of an application for the grant of a licence in respect of any premises, the applicant shall also cause a like notice to be posted up outside the entrance, or on the site of the proposed entrance, to the premises not later than 14 days before the date specified as aforesaid and take such steps as he reasonably can to keep that notice so posted until that date.

Application in respect of several premises

4A. [Repealed]¹¹³

Notice of hearing of application

5. (1) Not later than 7 days after the publication of the newspaper containing notice of an application required by paragraph 4(1), the applicant shall send a copy of that newspaper to the secretary to the Commission, and the Commission shall not consider the application earlier than 14 days after the date specified in the notice.¹¹⁴

(2) Not earlier than the said date and not less than 7 days before the date appointed for the consideration of the application, the secretary to the Commission shall send notice in writing of the date, time and place of the meeting of the Commission at which the application will be considered to —

- (a) the applicant;
- (b) the Chief Constable;
- (c) the Collector, and
- (d) any person from whom the secretary to the Commission has received an objection in writing which has not been withdrawn, if the address of that person is known to the secretary to the Commission,¹¹⁵

and also cause notice of that meeting to be displayed at some public place in a position where the notice may conveniently be read by members of the public.¹¹⁶

(3) In sending such a notice to the applicant, the secretary to the Commission shall include therewith a copy of any objection to the grant of the permit or licence which has been received by the secretary to the Commission from any person.¹¹⁷

Meeting to consider renewals

6. (1) The Commission, in each year in which any application for the renewal of a permit or licence fails to be made to them, shall in February give in writing to the holder of that permit or licence, and cause to be published in a newspaper published and circulating in the Island, notice of a day in April on which it will hold a meeting for the purpose of considering such applications.¹¹⁸

(2) That notice shall include the time and place appointed for the meeting and shall state —

- (a) in the case of the notice given to the holder of any permit or licence, that any such application must be received by the secretary to the Commission before a specified date, being a date not earlier than 14 days after both the giving of the notice in writing and the publication of the newspaper notice;¹¹⁹
- (b) in the case of the newspaper notice, that any person who desires to object to the renewal by the Commission of any particular permit or licence should send to the secretary to the Commission before the same date 2 copies of a brief statement in writing of the grounds of his objection.¹²⁰

(3) Not earlier than the date specified in the notice under paragraph 7(1), and not later than 7 days before the day appointed for the consideration of such applications, the secretary to the Commission —

- (a) if he has received from any person an objection in writing to the renewal of a particular permit or licence (being an objection which has not been withdrawn) and the address of that person is known to him shall send to that person in writing a notification whether or not an application for the renewal of that permit or licence has been made;
- (b) shall send to the person by whom any application for the renewal of a permit or licence has been duly made a copy of any objection to the renewal which he has received and which has not been withdrawn.¹²¹

Form of application for renewal

7. (1) Any application for the renewal of a permit or licence shall be made to the secretary to the Commission before the date specified under paragraph 6(2)(a), and shall be in such form and contain such particulars as may be prescribed.¹²²

(2) If any applicant knowingly makes any false statement in an application pursuant to this paragraph, he shall be guilty of an offence.

*Proceedings before the Commission*¹²³

8. (1) On any application for the grant or renewal of a permit or licence, the Commission may grant or renew the permit or licence without hearing the applicant —
- (a) if no objection to the grant or renewal has been made by any person; or
 - (b) if every such objection has been withdrawn before the beginning of the meeting of the Commission at which the application is considered.¹²⁴
- (2) Save as aforesaid, at any such meeting any of the following persons, that is to say —
- (a) the applicant;
 - (b) any person from whom an objection in writing which has not been withdrawn was received by the secretary to the Commission before the day on which he sent the documents referred to in paragraph 5(2) and (3) or 6(3), as the case may be; and¹²⁵
 - (c) the person making any other objection which the Commission has decided under sub-paragraph (4) that it will hear,¹²⁶

shall be entitled to be heard either in person or by an advocate; and the Commission shall also hear any representations made otherwise than by way of objection by, or by any person authorised in that behalf by, the Chief Constable or the Collector.¹²⁷

(3) Where an objection to the grant or renewal of a permit or licence is received or made on or after the day referred to in sub-paragraph (2)(b), the Commission may refuse to entertain the objection and, unless the applicant requests otherwise, shall not hear it until the objector has given to the secretary to the Commission and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of his objection.¹²⁸

(4) The Commission may from time to time adjourn the consideration of any application for the grant or renewal of a permit or licence, whether for the purposes of sub-paragraph (3) or for any other purpose.¹²⁹

Costs

9. (1) On the consideration of any application for the grant or renewal of a permit or licence, the Commission may take evidence on oath and may make such order as it thinks fit for payment of costs by or to the applicant to or by any person who made an objection to the grant or renewal which was not withdrawn before the day referred to in paragraph 8(2)(b).¹³⁰

(2) Any costs so ordered to be paid under this paragraph may be recovered as a debt in the High Court, and a certified copy of the finding of the Commission shall be sufficient evidence and authority for recovering the same.¹³¹

Grounds for refusal to grant or renew permit

10. (1) The Commission shall refuse any application for the grant or renewal of a permit if it appears that the applicant —
- (a) not being a body corporate, is under 21 years of age; or
 - (b) is for the time being disqualified under —
 - (i) section 18(4);
 - (ii) section 11(4) of the Betting, Gaming and Lotteries Act 1963 (an Act of Parliament); or
 - (iii) Article 30 or 53 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985; or
 - (c) not being a body corporate, is not resident in the Island or was not so resident throughout the 6 months immediately preceding the date of the application; or
 - (d) being a body corporate, is not incorporated in the Island; or
 - (e) has within the immediately preceding 12 months been refused the grant or renewal —
 - (i) of a permit under sub-paragraph (2)(a); or
 - (ii) of a bookmaker's or betting agency permit, under paragraph 16(1)(a) or 17(b) of Schedule 1 to the said Act of 1963; or
 - (iii) of a bookmakers' permit or betting office licence, pursuant to section 18 of the National Lottery etc. Act 1993 (an Act of Parliament) as that Act has effect in the Island; or¹³²
 - (f) has been the holder of a permit, bookmaker's permit or bookmaker's licence which has within the immediately preceding 12 months been cancelled under paragraph 17, paragraph 27 of Schedule 1 to the said Act of 1963 or Article 27 of the said Order of 1985;¹³³
- (2) In the case of an application for the grant or renewal of a permit, the Commission may refuse the application if —
- (a) it is not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to be the holder of a bookmaker's permit, and for this purpose the Commission shall have regard to any failure of the applicant to pay any amount due from him by way of gambling duty; or¹³⁴
 - (b) it is satisfied that, if the permit were to be granted or renewed, the business to which it relates would be managed by, or carried on for the benefit of, a person other than the applicant, being a person who would himself be refused the grant or renewal of such a permit either under paragraph 14 or under sub-paragraph (a).¹³⁵

(3) For the purposes of sub-paragraph (2), the Commission (without prejudice to its power under paragraph 8(4) to adjourn consideration of the application) shall disregard —

- (i) any proceedings for such an offence as is mentioned in section 18(1) which have been commenced but not yet determined; and
- (ii) any cancellation of a permit under section 18(1) or under paragraph 17 which has not yet taken effect.¹³⁶

Grounds for refusal to grant or renew licence

11. (1) The Commission shall refuse an application for the grant or renewal of a licence in respect of any premises —

- (a) if it is not satisfied that on the date with effect from which the licence would come into force, or, as the case may be, would be continued in force, the applicant will be the holder of a bookmaker's permit;¹³⁷
- (b) if it is not satisfied that the premises are or will be enclosed;¹³⁸
- (c) if, in the case of an application for a betting office licence, it is not satisfied that there are or will be means of access between the premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions; or¹³⁹
- (d) unless, in the case of an application for a betting office licence, the premises are, in the opinion of the Commission, suitable both as to facilities and location for use as a betting office and that all licences, permissions or other authorities requisite for their use as such under any other enactment have been duly obtained.¹⁴⁰

(2) The Commission shall refuse an application for a betting office licence on the ground —

- (a) that, having regard to the lay-out, character, condition or location of the premises, they are not suitable for use as a [public*] licensed betting office; or¹⁴¹
- (b) that the grant or renewal would be inexpedient having regard to the demand for the time being in the locality for the facilities afforded by [public*] licensed betting offices and to the number of such offices for the time being available to meet that demand; or¹⁴²
- (c) that the premises have not been properly conducted under the licence.¹⁴³

(3) [Repealed]¹⁴⁴

Grant or renewal of permit or licence

12. (1) Save as provided by paragraph 10 or 11 or by paragraph 7(3) of Schedule 3 to the *Betting Act 1970*, the Commission shall not refuse any application for the grant or renewal of a permit or licence made, so far as lies within the control of the applicant, in accordance with this Schedule, but shall grant or renew the permit or licence on payment by the applicant to the secretary to the Commission of a fee of —

- (a) in the case of the grant of a permit, £700;¹⁴⁵
 - (b) in the case of the renewal of a permit, £100;¹⁴⁶
 - (c) in the case of the grant or renewal of a betting office licence, £100;¹⁴⁷
 - (d) [Repealed]¹⁴⁸
- (1A) [Repealed]¹⁴⁹

(2) The Treasury may by order substitute for any fee specified in sub-paragraph (1) such other fee as may be specified in the order.

Appeals against refusals

13. [Repealed]¹⁵⁰

Transfer of licence

14. (1) The Commission may, on an application made to it in that behalf —

- (a) transfer to another person the licence then subsisting in respect of the premises for which the licence was issued;
- (b) amend the licence so that it will apply to premises other than the premises in respect of which the licence was issued.¹⁵¹

- (2) An application under sub-paragraph (1) (a) may be made
- (a) where the holder of the licence has died before the expiry of the licence, by the spouse or civil partner, or the personal representative (or one or more of such representatives, if more than one), of the holder of the licence;¹⁵²
 - (b) where the holder of the licence has become bankrupt or insolvent or is suffering from mental disorder before the expiry of the licence, by his trustee in bankruptcy, liquidator or receiver, as the case may be.

(3) Where a licence is transferred under this paragraph, the secretary to the Commission shall make an endorsement to that effect on the licence, and the licence shall thereupon be of full effect and validity until the date on which it would have expired if it had not been so transferred.¹⁵³

(3A) [Repealed]¹⁵⁴

(4) Save as otherwise provided by this paragraph, the provisions of this Act relating to an application for the grant of a licence shall apply, with any necessary modifications, to an application for the transfer of such a licence.

(5) Save as provided in this paragraph, a permit or licence shall not be transferable.

Bodies corporate

15. (1) Where the holder of a permit is a body corporate —
- (a) no person shall be appointed as a director thereof, except with the prior approval of the Commission; and¹⁵⁵
 - (b) the body corporate shall not permit the acquisition by any person of a majority of its issued share capital, except with the prior approval of the Commission, and, where the person acquiring such share capital is a body corporate, sub-paragraph (a) shall have effect as if that person were the holder of a bookmaker's permit.¹⁵⁶

(2) If the holder of a permit is a body corporate and any person is appointed a director in contravention of sub-paragraph (1)(a), or the holder of the permit fails to comply with sub-paragraph (1)(b), that person or the holder of the permit, as the case may be, shall be guilty of an offence.

Application for cancellation of permit

16. If an application is made at any time to the secretary to the Commission by any person in the prescribed form and manner requesting that a permit be cancelled and is accompanied by 2 copies of a statement of the grounds on which the application is made, the secretary to the Commission shall submit the application to any one member of the Commission who, after considering the statement accompanying the application —

- (a) if he is of opinion —
 - (i) that further consideration of the matters referred to in that statement is unnecessary or inexpedient before the renewal of the permit falls to be considered; or
 - (ii) that the Commission would be required by paragraph 17(4) to refuse the application,¹⁵⁷

shall cause notice in writing to be given to the applicant that the application is refused, without prejudice to the raising of the same matters by way of objection in accordance with this Schedule to a renewal of the permit; and

- (b) otherwise shall refer the application to the Commission.^{158 159}

Hearing of application for cancellation

17. (1) Where an application for the cancellation of a permit is referred to the Commission under paragraph 16 the secretary to the Commission shall, unless the application has been withdrawn, give to the applicant, to the holder of the permit, to the Chief Constable and the Collector, not less than 21 days' notice in writing of the date, time and place appointed for the consideration of the application by the Commission, and shall send to the holder of the permit together with that notice a copy of the applicant's statement of the grounds on which the application is made.¹⁶⁰

(2) Subject to sub-paragraph (4), at any meeting of the Commission to consider the application, the applicant and the holder of the permit shall be entitled to be heard either in person or by an advocate; and where the applicant is a person other than the Chief Constable or the Collector, the Commission shall also hear any representations made by, or by any person authorised in that behalf by, that officer.¹⁶¹

(3) Paragraphs 8(4) and 9 shall apply in relation to the application as they apply in relation to an application for the renewal of a permit, subject to the following modifications of paragraph 9, —

- (a) as if the reference to the applicant for renewal were a reference to the holder of the permit; and
- (b) as if the reference therein to any person who made an objection were a reference to the person by whom the application under paragraph 16 was made.

(4) The Commission shall refuse the application if it is satisfied that it is made on grounds which —

- (a) have been or ought properly to have been raised previously by way of objection either when the permit was granted or on an occasion when it has been renewed; or
- (b) are or have been the subject matter of proceedings for such an offence as is mentioned in section 18(1); or
- (c) the Commission is satisfied that the holder of the permit or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of the National Lottery etc. Act 1993 (an Act of Parliament) as that Act has effect in the Island.¹⁶²

(5) The Commission shall not cancel the permit unless —

- (a) satisfactory evidence is produced that the holder is no longer a fit and proper person to hold such a permit, and for this purpose it shall have regard to any failure of the holder of the permit to pay any amount due from him by way of gambling duty; or¹⁶³
- (b) it is satisfied that the business to which it relates is being managed by, or carried on for the benefit of a person other than the holder,

being a person who would himself be refused the grant of such a permit under paragraph 10(1) or (2)(a).¹⁶⁴

(6) If the Commission decides not to cancel the permit, it shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit.¹⁶⁵

(7) If the Commission decides to cancel the permit, the cancellation shall not take effect —

- (a) until the expiration of the time within which notice of an appeal under paragraph 18 may be given; nor
- (b) if such notice is duly given, until the determination or abandonment of the appeal.¹⁶⁶

Appeal against cancellation

18. [Repealed]¹⁶⁷

Form and duration of permit or licence

19. (1) A permit or licence shall be in the prescribed form and shall show the date with effect from which it is to be, or, as the case may be, to be continued, in force and, subject to sub-paragraphs (2) to (5), shall, unless renewed or, as the case may be, further renewed, cease to be in force on the 31st May failing not less than 3 nor more than 15 months after the date so shown.

(2) Where application for the renewal of a permit or licence has been made, so far as lies within the control of the applicant, in accordance with the provisions of this Schedule, the permit or licence shall not cease to be in force by virtue of sub-paragraph (1) before the Commission makes its determination on the application.¹⁶⁸

(3) Where the Commission refuses to renew a permit or licence, the permit or licence shall not cease to be in force by virtue of sub-paragraph (1) before the expiration of the time within which an appeal under section 7 of the *Gambling (Amendment) Act 2006* may be instituted, nor, if such notice is duly given, before the determination or abandonment of the appeal.¹⁶⁹

(4) A betting office licence held by the holder of a bookmaker's permit shall cease to be in force upon that permit ceasing to be in force, whether by virtue of sub-paragraph (1) or by virtue of its cancellation under section 18(1) or under paragraph 17.

(5) In the event of the death of the holder of a permit or licence, during the period of 6 months commencing with the death the permit or licence shall not cease to be in force by virtue of sub-paragraph (1) and, except for the purposes of a renewal of that permit or licence, his personal representatives shall be deemed to be the holder of it; and the Commission may from time to time, on the application of those representatives, extend or further extend the said period of 6 months if the

Commission is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.¹⁷⁰

Registers of permits and licences

20. The secretary to the Commission shall keep registers in the prescribed form and containing the prescribed particulars of all permits and licences granted or renewed by the Commission, and any such register shall be open during reasonable hours for inspection by any constable or by an officer (within the meaning of the *Customs and Excise Management Act 1986*) or, on payment of the prescribed fee, by any other person.¹⁷¹

Service of documents

21. Any provision of this Schedule requiring any notice or other document to be given or sent to any person by the secretary to the Commission shall be deemed to be satisfied if the document is either served personally on that person or sent to him by post at his usual or last-known residence or place of business in the Island or, in the case of a company, at the company's registered office.¹⁷²

SCHEDULE 2¹⁷³

Editorial Note: Schedule 2 was repealed by Gaming, Betting and Lotteries (Amendment) Act 2001 s 1(4) but, by virtue of s 1(5) of the Gaming, Betting and Lotteries (Amendment) Act 2001, is to continue in force as if it were contained in regulations made under s 20(1) of the Gaming, Betting and Lotteries Act 1988.

The text of Schedule 2 is shown below for convenience.

RULES FOR LICENSED BETTING OFFICES

[XXI p220/Sch 2]

Section 20(1)

Opening hours

1. [Revoked]¹⁷⁴

Access by minors

2. (1) *No person who is apparently under the age of 18 years, or who is known to any person connected with the licensee's business and present on the premises to be under that age, shall be admitted to or allowed to remain on those premises.*

(2) *In any proceedings for a contravention of this rule in respect of a person apparently under the age of 18 years it shall be a defence to prove that at the time of the alleged contravention he had in fact attained that age.*

Display of licence etc.

3. *The licensee —*

- (a) *shall display his betting office licence on the premises;*
- (b) *shall exhibit on those premises such notices in such form and in such positions as may be prescribed; and*
- (c) *shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or of signs of any description on the premises.*

Encouragement to bet

4. (1) *Neither the licensee nor any servant or agent of his shall, while any other person is on the premises, encourage him to bet.*

(2) *This paragraph shall not be construed as prohibiting the provision of any of the facilities permitted by paragraphs 5 to 8.*

Facilities on the premises

5. (1) *Except as permitted by sub-paragraph (2) or (3), no apparatus for making information or other material available in the form of sounds or visual images or both shall be used on the premises.*

(2) *Subject to paragraph 6, such apparatus may be used on the premises provided that the matter seen or heard comprises only information about, and the coverage of, a sporting event including —*

- (a) *information relating to any betting on such an event; and*
- (b) *any other matter, including an advertisement, which is incidental to such an event or such coverage.*

(3) *Subject to paragraph 6, such apparatus may be used on the premises provided that the matter seen or heard comprises only —*

- (a) *information relating to betting on any event in connection with which betting transactions may be or have been effected on those premises; and*
- (b) *the result of such an event.*

6. (1) *No apparatus for making information or other material available in the form of visual images shall be used on the premises unless those images appear on a screen; and any screen so used shall not —*

- (a) *exceed 30 inches wide; or*
- (b) *be so positioned that those images can be seen from outside the premises, whether through a window or otherwise.*

(2) *No apparatus for showing visual images of a sporting event shall be used on the premises if —*

- (a) *the service by means of which such images appear is not intended to be received by the general public or other licensees generally; or*
- (b) *in the case of images that appear by means of the use of video recordings, identical recordings of the same event are not available to other licensees generally.*
- (3) *In this paragraph “video recording” means any disc or magnetic tape containing information by the use of which the whole or part of a series of visual images (with or without sound) may be produced electronically and shown as a moving picture.*

7. *No music, dancing or other entertainment shall be provided or allowed on the premises, except entertainment which complies with paragraph 5.*

8. (1) *Except as permitted by this paragraph, no refreshments shall be provided on the premises.*

(2) *Any drink may be sold, by any means whatsoever, on the premises except intoxicating liquor within the meaning of the Licensing Act 1961.*

Access to the premises

9. *Except for the licensee and any servant or agent of his, no person resorting to the premises shall be allowed to use any means of direct access between the premises and other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions.*

Interpretation

10. *In this Schedule —*

“the licensee”, in relation to the premises, means the holder of a betting office licence for the premises;

“the premises” means the premises in respect of which a betting office licence is in force.

SCHEDULE 3

OPERATION OF TOTALISATOR

Section 24(3)

Disposal of stake money

1. (1) *The whole of the stake money shall, subject to sub-paragraphs (2) and (3), be distributed among the persons winning bets by means of the totalisator.*

(2) *The operator may deduct from the stake money such percentage of the stake money as the Commission, after consultation with the Treasury, may determine to cover the charges, working expenses and profit of the operator.¹⁷⁵*

(3) The operator shall deduct from the stake money such percentage of the stake money as the Commission, with the concurrence of the Treasury, may determine, and shall within 7 days of receipt pay the same to the Treasury for the credit of the general revenue of the Island.¹⁷⁶

(4) Any determination under sub-paragraph (2) or (3) shall be endorsed on the licence granted under section 24.

Accounts and audit

2. (1) Every operator shall —

- (a) keep such accounts and records as may be required by the Commission;¹⁷⁷
- (b) prepare statements of account in such form, and in respect of such period, as may be so required.

(2) All accounts kept, and statements of account prepared, in accordance with sub-paragraph (1), shall be audited for each period mentioned in sub-paragraph (1)(b) by a member of an approved accounting body appointed for the purpose by the Commission with the concurrence of the Treasury.¹⁷⁸

(3) The auditor shall report to the Commission, and shall also from time to time check the operation of every totalisator and certify to the Commission and to the Treasury —

- (a) the total amount of the stake money staked on every race;
- (b) the amount of the percentage of the stake money deducted pursuant to paragraph 1(2); and
- (c) the amount of the percentage of the stake money payable to the Treasury pursuant to paragraph 1(3).¹⁷⁹

(4) The fees and expenses of the auditor shall be paid by the Commission, and regard shall be had by the Commission to such fees and expenses when determining the percentage of the stake money to be payable to the Treasury under paragraph 1(3).¹⁸⁰

(5) Any person who obstructs the auditor in the exercise of his functions under this paragraph shall be guilty of an offence.

Interpretation

3. In this Schedule —

“**the auditor**” means the person appointed under paragraph 2(2);

“**the operator**” means the holder of a certificate under section 21(1);

“**the stake money**” means any money staked by means of the totalisator operated by the operator.

SCHEDULE 4¹⁸¹

SCHEDULE 5

PENALTIES

Section 43

Sch 5 amended by Betting Offices Act 2001 Sch and by Gaming, Betting and Lotteries (Amendment) Act 2001 ss 1 and 2.

<i>Provision</i>	<i>Offence</i>	<i>Mode of prosecution</i>	<i>Penalty</i>
Section 5(1)	Organising unlawful gaming.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 5(3)	Allowing premises to be used for unlawful gaming.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 6(1)	Gaming in street or public place.	Summary	3 months or £2,500 or both
Section 7(1)	Advertising of gaming.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 10(4)	Contravention of conditions for amusements with prizes.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 11(3)	Using premises for betting.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 12(1)	Being found on premises used for betting.	Summary	£1,000
Section 12(2)	Failing to give name and address.	Summary	£200
Section 13(1)	Betting in street or public place.	Summary	3 months or £2,500 or both
Section 14(2)	Acting as bookmaker without a permit.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 15(4)	Carrying on bookmaking business without betting office licence.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both

<i>Provision</i>	<i>Offence</i>	<i>Mode of prosecution</i>	<i>Penalty</i>
Section 17(7)	Failure to replace designated official.	Summary	£2,500
Section 19(1)	Employing disqualified person.	Summary	6 months or £5,000 or both
Section 19(2)	Failure to produce permit.	Summary	£2,500
Section 20(4)	Failure to leave betting office when requested.	Summary	£1,000
Section 20(6B)	Advertising betting office.	Summary	6 months or £5,000 or both
Section 21(4)	Betting on unlicensed racecourse.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 22(3)	Contravention of conditions of racecourse licence.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 23(4)	Carrying on unauthorised pool betting business.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 24(5)	Failure to comply with totalisator rules.	Summary	6 months or £5,000 or both
Section 26(1)	Betting with minor.	Summary	6 months or £5,000 or both
Section 27(1)	Inciting minor to bet.	Summary	6 months or £5,000 or both
Section 29	Offences relating to lotteries.	Summary	6 months or £5,000 or both
Section 31(3)	Contravention of conditions for small lotteries.	Summary	6 months or £5,000 or both
Section 32(5)	Contravention of conditions for society lotteries.	Summary	6 months or £5,000 or both
Section 34(4)	Failure to make returns, or making false returns.	Summary	6 months or £5,000 or both

<i>Provision</i>	<i>Offence</i>	<i>Mode of prosecution</i>	<i>Penalty</i>
Section 38(3)	Conducting prize competition.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 39	Cheating.	(a) Information (b) Summary	2 years or a fine or both 6 months or £5,000 or both
Section 46(3)	Refusing admission etc.	Summary	£2,500
Schedule 1 para. 3(2)	Making false statement for licence or permit.	Summary	3 months or £2,500 or both
Schedule 1 para. 7(2)	Making false application for renewal.	Summary	3 months or £2,500 or both
Schedule 1 para. 15(2)	Appointment of director etc. without approval.	Summary	£2,500
Schedule 3 para. 2(5)	Obstruction of auditor.	Summary	£2,500

SCHEDULE 6**AMENDMENT OF CASINO ACT 1986**

Section 49

PART I

Part I amended by Casino (Amendment) Act 1990 Sch, and amends the following Act —

Casino Act 1986 q.v.]

PART II – TRANSITIONAL PROVISIONS

12. Any casino licence granted by the Commission under section 3 of the *Casino Act 1986* before the commencement of this Schedule shall be deemed to have been granted by the Governor in Council.¹⁸²

13. In relation to a casino licence mentioned in paragraph 12 —

- (a) any facilities and amenities specified in a direction given by the Governor in Council under subsection (3) of the said section 3 shall be deemed to be specified in the licence pursuant to subsection (1A) of that section (as amended by this Schedule); and
- (b) any amount or other matter prescribed under subsection (4) of section 4 of the said Act shall be deemed to be specified in the licence pursuant to subsection (3)(a) of that section (as amended by this Schedule).

SCHEDULE 7**TRANSITIONAL PROVISIONS**

Section 50 (1)

Registration of societies

1. (1) Any society which immediately before the commencement of this Act was registered by the Government Secretary under section 2 of the *Gaming, Betting and Lotteries Act 1960* shall be treated as registered by the Commission under section 33.¹⁸³

(2) Any register kept, and anything done or suffered, by the Government Secretary under section 1, 2 or 3 of or the Schedule to the said Act of 1960 before the commencement of this Act shall be treated as having been kept, done or suffered by the Commission under section 32, 33 or 34 or Schedule 3.¹⁸⁴

(3) Any proceedings under section 2 of the said Act of 1960 which are pending at the commencement of this Act may be amended in accordance with this paragraph.

Disqualification

2. (1) Where immediately before the commencement of this Act any person is under section 6(3) of the *Betting Act 1970* disqualified by virtue of an order under section 6(1) of that Act for any period for holding or obtaining a permit under that Act, he shall by virtue of that order be disqualified for the same period for holding or obtaining a bookmaker's permit under this Act, and the reference to section 18(4) in section 19(1) shall be treated as including a reference to this sub-paragraph.

(2) Where after the commencement of this Act a person is convicted of an offence specified in section 6(1) of that Act committed before such commencement, section 18 shall apply to him as if the conviction were of an offence specified in section 18(1).

Totalisators

3. (1) Where immediately before the commencement of this Act a certificate of approval under section 2(1) of the *Totalisator Act 1975* is in force in respect of a racecourse, it shall be treated as a racecourse licence granted under section 22 in respect of the racecourse subject to such terms and conditions as may be specified in the certificate.

(2) Where immediately before the commencement of this Act a certificate of authority under section 2(2) of that Act is in force, it shall be treated as a licence granted under section 24 to the holder thereof subject to such terms and conditions as may be specified in the certificate.

Betting duty

4. [Repealed]¹⁸⁵

SCHEDULE 8

CONSEQUENTIAL AMENDMENTS

Section 50(2)

[Sch 8 amended by Licensing Act 1995 Sch 4, and amends the following Acts —

Pool Betting (Isle of Man) Act 1961 q.v.

Betting Act 1970 q.v.

Casino Act 1986 q.v.]

SCHEDULE 9¹⁸⁶

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Para (a) amended by National Lottery Act 1999 s 3.

² Subs (2A) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 8.

³ Subs (2) repealed by Police Powers and Procedures Act 1998 Sch 5.

⁴ Subs (2) substituted by Casino (Amendment) Act 2012 s 12.

⁵ Subs (4A) inserted by Online Gambling Regulation Act 2001 Sch and amended by Gambling (Amendment) Act 2006 Sch 3.

⁶ Subs (a) substituted by Casino (Amendment) Act 2012 s 13.

⁷ Para (c) added by Online Gambling Regulation Act 2001 Sch.

⁸ Para (a) amended by SD348/97

⁹ Para (b) amended by SD348/97 and by Gaming, Betting and Lotteries (Amendment) Act 2001 s 8.

¹⁰ Para (b) amended by SD348/97.

¹¹ Subs (4) amended by Gaming, Betting and Lotteries (Amendment) Act 2001 s 12 and by Gambling (Amendment) Act 2006 s 3.

¹² Para (b) amended by SD348/97.

¹³ Para (c) amended by SD348/97.

¹⁴ Subs (6) amended by Gambling (Amendment) Act 2006 s 3.

¹⁵ Para (a) substituted by Betting Offices Act 2001 Sch and amended by Gambling (Amendment) Act 2006 Sch 3.

¹⁶ Para (d) added by Online Gambling Regulation Act 2001 Sch.

¹⁷ Subs (2) substituted by Police Powers and Procedures Act 1998 Sch 4.

¹⁸ Subs (1) amended by Gambling (Amendment) Act 2006 s 3.

¹⁹ Subs (1A) substituted by Gambling (Amendment) Act 2006 Sch 3.

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- ²⁰ Subs (1) amended by Gambling (Amendment) Act 2006 s 3.
- ²¹ Subs (2) substituted by Gambling (Amendment) Act 2006 Sch 3.
- ²² S 15 substituted by Betting Offices Act 2001 s 1.
- ²³ Subs (2) amended by Gambling (Amendment) Act 2006 s 3.
- ²⁴ Subs (3) amended by Gambling (Amendment) Act 2006 s 3.
- ²⁵ Subs (4) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ²⁶ Subs (5) amended by Gambling (Amendment) Act 2006 s 3.
- ²⁷ Subs (7) amended by Gambling (Amendment) Act 2006 s 3.
- ²⁸ Para (b) substituted by Betting Offices Act 2001 s 3.
- ²⁹ Subs (6) amended by Gambling (Amendment) Act 2006 s 3.
- ³⁰ Para (a) amended by Gambling (Amendment) Act 2006 Sch 3.
- ³¹ Subs (1) substituted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 1 and amended by Gambling (Amendment) Act 2006 s 3.
- ³² Subs (1A) repealed by Gambling (Amendment) Act 2006 Sch 3.
- ³³ Subs (2) substituted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 1 and amended by Gambling (Amendment) Act 2006 Sch 3.
- ³⁴ Subs (3) amended by Betting Offices Act 2001 s 2 and by Gambling (Amendment) Act 2006 Sch 3.
- ³⁵ Subs (5) amended by Betting Offices Act 2001 s 2 and by Gambling (Amendment) Act 2006 Sch 3.
- ³⁶ Para (a) amended by Gambling (Amendment) Act 2006 Sch 3.
- ³⁷ Subs (6) substituted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 2.
- ³⁸ Para (b) amended by Gambling (Amendment) Act 2006 Sch 3.
- ³⁹ Subs (6A) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 2. Para (c) amended by Gambling (Amendment) Act 2006 Sch 3.
- ⁴⁰ Subs (6B) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 2.
- ⁴¹ Subs (7) amended by Gaming, Betting and Lotteries (Amendment) Act 2001 s 2.
- ⁴² Subs (1) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ⁴³ Subs (2) amended by Gambling (Amendment) Act 2006 s 3.
- ⁴⁴ Subs (3) substituted by Online Gambling Regulation Act 2001 Sch.
- ⁴⁵ Subs (1) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ⁴⁶ Subs (2) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ⁴⁷ Subs (4) amended by Gambling (Amendment) Act 2006 s 3.
- ⁴⁸ Subs (1) amended by Gambling (Amendment) Act 2006 s 3.
- ⁴⁹ Subs (2) added by Gaming, Betting and Lotteries (Amendment) Act 1996 s 1 and amended by Gambling (Amendment) Act 2006 s 3.
- ⁵⁰ Subs (4) added by Online Gambling Regulation Act 2001 Sch.
- ⁵¹ Para (aa) inserted by National Lottery Act 1999 s 3.

- ⁵² Para (ab) inserted by Online Gambling Regulation Act 2001 Sch.
- ⁵³ Para (b) amended by Gambling (Amendment) Act 2006 s 3.
- ⁵⁴ Subs (2A) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 9.
- ⁵⁵ Subs (2) amended by Gaming, Betting and Lotteries (Amendment) Act 2001 s 4.
- ⁵⁶ Subs (5) amended by Gambling (Amendment) Act 2006 s 3.
- ⁵⁷ Para (b) amended by Gambling (Amendment) Act 2006 s 3.
- ⁵⁸ Para (c) substituted by Gaming, Betting and Lotteries (Amendment) Act 2001 s. 6.
- ⁵⁹ Para (ca) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s. 6.
- ⁶⁰ Para (cb) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s. 6.
- ⁶¹ Para (g) amended by SD347/97.
- ⁶² Para (h) substituted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 5.
- ⁶³ Para (i) substituted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 5.
- ⁶⁴ Para (ia) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 5.
- ⁶⁵ Subs (4) substituted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 6 and amended by Gambling (Amendment) Act 2006 s 3.
- ⁶⁶ Subs (4A) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 6 and amended by Gambling (Amendment) Act 2006 s 3.
- ⁶⁷ Subs (4B) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 6.
- ⁶⁸ Subs (5) amended by Gambling (Amendment) Act 2006 s 3.
- ⁶⁹ Subs (9) amended by Gambling (Amendment) Act 2006 s 3.
- ⁷⁰ Subs (1) amended by Gambling (Amendment) Act 2006 s 3.
- ⁷¹ Subs (2) amended by Gambling (Amendment) Act 2006 s 3.
- ⁷² Subs (3) repealed by Gambling Supervision Act 2010 Sch 5.
- ⁷³ Subs (4) amended by Gambling (Amendment) Act 2006 s 3.
- ⁷⁴ Subs (1) amended by Gambling (Amendment) Act 2006 s 3.
- ⁷⁵ Subs (3) amended by Gambling (Amendment) Act 2006 s 3.
- ⁷⁶ Subs (4) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ⁷⁷ Subs (5) amended by Gambling (Amendment) Act 2006 s 3 and by Gambling Supervision Act 2010 Sch 5.
- ⁷⁸ Subs (6) amended by Gambling (Amendment) Act 2006 s 3.
- ⁷⁹ S 33A inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 9.
- ⁸⁰ Para (b) amended by Gambling (Amendment) Act 2006 s 3.
- ⁸¹ S 33B inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 9.
- ⁸² Subs (1) amended by Gambling (Amendment) Act 2006 s 3.
- ⁸³ Subs (2) amended by Gambling (Amendment) Act 2006 s 3.
- ⁸⁴ Subs (3) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ⁸⁵ S 34A inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 8.
- ⁸⁶ S 42 repealed by Gambling (Amendment) Act 2006 Sch 3.
- ⁸⁷ Subs (1) amended by Gambling (Amendment) Act 2006 s 3.
- ⁸⁸ Subs (2) amended by Gambling (Amendment) Act 2006 s 3.

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- ⁸⁹ Subs (4) amended by Police Powers and Procedures Act 1998 Sch 4.
- ⁹⁰ Para (b) amended by Police Powers and Procedures Act 1998 Sch 5.
- ⁹¹ Subs (6) repealed by Police Powers and Procedures Act 1998 Sch 5.
- ⁹² Subs (1) amended by Gambling (Amendment) Act 2006 s 3.
- ⁹³ Subs (2) amended by Gaming, Betting and Lotteries (Amendment) Act 1996 s 1 and by Gaming, Betting and Lotteries (Amendment) Act 2001 ss 7 and 9.
- ⁹⁴ Subs (3) added by Gaming, Betting and Lotteries (Amendment) Act 1996 s 1.
- ⁹⁵ Definition of “betting office licence” substituted by Gambling (Amendment) Act 2006 Sch 3.
- ⁹⁶ Definition of “bookmaker’s permit” amended by Gambling (Amendment) Act 2006 s 3.
- ⁹⁷ Definition of “the Commission” amended by Gambling (Amendment) Act 2006 s 3.
- ⁹⁸ Definition of “jackpot prize” inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 6.
- ⁹⁹ Definition of “prescribed game” substituted by Casino (Amendment) Act 2012 s 14.
- ¹⁰⁰ Definition of “public betting office licence” repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁰¹ Definition of “public licensed betting office” repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁰² Definition of “regulations” amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁰³ Definition of “restricted licensed betting office” repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁰⁴ Definition of “restricted betting office licence” repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁰⁵ Subsection (1A) inserted by Gaming, Betting and Lotteries (Amendment) Act 2001 s 7 and amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁰⁶ Subs (3) repealed by Statute Law Revision Act 1992 Sch 2.
- ¹⁰⁷ ADO (whole Act except s 49 and Sch 6) 1/12/1988 (GC349/88).
- ¹⁰⁸ Definition of “gambling duty” inserted by Gambling Duty Act 2012 Sch 1.
- ¹⁰⁹ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹⁰ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹¹ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹² Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹³ Para 4A repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹¹⁴ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹⁵ Item (d) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹⁶ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹⁷ Subpara (3) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹⁸ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.
- ¹¹⁹ Item (a) amended by Gambling (Amendment) Act 2006 s 3.
- ¹²⁰ Item (b) amended by Gambling (Amendment) Act 2006 s 3.
- ¹²¹ Subpara (3) amended by Gambling (Amendment) Act 2006 s 3.

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- ¹²² Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.
- ¹²³ Heading amended by Gambling (Amendment) Act 2006 s 3.
- ¹²⁴ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3. Item (b) amended by Gambling (Amendment) Act 2006 s 3.
- ¹²⁵ Item (b) amended by Gambling (Amendment) Act 2006 s 3.
- ¹²⁶ Item (c) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ¹²⁷ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.
- ¹²⁸ Subpara (3) amended by Gambling (Amendment) Act 2006 s 3.
- ¹²⁹ Subpara (4) amended by Gambling (Amendment) Act 2006 s 3.
- ¹³⁰ Subpara (1) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ¹³¹ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.
- ¹³² Sub item (iii) added by SD600/99.
- ¹³³ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.
- ¹³⁴ Item (a) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3 and by Gambling Duty Act 2012 Sch 1.
- ¹³⁵ Item (b) amended by Interpretation Act 1976 s 16A. Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.
- ¹³⁶ Subpara (3) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ¹³⁷ Item (a) amended by Interpretation Act 1976 s 16A.
- ¹³⁸ Item (b) amended by Interpretation Act 1976 s 16A.
- ¹³⁹ Item (c) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁴⁰ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3. Item (d) amended by Gambling (Amendment) Act 2006 s 3 and Sch 3.
- ¹⁴¹ *All other references to “public” in this Act repealed by the Gambling (Amendment) Act 2006.
- ¹⁴² *All other references to “public” in this Act repealed by the Gambling (Amendment) Act 2006.
- ¹⁴³ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3 and Sch 3.
- ¹⁴⁴ Para 11 substituted by Betting Offices Act 2001 Sch. Subpara (3) repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁴⁵ Item (a) substituted by Betting Offices Act 2001 Sch.
- ¹⁴⁶ Item (b) substituted by Betting Offices Act 2001 Sch.
- ¹⁴⁷ Item (c) amended by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁴⁸ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3. Item (d) repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁴⁹ Subpara (1A) repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁵⁰ Para 13 repealed by Gambling Supervision Act 2010 Sch 5.
- ¹⁵¹ Subpara (1) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.

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- ¹⁵² Item (a) amended by Civil Partnership Act 2011 Sch 14.
- ¹⁵³ Subpara (3) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁵⁴ Subpara (3A) repealed by Gambling (Amendment) Act 2006 Sch 3.
- ¹⁵⁵ Item (a) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁵⁶ Item (b) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁵⁷ Sub item (ii) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁵⁸ Item (b) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁵⁹ Para 16 amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁶⁰ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁶¹ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁶² Subpara (4) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3. Item (c) added by SD600/99 and amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁶³ Item (a) amended by Interpretation Act 1976 s 16A and by Gambling Duty Act 2012 Sch 1.
- ¹⁶⁴ Subpara (5) amended by Gambling (Amendment) Act 2006 s 3. Item (b) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ¹⁶⁵ Subpara (6) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ¹⁶⁶ Subpara (7) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ¹⁶⁷ Para 18 repealed by Gambling Supervision Act 2010 Sch 5.
- ¹⁶⁸ Subpara (2) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ¹⁶⁹ Subpara (3) amended by Interpretation Act 1976 s 16A, by Gambling (Amendment) Act 2006 s 3 and by Gambling Supervision Act 2010 Sch 4.
- ¹⁷⁰ Subpara (5) amended by Interpretation Act 1976 s 16A and by Gambling (Amendment) Act 2006 s 3.
- ¹⁷¹ Para 20 amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁷² Para 21 amended by Law Reform Act 1997 Sch 5, by Gambling (Amendment) Act 2006 s 3 and by Gambling Supervision Act 2010 Sch 5.
- ¹⁷³ Sch 2 repealed by Gaming, Betting and Lotteries (Amendment) Act 2001 s 1(4) but, by virtue of s 1(5) of the Gaming, Betting and Lotteries (Amendment) Act 2001, is to continue in force as if it were contained in regulations made under s 20(1) of the Gaming, Betting and Lotteries Act 1988.
- ¹⁷⁴ Para 1 revoked by SD2017/0068.
- ¹⁷⁵ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁷⁶ Subpara (3) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁷⁷ Item (a) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁷⁸ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁷⁹ Subpara (3) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁸⁰ Subpara (4) amended by Gambling (Amendment) Act 2006 s 3.
- ¹⁸¹ Sch 4 repealed by Gambling Supervision Act 2010 Sch 5.



¹⁸² Para 12 amended by Gambling (Amendment) Act 2006 s 3.

¹⁸³ Subpara (1) amended by Gambling (Amendment) Act 2006 s 3.

¹⁸⁴ Subpara (2) amended by Gambling (Amendment) Act 2006 s 3.

¹⁸⁵ Para 4 repealed by Gambling Duty Act 2012 Sch 2.

¹⁸⁶ Sch 9 repealed by Statute Law Revision Act 1992 Sch 2.