
CASINO (AMENDMENT) BILL 2017

Explanatory Memorandum

1. This Bill is promoted by Mr. Cannan on behalf of the Treasury and the Isle of Man Gambling Supervision Commission. It amends the *Casino Act 1986*.
2. *Clauses 1 to 3* (which together comprise Part 1) deal with the commencement, citation and expiry of the resulting Act.
3. Part 2 contains the amendments to the *Casino Act 1986*.
4. *Clause 4* amends section 4 of the *Casino Act 1986*. It provides for a casino licence to contain a requirement to the effect that the holder of the licence must during the currency of the licence comply with AML/CFT legislation. By “AML/CFT legislation” is meant a number of pieces of legislation connected with the prevention of money laundering and with terrorist financing. These pieces of legislation are listed in a new subsection (7) which provides the definition of the expression. The clause also confers new powers upon the Isle of Man Gambling Supervision Commission (referred to as “the Board” in the Act) to require the holder of a licence to satisfy it that the holder has complied with the new obligations in relation to money laundering. This is brought about by means of an amendment to subsection (3)(d).
5. *Clause 5* amends section 5A of the *Casino Act 1986*. The provision allows for the variation (with the approval of the Council of Ministers) of the premises specified in a casino licence or any associated premises. The provision also allows the Board to vary with the consent of the holder of the licence and the Council of Ministers the facilities and amenities to be provided at the proposed casino or any proposed associated premises.
6. *Clause 6* amends section 14 of the *Casino Act 1986*. It alters the current requirement upon the Council of Ministers to obtain a deposit of an amount equal to 20 per cent of the estimated total cost of the provision of the premises to be used as a casino before granting a concession so that this becomes a power to require a deposit.
7. It is not anticipated that the Bill will result in any increase in public expenditure or a decrease in public revenue.
8. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the *Human Rights Act 2001*.



Ellan Vannin

CASINO (AMENDMENT) BILL 2017

Index

Section	Page
1 Short title	3
2 Commencement.....	3
3 Expiry	3
4 Licence conditions in relation to money laundering and counter-terrorism: section 4 amended.....	4
5 Variation of licence: section 5A amended.....	4
6 Deposits: section 14 amended	5





Ellan Vannin

CASINO (AMENDMENT) BILL 2017

1 **A BILL** to permit the revocation of a casino licence in cases of non-compliance
 2 with money laundering and financing of terrorism legislation; to permit the
 3 premises in which casinos are located and the facilities and amenities provided
 4 under casino licences to be varied; to permit the Council of Ministers additional
 5 discretion in relation to deposits for concessions; and for connected matters.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and
 consent of the Council and Keys in Tynwald assembled, and by the authority of the
 same, as follows:—

6 **PART 1 – INTRODUCTORY**

7 **1 Short title**

8 The short title of this Act is the Casino (Amendment) Act 2017.

9 **2 Commencement**

- 10 (1) This Act (other than sections 1 and 3 and this section) comes into
 11 operation on a day appointed by order of the Isle of Man Gambling
 12 Supervision Commission.
- 13 (2) Different days may be appointed for different provisions and different
 14 purposes.
- 15 (3) An order under subsection (1) may make such transitional and saving
 16 provisions as the Isle of Man Gambling Supervision Commission
 17 considers necessary or expedient.

18 **3 Expiry**

- 19 (1) This Act expires —
- 20 (a) on the day after its promulgation, if all of its provisions are in
 21 operation on its promulgation; or
- 22 (b) otherwise, on the day after the last provision is brought into
 23 operation.
- 24 (2) The expiry does not —

- 1 (a) affect the continuing operation of the amendments made by this
2 Act; or
- 3 (b) revive any provision not in operation when the amendments took
4 effect.

5 PART 2 – AMENDMENT OF THE CASINO ACT 1986

6 4 Licence conditions in relation to money laundering and counter- 7 terrorism: section 4 amended

- 8 (1) Section 4 of the *Casino Act 1986* (conditions of casino licences) is amended
9 in accordance with subsections (2) and (3).
- 10 (2) In subsection (3) —
- 11 (a) after the words “conditions —” insert —
- 12 | “(za) that the holder of the licence complies at all times during
13 | the currency of the licence with AML/CFT legislation;”;
- 14 (b) in paragraph (d) at the end insert —
- 15 | “(iii) that the holder of the licence has complied with its
16 | obligations under paragraph (za);”.
- 17 (3) At the end of the section insert —
- 18 | “(7) In this section “**AML/CFT legislation**” means any of the
19 | following enactments —
- 20 | (a) the *Anti-Terrorism and Crime Act 2003*;
- 21 | (b) Part 3 (money laundering) of the *Proceeds of Crime Act 2008*;
- 22 | (c) the *Terrorism and Other Crime (Financial Restrictions) Act*
23 | *2014*;
- 24 | (d) any instrument of a legislative character made under one
25 | of the Acts mentioned in paragraph (a) to (c).”.

26 5 Variation of licence: section 5A amended

- 27 (1) Section 5A of the *Casino Act 1986* (variation of casino licence) is amended
28 in accordance with subsection (2) and (3).
- 29 (2) In subsection (1) after the words “licence —” insert —
- 30 | “(za) by varying with the approval of the Council of Ministers,
31 | the premises in which the casino is located or any
32 | associated premises;”.
- 33 (3) After subsection (1) insert —
- 34 | “(1A) The Board may at any time, with the approval of the
35 | Council of Ministers and with the consent of the holder of
36 | the licence, vary any facilities or amenities to be provided

1 | by the holder of the licence at the casino or at any
2 | associated premises.”.

3 | **6 Deposits: section 14 amended**

- 4 | (1) Section 14 of the *Casino Act 1986* (deposits) is amended in accordance
5 | with subsections (2) to (4).
- 6 | (2) In subsection (1) —
- 7 | (a) for the word “shall” substitute “may”;
- 8 | (b) omit the words from “equal” to “premises”;
- 9 | (c) omit the words from “as certified” to the end.
- 10 | (3) In subsection (2) for the words “the deposit” substitute “a deposit”.
- 11 | (4) In subsection (4) for the words “the deposit” substitute “a deposit”.

IN THE KEYS

CASINO (AMENDMENT) BILL 2017

A **BILL** to permit the revocation of a casino licence in cases of non-compliance with money laundering and financing of terrorism legislation; to permit the premises in which casinos are located and the facilities and amenities provided under casino licences to be varied; to permit the Council of Ministers additional discretion in relation to deposits for concessions; and for connected matters.

Approved by the Council of Ministers
for introduction in the House of Keys.

MR CANNAN

APRIL 2017