



TURKS AND CAICOS ISLANDS

CHAPTER 15.02

GAMING MACHINES ORDINANCE

Revised Edition
showing the law as at 31 December 2014

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance.

This edition contains a consolidation of the following laws—

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Page
3

Ordinance 1 of 1976 .. in force 4 June 1976

Amended by Ordinances: 3 of 1992 .. in force 16 April 1992

4 of 1993 .. in force 12 November 1993

Amended by Legal Notice 31/2001 .. in force 1 August 2001

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No Subsidiary Legislation has been made under this Ordinance



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GAMING MACHINES ORDINANCE

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Power to grant licence for use of premises for gaming machines
4. Special gaming licence
5. Application for grant of licence
6. Duration of licence
7. Fees
8. Tax on money recovered from drop box
9. Recovery of unpaid fees
10. Revocation of licence
11. Transfer of licence
12. Offences
13. Power to amend Schedule

SCHEDULE: Fees and Taxes

CHAPTER 15.02

GAMING MACHINES ORDINANCE

*(Ordinances 1 of 1976, 3 of 1992, 4 of 1993, 17 of 2004
and Legal Notices 31/2001 and 24/2009)*

AN ORDINANCE TO PROVIDE FOR THE LICENSING AND CONTROL OF SLOT MACHINES USED FOR GAMING, AND FOR OTHER PURPOSES CONNECTED THEREWITH.

Commencement

[4 June 1976]

Short title

1. This Ordinance may be cited as the Gaming Machines Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“gaming machine” means a machine—

- (a) designed for playing a game of chance, or of mixed chance and skill;
- (b) which can be operated wholly or in part—
 - (i) by the insertion of one or more coins, notes or tokens;
 - (ii) by the application of machine credits; or
 - (iii) by means of electronic transfer of credit or tokens; and
- (c) that offers or that appears to offer, a person a chance to win money or other valuable consideration by playing the machine;
(Amended by Ord. 17 of 2004)

“licence” means a licence granted under section 3.

Power to grant licence for use of premises for gaming machines

3. Subject to the provisions of this Ordinance, the Governor may grant a licence—

- (a) to the licensee of any premises licensed under the Liquor Licensing Ordinance, for the sale of intoxicating liquor (other than the holder of an Off Licence), permitting those premises to be used for gaming by means of one or more gaming machines;

- (b) to the secretary of a bona fide member's club or association, approved for the purpose by the Governor, permitting the premises described in the licence to be used for gaming by means of one or more gaming machines.

Special gaming licence

4. (1) The Governor may grant a special gaming licence to an individual or a company, to operate one or more gaming machines on premises approved by the Governor, subject to such conditions or limitations as the Governor may deem prudent. These limitations or conditions may include, but are not limited to—

- (a) length of license period when the machines may be operated; and
(b) specific sporting, charitable, social or other special events.

(2) Upon the issue of the licence, the licensee shall pay to the Treasurer the special fee at the rate or in the amount specified by the Governor.

(3) Notwithstanding any other law to the contrary, where the Governor decides to grant a special gaming licence, the Governor may decide the maximum number of machines to be operated on the premises.

(Inserted by Ord. 17 of 2004)

Application for grant of licence

5. (1) An application for a licence shall be made in writing to the Governor, and shall specify the premises at which it is desired to install any gaming machines, the number of such machines which it is desired to have in operation and the denomination of coin required, or the charge to be made, for the operation of each machine.

(2) In determining whether or not to grant a licence to any particular applicant, the Governor may take into consideration all such matters as appear to him to be relevant, including the number of other licences already granted, the character of the applicant, and the suitability and situation of the premises concerned.

(3) A licence may be granted subject to any conditions as to the hours or days of the week on which any gaming machine may be operated, as to the denomination of coin, or the charge to be made for the use of any token or other object, required to operate any gaming machine, and such other conditions which the Governor considers desirable either generally in respect of all licences or in respect of the licence granted to any particular applicant.

Duration of licence

6. A licence shall be valid until the 31 day of December in the year in which it is granted and unless revoked, or ordered not to be renewed, by the Governor under the provisions of section 10, may be renewed from year to year upon payment of the fee therefor, as hereinafter provided.

Fees

7. (1) Upon the issue, renewal or transfer of a licence, the licensee shall pay to the Treasurer the fee therefore at the rate or in the amount specified in the Schedule:

Provided that where a licence is granted after the 30 day of June in any year, the fee payable on the issue of the licence shall be half the rate otherwise payable for the year in which the licence is issued.

(Amended by Ord. 3 of 1992)

(2) The fee payable upon the renewal of a licence shall be payable on the day next after New Year's Day, or if that day is a Sunday on the Monday following.

(3) If any gaming machine licensed under this Ordinance is operated after the 31 day of December in any year the licensee shall be deemed to have applied for the renewal of the licence and the whole of the fee payable upon renewal shall be due and payable.

Tax on money recovered from drop box

8. (1) There shall be charged on and paid by a licensee to the Treasurer a monthly tax on the amount of money recovered each month from the drop box of each gaming machine authorised by the licence. *(Amended by Ord. 4 of 1993)*

(2) The tax shall be charged at the rate specified in the Schedule and shall be payable—

(a) at the end of each month; or

(b) at such shorter periods as the Treasurer and the licensee may agree.

(Inserted by Ord. 3 of 1992)

Recovery of unpaid fees

9. (1) Any taxes unpaid, or any fees unpaid in respect of the grant or renewal of a licence may be sued for by the Treasurer and recovered summarily in the Magistrate's Court and in any such proceedings the Court may order the licensee to pay an additional 20 *per centum* of the fee or tax as a penalty.

(2) At any time when any fee or tax payable under this Ordinance remains unpaid there shall be a lien for the amount due, in favour of the Crown, upon the gaming machines owned by or in the possession of the licensee. Where any such fee or tax has remained unpaid for one month, the Treasurer or any person authorised by him in writing may enter the premises where the gaming machines are kept, and take possession of the gaming machines and, if the fee or tax due remains unpaid after fourteen days after such seizure, may sell the same and pay the proceeds towards the amount due.

(3) For the purposes of subsection (2) the secretary of a club or association to whom a licence has been granted shall be deemed to be the owner of the gaming machines installed on the club or association premises.

(Amended by Ord. 3 of 1992)

Revocation of licence

10. (1) The Governor may revoke any licence if the licensee fails to comply with any condition thereof or fails to pay any fee payable under this Ordinance for the grant or renewal thereof or fails to pay any tax payable under this Ordinance. *(Amended by Ord. 3 of 1992)*

(2) The Governor, after giving to the licensee three months notice, may direct that any licence shall not be renewed at the end of any year.

Transfer of licence

11. In the event of the death of a licensee, or a change of ownership or management of any premises licensed under this Ordinance, the Governor upon application made, and with the written consent of the licensee or his personal representative, as the case may be, upon being satisfied as to the character of the applicant and upon payment of the fee specified in the Schedule, may authorise the transfer of the licence to the applicant.

Offences

12. (1) Any person who—

- (a) knowingly permits or causes any premises to be used for gaming with any gaming machines except in accordance with the terms of a licence commits an offence and is liable on summary conviction to a fine of \$1,000 or to a term of imprisonment of six months or to both such fine and imprisonment; and
- (b) knowingly takes part in gaming with any gaming machine on premises used for that purpose contrary to the provisions of this Ordinance commits an offence and is liable on summary conviction to a fine of \$100 or to a term of imprisonment of one month, or to both such fine and imprisonment.

(2) If the Magistrate or a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that any premises are being used for gaming with gaming machines contrary to the provisions of this Ordinance, he may grant a search warrant authorising any police officer to enter, at any time, any premises named in the warrant, if necessary by force, and to search the premises and to seize anything which is evidence of an offence under this section having been, or being about to be committed.

(3) Notwithstanding the provisions of any other law, it shall not be an offence for any person to be concerned in keeping any house or place for the purpose of gambling, or to be found gambling in any such place, if the

premises are licensed under this Ordinance and the gambling is solely by means of gaming machines used in accordance with the conditions of the relevant licence.

Power to amend Schedule

13. The Governor may, from time to time, by order amend the Schedule.

SCHEDULE

(Section 13)

FEES AND TAXES

1. The fee payable under section 6 on the issue or renewal of a licence shall be \$2,000 in each case.

2. The tax payable pursuant to section 7(1) shall be paid at the rate of thirty-five *per cent* of the total amount of money recovered each month from the drop box of that machine.

(Amended by L.N.s 31/2001 and 24/2009)

3. For the transfer of a licence the fee payable under section 11 shall be 25 *per cent* of the apportioned amount of the fee paid for the period of the licence unexpired at the date of the transfer.
