

S. I. 17 of 1987

LICENCES ACT, 1986

(Act 3 of 1986)

Licences (Casino) Regulations, 1987

In exercise of the powers conferred by sections 16(2) and 21 of the Licences Act, 1986, the President, being the Minister responsible for Finance, hereby makes the following Regulations —

1. These Regulations may be cited as the licences (Casino) Regulations, 1987. Citation

2. In these Regulations — Interpretation

“bank” for the purposes of regulation 7(7) means a bank licensed to transact banking business;

“casino” means the premises specified in the casino licence as the casino;

“foreign currency means —

- (a) any currency other than Seychelles currency;
- (b) any notes of a class which are or have at any time being legal tender in any place outside Seychelles;

“gaming” means the playing (including playing on a gaming machine) of a game of chance for winnings in money’s worth, whether any person playing the game is at risk of losing any money or money’s worth or not;

“game of chance” or “game” does not include any athletic game or sport but includes —

- (a) a game of chance and skill combined;
- (b) a pretended game of chance or of chance and skill combined;

but in determining for the purposes of these Regulations whether a game which is played otherwise than against one or more other players, is a game of chance and skill com-

bined, the possibility of superlative skill eliminating the element of chance is to be disregarded;

"gaming machine" means a machine used for gaming but does not include a roulette wheel;

"tip" means a gift in any form and under any name, and includes a gratuity, reward, bounty, donation and present;

"winning" includes any prizes or other winnings of any kind and reference to the amount or payment or a share of winnings is construed accordingly.

Application

3. An application for a casino licence shall be in the Form provided by the Authority.

Bodies to be consulted

4. Before granting a licence the Authority shall consult —

- (a) the Ministry responsible for Finance;
- (b) the Ministry responsible for Planning as to whether the premises comply with all planning requirements under the laws of Seychelles;
- (c) the person in charge of the Fire Brigade as to whether the premises comply with all the planning requirements relating to fire protection under the laws of Seychelles;
- (d) the Ministry of Health as to whether the premises comply with all health requirements under the laws of Seychelles;
- (e) the Ministry responsible for Tourism, and
- (f) the Ministry responsible for Defence.

Scope of licence

5. Notwithstanding sections 167, 170 and 173(c) of the Penal Code or any other law to the contrary, a casino licence shall authorise gaming, subject to and in accordance with the licence, by persons of or over 21 years in age who are not otherwise prohibited from being in the casino or taking part in gaming.

Restriction on grant of licence
Act 4 of 1972

6. No person other than a company incorporated under the Companies Act, 1972, not being an overseas company within the meaning of that Act, shall be eligible to apply for a casino licence.

7. (1) A casino licence shall, in addition to any other condition which the authority may specify in the licence, be subject to the following conditions —

Conditions of
a licence

- (a) the licensee shall not permit a person who is a citizen of Seychelles to be in the centre unless he is there —
 - (i) as a contractor with or concessionaire of, the licence or in the course of employment by the licensee or such contractor or concessionaire or;
 - (ii) in the exercise of his functions under the Act, or any written law;
- (b) the licensee shall not permit a person under 21 year of age to take part in gaming in the casino or be present in a casino;
- (c) subject to sub-regulation (3), the licensee shall not or shall not knowingly permit any other person to, take part in gaming at the casino —
 - (i) if that person is not present in the casino at the time when the gaming takes place there; or
 - (ii) on behalf of another person who is not present in the casino at that time;
- (d) subject to subregulation (4), the licensee shall not knowingly permit any person who is in any way —
 - (i) concerned in the management, regulation, supervision, control or administration of the casino or of the other casino in or outside Seychelles; or
 - (ii) employed in the casino or of any other casino in or outside Seychelles,to take part in the playing of any game in the casino;
- (e) subject to regulation (5), the licensee shall not accept or shall not knowingly permit any of his employees to accept any tip in the casino;
- (f) the licensee shall not permit any gaming —

- (i) which is not authorised by the casino licence;
or
 - (ii) which contravenes any conditions of the casino licence, to take place in the casino;
- (g) the licensee shall not pay or compel or induce any person to accept any winnings in foreign currency;
- (h) subject to subregulation (6) and except in accordance with the conditions of the casino licence, licensee shall not in any place or shall not knowingly permit any other person in the casino to —
 - (i) make any loan to any person;
 - (ii) otherwise allow any credit to any person;
 - (iii) release or discharge on another person's behalf the whole or part of any debt;
 - (iv) accept a promissory note;
 - (v) pledge any property,either —
 - (aa) for enabling any person to take part in gaming in the casino; or
 - (bb) in respect of any losses incurred by any person in gaming in the casino;
- (i) the licensee shall refuse to admit to and shall from the casino any person —
 - (i) who is drunk, violent, quarrelsome or disorderly; or
 - (ii) whose presence in the casino would make the licensee liable to a penalty under the Act or any other law;
- (j) the licensee shall exhibit in a conspicuous place in the casino —
 - (i) a copy of the casino licence;
 - (ii) a notice specifying —
 - (aa) the games, gaming machines and maximum stakes approved by the licence;

(bb) rules of any game played in the casino;
and

(cc) the hours of opening of the casino;

(k) the licensee shall keep to the satisfaction of the Minister responsible for Finance, proper books of accounts and records of all transactions connected with the operation of the casino and shall cause all such accounts and records to be audited by an auditor approved by the Minister.

(2) The Authority may in a casino licence —

- (a) specify the number of tables authorised for the playing of games;
- (b) specify the numbers and type of gaming machines authorised and the maximum stakes for those gaming machines;
- (c) specify the games permitted to be played and the maximum stakes for those games;
- (d) specify matters relating to the method of operation of the games or gaming machines;
- (e) stipulate the operation of the casino with decency, dignity, good taste and honesty;
- (f) specify the books, accounts and records to be kept;
- (g) specify the terms on which credit may be given for gaming.

(3) Where in a game which involves playing or staking against a bank, if a person acting on behalf of the licensee and present in the casino at the time, holds the bank or has a share or interest in it, the licensee shall not be treated as having contravened the condition set out in subregulation (1) (c).

(4) Where a person is employed by the licensee as a croupier to enable other persons to play the game, the licensee shall not be treated as having contravened the condition set out in subregulation (1) (d).

(5) Where the licensee accepts for distribution to a person employed in the casino tips placed in cagnottes or boxes

^{vide} prohibited by the licensee for placing tips, the licensee shall not be treated as having contravened the condition set out in subregulation (1) (e).

(6) The payment or acceptance of payment by way of cheque (which is not a post-dated cheque), a credit card, or a traveller's cheque for cash or tokens for enabling a person to take part in gaming in a casino shall not be treated as a contravention of the condition set out in subregulation (1) (h).

(7) Where a licensee accepts payment in the manner set out in subregulation (6), he shall within a period as may be specified in the conditions in the casino licence, cause the cheque or traveller's cheque to be delivered to a bank for payment or collection or cause the credit card voucher to be remitted for collection, as the case may be.

(8) Nothing in Articles 1965 to 1967 of the Civil Code of Seychelles affects the validity of, or any remedy in respect of, any promissory note, cheque, credit card or traveller's cheques which is accepted in exchange for cash or tokens to be used by a player in gaming in a casino.

(9) Where an employee of the licensee or any person acting on behalf of or under any arrangement with the licensee contravenes any conditions of the casino licence of the licensee, the licensee shall be liable for such contravention as if he had personally committed the contravention unless he proves that he had used due diligence and taken all reasonable steps to prevent such contravention and that the contravention was committed without his knowledge, consent or connivance.

Validity and
non-transfer-
ability of
licence

8. A casino licence is valid for a period of 12 months from the date of grant licence unless revoked by the Authority and is not transferable.

Fees to
accompany
application

9. (1) An application for a casino licence shall, subject to subregulation (2), be accompanied by the fees set out in the Schedule.

(2) A person who was the holder of a licence and who applies, after the expiration of the licence, for a licence shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application, ceased to operate a casino, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of the lodging of his application.

(3) Where the application is refused the Authority shall refund the licence fee and the surcharge of the applicant.

10. (1) No person is liable in respect of winnings from a casino to any taxation or duty imposed by law in respect of income, whether gross or net, profits or gifts or to any duty, fee, rate, cess or other impost under any law. Winnings exempt

(2) For the avoidance of doubt, in this regulation 'winnings' does not include any winnings, profit or other income of the licensee or any employee of, or person acting on behalf of, or person acting on behalf of, or under any arrangement with the licensee.

11. Notwithstanding anything in the Penal Code or in any other law, gaming in a casino in terms of a casino licence does not constitute the casino as a gaming house. Casino not gaming house
Cap 73

12. (1) Any person authorised by the Authority or a police officer of the rank of inspector or above may at any time — Right of entry

- (a) enter, inspect and search a casino;
- (b) without warrant search any person found in the casino;
- (c) demand that the licensee produces the licence for examination;
- (d) inspect any book of account, record or other document required to be kept under regulation 7 or used in connection with the casino;

- (e) require the licensee or any employee or person acting on behalf of the licensee to furnish any information relating to the casino which is reasonably required for the performance of his functions;
- (f) inspect the equipment, supplies or other thing used in connection with the casino;
- (g) require the licensee to repair replace any equipment found to be defective; and
- (h) seize and remove from the casino anything in respect of which he has reasonable grounds of believing that an offence under the Act is being or has been committed.

(2) No female shall be searched under this regulation except by a female.

(3) A person authorized by the Authority or a police officer of the rank of inspector or above acting under this regulation may take with him such other persons and things as he considers necessary for the purposes of this regulation.

(4) The Controller of Taxes, or any officer authorized by him, may, in exercise of his functions under any written law, at any time, enter a casino and inspect books, documents and other papers for the purposes of the written law and may impound or make extracts from or copies of any such books, documents or papers.

Obstruction

13. No person shall prevent, hinder or obstruct a police officer, a person authorised by the Authority, the Controller of Taxes or any officer authorised by the Controller of Taxes in the performance of his functions under the Act or any other written law.

SCHEDULE

Reg. 9(1)

FEES

- | | |
|------------------------------|----------|
| 1. Processing an application | — R. 500 |
| 2. A licence fee — | — |

a basic fee of
and in addition, for
each —

— R. 2000

A. gaming machine

— R. 100

B. gaming table

— R. 1000

MADE this 31st day of March, 1987.

F. A. RENE,
PRESIDENT.