

*Section  
Allova*

S.I. 38 of 1994

LICENCES ACT, 1986

(Act 3 of 1986)

Licences (Gaming Machines) Regulations, 1994

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

1. These Regulations may be cited as the Licences (Gaming Machines) Regulations, 1994. Citation

2. In these Regulations —

Interpretation  
S.I. 17 of  
1987

"Casino" and "Casino licence" have the meaning assigned to them in the Licences (Casino) Regulations, 1987;

"gaming" means the playing on a gaming machine of a game of chance for winnings in money or money's worth whether any person playing the game is at risk of losing any money or money's worth or not;

"gaming machine" means a machine used for gaming;

"gaming machine licence" means a licence for keeping, other than in a casino, a gaming machine for the purpose of gaming in a premises specified in the licence;

"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 is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance is to be disregarded;

"licensee" means the holder of a gaming machine licence;

"premises" means a place specified in the gaming machine licence;

"winning" includes any prizes or other winnings of any kind.

Application

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

Bodies to be consulted

4. Before granting a gaming machine 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.

Scope of Licence  
Cap. 73

5. Notwithstanding sections 167, 170 and 173(c) of the Penal Code or any other law to the contrary, a gaming machine licence shall authorise gaming on the premises subject to and in accordance with the licence, by persons of or over 18 years in age who are not otherwise prohibited from being on the premises.

Restriction on grant of licence and keeping of gaming machine

6. (1) 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 gaming machine licence.

(2) No person, other than a holder of a Casino licence, shall keep a gaming machine for gaming except under and in accordance with a gaming machine licence.

7. For the purpose of exercising control and ensuring that there is no excessive gaming, the Authority may prescribe the maximum number of gaming machines to be used on any premises or in Seychelles.

Limit on the number of gaming machines

8. (1) A gaming machine licence shall, in addition to any other conditions 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 under 18 year of age to take part in gaming on the premises;

(b) the licensee shall not knowingly permit any person who is in any way —

(i) concerned in the management, regulation, supervision, control or administration of any gaming in any premises or of a casino in or outside Seychelles or

(ii) employed by a licensee or in any casino in or outside Seychelles;

to take part in gaming on the premises.

(c) the licensee shall not permit on the premises any gaming —

(i) which is not authorised by the gaming machine licence; or

(ii) which contravenes any conditions of the gaming machine licence,

(d) the licensee shall refuse to admit to and shall expel from the premises any person —



- (i) who is drunk, violent, quarrelsome or disorderly; or
    - (ii) whose presence on the premises would make the licensee liable to a penalty under the Act or any other law;
  - (e) the licensee shall exhibit in a conspicuous place in the premises —
    - (i) a copy of the gaming machine licence;
    - (ii) a notice specifying —
      - (aa) the number of gaming machines and maximum stakes;
      - (bb) rules of any game played; and
      - (cc) the hours of opening.
  - (f) The licensee shall keep an inventory of all the gaming machines kept on the premises and shall not transfer from the premises any such machine without the authorisation of the Authority.
- (2) The Authority may in a gaming machine licence —
- (a) specify the numbers and type of gaming machines authorised and the maximum stakes for those gaming machines;
  - (b) specify the gaming permitted to be played and the maximum stakes for those games;
  - (c) specify matters relating to the method of operation of the games or gaming machines.
- (3) Where a person is employed on the premises by the licensee to instruct or advise other persons in the operation or use of the gaming machines or to provide general supervision of gaming on the premises, the licensee shall not be treated as having contravened the condition set out in subregulation (1)(b).

(4) 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 gaming machine 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.

9. An application for a gaming machine licence shall, subject to regulation 10(1), be accompanied by the fees set out in the Schedule.

Fees t  
accor  
applic

10. (1) A person who was the holder of a gaming machine 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 keep a gaming machine, 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.

Surch

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

11. (1) No person is liable in respect of winnings from any gaming machine 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.

Winni  
exemp

(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 under any arrangement with the licensee.

12. Notwithstanding anything in the Penal Code or in any other law, the use of a premises for gaming under a gaming machine licence does not constitute the premises a gaming house.

Gamir  
machi  
gamin  
house  
Cap. 7

## Right of entry

13. (1) Any person authorised by the Authority or a police officer of the rank of Inspector or above may at any time —

- (a) enter, inspect and search the premises used for gaming;
- (b) without warrant search any person found on the premises;
- (c) demand that the licensee produces the licence for examination;
- (d) require the licensee or any employee or person acting on behalf of the licensee to furnish any information relating to the gaming machine licence which is reasonably required for the performance of his functions;
- (e) inspect the equipment, supplies or other thing used in connection with gaming;
- (f) require the licensee to repair or replace any equipment found to be defective; and
- (g) seize and remove from the premises 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 and above acting under this regulation may take with him such other persons and things as may be necessary for the purpose of this regulation.

(4) The Commissioner of Taxes, or any officer authorized by him, may, in exercise of his functions under any written law, at any time, enter any premises specified in a gaming machine licence and inspect for the purpose of the written law books, docu-



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ments and other papers kept in connection with gaming carried on in those premises and may detain for purpose of investigation or make extracts from or copies of any such books, documents or papers.

14. No person shall prevent, hinder or obstruct a police officer, a person authorised by the Authority, the Commissioner of Taxes or any officer authorised by the Commissioner of Taxes in the performance of the functions under Regulations 13.

Obstru

15. (1) The Authority may, on application under regulation 3, grant a gaming machine licence for a period of one year or five years.

Validity  
non-  
transfer  
of licen

(2) Where a gaming machine licence is granted for a period of five years, the licensee shall pay the annual licence fee, for the period subsequent to the first year, on or before the beginning of each subsequent year.

(3) A gaming machine licence granted —

(a) for a period of one year shall, unless earlier revoked, cease to be valid at the end of that year;

(b) for a period of five years shall, where the licensee —

(i) fails to pay the annual licence fee in accordance with subregulation (2), unless earlier revoked, cease to be valid at the beginning of the year for which the annual licence fee is due and payable;

(ii) pays the annual licence fee in accordance with subregulation (2), unless earlier revoked, cease to be valid at the end of five years.

(4) A gaming machine licence is not transferable.

## SCHEDULE

Regulation 9

## FEES

- |                              |                            |
|------------------------------|----------------------------|
| 1. Processing an application | — R200                     |
| 2. An annual licence fee     | — R1000 per gaming machine |

MADE this 9th day of May, 1994.

J. MICHEL  
MINISTER OF FINANCE  
AND COMMUNICATION

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