

S.I. 60 of 1994

LICENCES ACT, 1986

(Act 3 of 1986)

Licences (Games of Chance) Regulations, 1994

In exercise of the powers conferred by section 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 (Game of Chance) Regulations, 1994. Citation

2. In these Regulations —

Interpretation

"game of chance" means the playing of bingo, aero bingo, treble chance, lotto, scratch cards or any game, by whatever name called, similar to the above and a lottery;

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

3. An application for a game of chance licence shall be in the Form provided by the Authority and shall specify the game or games of chance for which the licence is applied for.

Application

4. Before granting a game of chance licence, the Authority shall consult —

Bodies to be consulted

- (a) the Ministry responsible for Finance;
- (b) the Commissioner of Police;
- (c) the Ministry responsible for Planning as to whether any premises in which the activity is conducted comply with the planning requirements under the Laws of Seychelles;
- (d) the person in charge of the Fire Brigade as to whether the premises referred to in paragraph (c) comply with the planning requirements relating to fire protection under the Laws of Seychelles.

Scope of
licence

5. Notwithstanding sections 167, 170 and 173(c) of the Penal Code, a game of chance licence shall authorise the holder of the licence to organise and conduct a game of chance subject to and in accordance with the licence.

Restriction
on grant of
licence

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

Conditions
of a licence

7. (1) A game of chance licence shall, in addition to any other conditions which the Authority may specify in the licence, be subject to the following conditions —

- (a) an invitation to participate in a game of chance, the prizes offered and the rules of the game shall be published in a local newspaper or made public over the radio or television or by the display of public posters;
- (b) tickets or cards to participate in a game of chance, other than scratch cards, shall be offered to the public not less than 3 days and not more than 30 days before the date of the game;
- (c) each ticket or card offered for participation in a game of chance shall bear the seal of the holder of the licence;
- (d) all winnings, if in money, shall be paid in Seychell rupees;
- (e) the holder of the licence shall display in a conspicuous place in the premises in which the activity is conducted —
 - (i) a copy of the licence;
 - (ii) a notice specifying the game of chance organised, the prizes offered and the rules of the game.

(2) Where an employee of the holder of a game of chance licence or any person acting on behalf of or under any arrangement with the holder of the licence contravenes any condition of the game of chance licence, the holder of the licence 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.

8. (1) The Authority may, on application under regulation 3, grant a game of chance licence for a period of 1 year or 5 years.

Value of
non-
transferable
of licence

(2) Where a game of chance licence is granted for a period of 5 years, the holder of the licence 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 game of chance licence granted —

(a) for a period of 1 year shall, unless earlier revoked, cease to be valid at the end of that year;

(b) for a period of 5 years shall, where the holder of the licence —

(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 5 years.

(4) A game of chance licence is not transferrable.

9. (1) An application for a game of chance licence shall be accompanied by —

Fee and
deposit

- (a) subject to subregulation (5), the fees set out in the Schedule;
- (b) a deposit furnished in the manner specified in subregulation (2) of such sum, not exceeding R1,000,000 as may be determined by the Authority, as security for the satisfaction of any judgments against the holder of the licence in relation to any act or omission connected with the licence or for the performance of any obligation of the holder in respect of any winnings of any game of chance.

(2) A deposit under subregulation (1)(b) may be furnished —

- (i) in cash;
- (ii) by a bank guarantee;
- (iii) by a policy of insurance.

(3) Where a holder of a licence fails to satisfy any judgment or perform an obligation referred to in subregulation (1)(b), the Authority may, where the deposit is in cash, apply the deposit or, where the deposit is by bank guarantee or by a policy of insurance, require the bank or the insurer, to satisfy the judgment or perform the obligation.

(4) Where by the application of subregulation (3) the deposit at any time falls short of the sum for which the deposit is furnished under subregulation (1)(b), the Authority may require the holder of the licence to furnish an additional deposit so as to make up the short fall.

(5) A person who was the holder of a game of chance licence and who applies, after the expiration of the licence, for a game of chance 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 carry on the activity for

which he was previously licensed, 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 expiration of the previous licence and the date of the lodging of his application.

(6) Where the application is refused the Authority shall refund the licence fee and the surcharge, and return the deposit, to the applicant.

(7) Where a game of chance licence ceases to be valid, the Authority shall return to the person who was the holder of the licence the deposit or such part thereof as is not required to satisfy a judgment or perform an obligation under subregulation (3).

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

Winnings
exempt

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

11. Notwithstanding anything in the Penal Code or in any other law, the use of a premises for the organising and conduct of a game of chance under the authority of a game of chance licence does not constitute the premises a gaming house.

Premises
not a
gaming
house

12. These Regulations do not apply —

Savings

- (a) where a game of chance is organised and conducted for raising money for a charitable cause, or a public purpose, approved by the Minister;
- (b) where a game of chance is organised and conducted at an entertainment promoted for raising money to be applied for purposes other than private gain.

SCHEDULE

FEES

- | | |
|------------------------------|----------|
| 1. Processing an application | R 200 |
| 2. Annual Licence fee | R100,000 |

MADE this 20th day of July, 1994.

J. MICHEL
MINISTER OF FINANCE
AND COMMUNICATION