



TURKS AND CAICOS ISLANDS

CHAPTER 116

GAMING MACHINES ORDINANCE

Revised Edition
showing the law as at 15 May 1998

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 1997.

This edition contains a consolidation of the following laws—

GAMING MACHINES ORDINANCE

Ordinance 1 of 1976 .. in force 4 June 1976

Amended by Ordinance 3 of 1992 .. in force 16 April 1992

Amended by Ordinance 4 of 1993 .. in force 12 November 1993

No Subsidiary Legislation has been made under this Ordinance

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CHAPTER 116

GAMING MACHINES ORDINANCE

ARRANGEMENT OF SECTIONS

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CHAPTER 116

GAMING MACHINES ORDINANCE

(Ordinances 1 of 1976, 3 of 1992 and 4 of 1993)

[4 June 1976] Commencement

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

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

2. In this Ordinance, unless the context otherwise requires— Interpretation
“gaming machine” means a machine for playing a game of chance which is set in operation wholly or partly by the insertion of a coin, token or other object, and is so constructed as, in certain circumstances, to return mechanically or otherwise to the person operating the machine money or money’s worth of greater total value than that of the coin, token or object inserted;

“licence” means a licence granted under section 3.

3. Subject to the provisions of this Ordinance, the Governor may grant a licence— Power to grant licence for use of premises for gaming machines
Cap. 163

(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.

4. (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. Application for grant of licence

(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

5. A licence shall be valid until the thirty-first 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 9, may be renewed from year to year upon payment of the fee therefor, as hereinafter provided.

Fees

6. (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 thirtieth 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 thirty-first 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

7. (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)

8. (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 twenty *per centum* of the fee or tax as a penalty.

Recovery of
unpaid fees

(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)

9. (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)*

Revocation of
licence

(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.

10. 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.

Transfer of
licence

11. (1) Any person who—

Offences

(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 shall be

guilty of an offence and liable on summary conviction to a fine of \$1,000 or to imprisonment for six months or to both such fine and imprisonment;

- (b) knowingly takes part in gaming with any gaming machine on premises used for that purpose contrary to the provisions of this Ordinance shall be guilty of an offence and liable on summary conviction to a fine of \$100 or to imprisonment for 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

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

SCHEDULE

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 twenty-two and a half *per cent* of the total amount of money recovered each month from the drop box of that machine.

3. For the transfer of a licence the fee payable under section 10 shall be twenty-five *per centum* of the apportioned amount of the fee paid for the period of the licence unexpired at the date of the transfer.

**GAMING MACHINES ORDINANCE
(AMENDMENT) ORDER 2001**

Arrangement of Articles

Article

1. Citation and commencement
2. Amendment of Gaming Machines Ordinance

GAMING MACHINES ORDINANCE

(AMENDMENT) ORDER 2001

(Legal Notice 31 of 2001)

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MADE by the Governor under section 12 of the Gaming Machines Ordinance 2001.

Citation and commencement

1. This Order may be cited as the Gaming Machines Ordinance (Amendment) Order 2001 and shall come into operation on 1st August 2001.

Amendment of Gaming Machines Ordinance

2. In paragraph 2 of Schedule 1 to the Gaming Machines Ordinance for “twenty two and a half *per cent*” there shall be substituted “thirty per cent”

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Gaming Machines Ordinance (Amendment) Order 2001 increases the amount gaming machine licence holders pay the government on gross gaming yield on slot machines earnings, from twenty two and a half per cent to thirty per cent.

**GAMING MACHINES (AMENDMENT)
ORDINANCE 2004**

(Ordinance 17 of 2004)

Arrangement of Sections

Section

1. Short title and commencement
2. Amendment of the Gaming Machines Ordinance



TURKS AND CAICOS ISLANDS

GAMING MACHINES (AMENDMENT) ORDINANCE 2004

(Ordinance 17 of 2004)

Assent..... August 26, 2004

Publication in Gazette August 27, 2004

Commencement August 27, 2004

AN ORDINANCE TO AMEND THE GAMING MACHINES ORDINANCE AND FOR CONNECTED PURPOSES.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Gaming Machines (Amendment) Ordinance 2004 and shall come into force on such day as the Governor may appoint by Notice published in the Gazette.

Amendment of the Gaming Machines Ordinance

2. The Gaming Machines Ordinance is amended as follows –

(1) in section 2 by deleting the definition of “gaming machine” and substituting the following definition –

““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.”

(2) by inserting after section 3 the following section –

3A. (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:

“Special
gaming
licence

(a) length of license period when the machines may be operated;

(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.”