



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 1681 of 25th February 2013**  
**LEGISLATION**

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**GAMBLING ORDINANCE 2013**

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**GAMBLING ORDINANCE 2013**

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An Ordinance to make provision for betting and other forms of gambling

**J. S. WRIGHT**  
**DEPUTY ADMINISTRATOR**

*22nd February 2013.*

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**Part 1**

**Preliminary**

**1. Short title**

This Ordinance may be cited as the Gambling Ordinance 2013.

**2. Commencement**

This Ordinance comes into force on 1 March 2013.

**3. Interpretation**

(1) In this Ordinance—

“assistant bookmaker” means a person who holds an assistant bookmaker’s licence;

“assistant bookmaker’s licence” means an assistant bookmaker’s licence issued under the Pool Betting (Regulation and Duty) Ordinance 2005(a);

“authorised agent” means a person who holds an authorised agent’s licence;

“authorised agent’s licence” means a licence to provide betting services as agent for a Class A bookmaker issued under Part III of the Betting Law (see section 12(2)(c) of the Betting Law);

“Authority” means the National Betting Authority of the Republic established by section 3 of the Betting Law;

“Betting Law” means Law 106(I)/2012 of the Republic (as amended from time to time) (the Betting Law of 2012);

“betting services” must be construed in accordance with subsection (2);

“bookmaker” means a person who holds a bookmaker’s licence;

“bookmaker’s licence” means a bookmaker’s licence issued under the Pool Betting (Regulation and Duty) Ordinance 2005;

“business licence” means a licence issued under section 21 of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960**(b)**;

“Class A bookmaker” means a person who holds a Class A licence;

“Class A licence” means a licence to provide betting services on premises issued under Part III of the Betting Law (see section 12(2)(a) of the Betting Law);

“Class B bookmaker” means a person who holds a Class B licence;

“Class B licence” means a licence to provide remote betting services issued under Part III of the Betting Law (see section 12(2)(b) of the Betting Law);

“game”, in relation to a game of chance or a game of skill, does not include a sport;

“game of chance” includes a game of mixed chance and skill;

“gaming” means playing a game of chance for money or anything else of value;

“gaming machine” has the meaning given in section 4 (meaning of gaming machine);

“machine” means an apparatus that uses or applies mechanical power or electrical power or both;

“OPAP agreement” means the agreement between the governments of the Hellenic Republic and the Republic of Cyprus about the organisation, operation, carrying out and management of games carried out by OPAP S.A. in Cyprus dated 12 February 2003 (as amended from time to time);

“premises” means premises to which the public, or a section of the public, has access;

“remote bet” means a bet in which persons participate by means of remote communication;

“remote communication” means communication using—

- (a) the internet;
- (b) telephone;
- (c) television;
- (d) radio;
- (e) a link to a computer; or
- (f) any other kind of electronic or other technology for facilitating communication;

“remote gaming” means gaming by means of remote communication.

- (2) For the purposes of this Ordinance, a person provides betting services if, in the course of a business, the person—
- (a) invites another person to make a bet;
  - (b) accepts a bet from another person; or
  - (c) provides, operates or administers arrangements for betting.

#### **4. Meaning of gaming machine**

- (1) Subject to subsections (3) and (4), in this Ordinance “gaming machine” means any of the following—
- (a) a machine that, on payment of money or anything else of value, gives the user the opportunity to win money or anything of value by playing (including playing by means of remote communication) a game of chance or a game of skill;

##### **Examples**

The following are all types of “gaming machine” if payment of money or anything else of value is required and the user has the opportunity to win money or anything else of value: blackjack machines, fruit machines, jackpot machines, machines for playing bingo or roulette, poker machines, quiz machines and slot machines.

- (b) a machine that enables the user to bet (including by means of remote communication) on the outcome of a virtual game, virtual race or other virtual event;

- (c) a computer part, accessory or application (including software) that can be connected to or used with a terminal or screen such that together they function as a machine referred to in paragraph (a) or (b).
- (2) For the purposes of subsection (1)(a) and (b), it is immaterial whether—
  - (a) payment is made by insertion into the machine or otherwise; or
  - (b) winnings are paid automatically by the machine or otherwise.
- (3) A computer, telephone or other machine for facilitating remote communication is not a “gaming machine” by reason only of the fact that it can be used to participate in remote betting or remote gaming.
- (4) A machine is not a “gaming machine” by reason only of the fact that it enables the user to participate in a game of chance or game of skill organised and carried out pursuant to arrangements made under the OPAP agreement.

## **Part 2**

### **Offences**

#### ***Betting***

#### **5. Spread betting**

A person who provides betting services in relation to a spread bet commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.

#### **6. Betting on horse racing**

- (1) A person who provides betting services in relation to a bet on, or in connection with, a horse race commits an offence unless the bet is made in the approved form.
- (2) A person who makes a bet on, or in connection with, a horse race commits an offence unless the bet is made in the approved form.
- (3) A person who is convicted of an offence under subsection (1) or (2) is liable to imprisonment for a term not exceeding 2 years or a fine not exceeding €85,430 or to both.
- (4) For the purposes of this section, a bet is made in the approved form if the bet is made on a slip or other printed document issued or approved by, or in accordance with other arrangements made by, the Nicosia Race Club(c).

#### **7. Betting on dog racing**

A person who provides betting services in relation to a bet on, or in connection with, a dog race commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.

#### **8. Cheating**

- (1) A person commits an offence if the person—
  - (a) cheats in relation to a bet; or
  - (b) does anything for the purpose of enabling or assisting another person to cheat in relation to a bet.
- (2) For the purposes of subsection (1), it is immaterial whether a person who cheats—
  - (a) improves the person’s chances of winning anything; or
  - (b) wins anything.
- (3) Without limiting subsection (1), cheating in relation to a bet includes actual or attempted deception or interference in connection with—
  - (a) the process by which betting is conducted; or
  - (b) a game, race or other event or process to which betting relates.
- (4) A person convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 7 years or a fine not exceeding €500,000 or to both.

## **9. Children**

- (1) A person commits an offence if the person invites, causes or permits a person under the age of 18 years to make a bet.
- (2) A person commits an offence if the person invites or permits a person under the age of 18 years to enter premises on which betting services are provided.
- (3) A person who is convicted of an offence under subsection (1) or (2) is liable to imprisonment for a term not exceeding 12 months or a fine not exceeding €50,000 or to both.

### ***Gaming machines***

## **10. Gaming machines**

- (1) A person commits an offence if the person possesses a gaming machine, makes a gaming machine available for use by another person or invites another person to use a gaming machine.
- (2) A person commits an offence if the person manufactures, sells, installs, adapts, maintains or repairs a gaming machine.
- (3) A person who plays a gaming machine commits an offence.
- (4) A person who is convicted of an offence under subsection (1), (2) or (3) is liable to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.
- (5) This section is subject to section 15(4) (Chief Officer may permit gaming machines to be used in certain premises).

### ***Remote betting and gaming***

## **11. Providing facilities for remote communication in relation to betting and gaming**

- (1) A person commits an offence if—
  - (a) the person makes facilities for remote communication available for use by another person;
  - (b) the facilities are adapted or presented in such a way as to facilitate, or to draw attention to the possibility of, their use for betting or gaming; and
  - (c) the nature, adaptation or presentation of the facilities is such that—
    - (i) they cannot reasonably be expected to be used for purposes other than betting or gaming; or
    - (ii) they are intended to be used wholly or mainly for betting or gaming.
- (2) No offence is committed under subsection (1)—
  - (a) if the facilities for remote communication are used solely for the purpose of providing betting services in accordance with a bookmaker's licence or an assistant bookmaker's licence; or
  - (b) if the facilities for remote communication are for the purpose of participation in gaming organised and carried out pursuant to arrangements made under the OPAP agreement.
- (3) A person who is convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.
- (4) This section is subject to section 15(4) (Chief Officer may permit gaming machines to be used in certain premises).

## **12. Remote gaming**

- (1) A person commits an offence if the person—
  - (a) invites another person to participate in remote gaming; or
  - (b) provides, operates or administers arrangements for remote gaming.
- (2) A person commits an offence if the person participates in remote gaming.
- (3) No offence is committed under subsection (1) or (2) in relation to remote gaming organised and carried out pursuant to arrangements made under the OPAP agreement.

- (4) A person who is convicted of an offence under subsection (1) or (2) is liable to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.
- (5) This section is subject to section 15(4) (Chief Officer may permit gaming machines to be used in certain premises).

*Other*

**13. Advertising**

- (1) A person who advertises the provision (whether in the Areas or elsewhere) of betting services commits an offence if the advertisement—
  - (a) promotes betting services that are provided by a person other than a bookmaker, an assistant bookmaker, a Class A bookmaker, a Class B bookmaker or an authorised agent;
  - (b) where betting services are to be provided in the Areas, promotes the provision of such services by a person other than a person who holds a business licence to provide betting services;
  - (c) suggests that betting leads to, or is required for, social acceptance, personal success, financial success or the resolution of any economic, social or personal problem;
  - (d) contains an endorsement by an individual suggesting that betting is related to the success of the individual; or
  - (e) targets persons under the age of 18 years (for example, by using persons who are or appear to be under the age of 18 years to promote the provision of betting services).
- (2) A person who is convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 6 months or a fine not exceeding €30,000 or to both.
- (3) A person who advertises the provision (whether in the Areas or elsewhere) of betting services or any other type of gambling that is prohibited by virtue of any of the following provisions commits an offence—
  - (a) section 5 (spread betting);
  - (b) section 6 (betting on horse racing);
  - (c) section 7 (betting on dog racing);
  - (d) section 10 (gaming machines);
  - (e) section 12 (remote gaming).
- (4) A person who is convicted of an offence under subsection (3) is liable to imprisonment for a term not exceeding 12 months or a fine not exceeding €50,000 or to both.

*Supplementary*

**14. Officers of companies, etc**

- (1) If an offence under this Ordinance is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body or a person purporting to act in such a capacity—
  - (a) that person (as well as the body corporate) commits the offence;
  - (b) proceedings may be brought against that person whether or not proceedings are also brought against the body corporate.
- (2) If an offence under this Ordinance is committed by a partnership and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a partner or a person purporting to act in such a capacity—
  - (a) that person (as well as the partnership) commits the offence;
  - (b) proceedings may be brought against that person whether or not proceedings are also brought against the partnership.
- (3) In subsection (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of that body.

## **Part 3**

### **Miscellaneous**

#### **15. Chief Officer may permit gaming machines to be used in certain premises**

- (1) The Chief Officer may in writing permit a gaming machine to be used in premises owned or occupied by the Crown in right of the United Kingdom or occupied wholly or mainly by, or for the purposes of, the armed forces of the United Kingdom.
- (2) The Chief Officer may make the use of gaming machines subject to conditions.
- (3) A permit under subsection (1) may be revoked at any time.
- (4) No offence is committed under section 10 (gaming machines), 11 (providing facilities for remote betting or gaming) or 12 (remote gaming) in relation to a gaming machine that is used in accordance with a permit issued under subsection (1).
- (5) For the purposes of this Ordinance, a permit issued under section 8 of the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985(d) must be treated as issued under subsection (1) of this section.

#### **16. Search warrant**

- (1) Where a judge is satisfied, on the written application of a police officer or a customs officer, that there are reasonable grounds for suspecting that an offence under this Ordinance has been committed on premises or any other place, the judge may issue a warrant authorising a police officer or a customs officer and any person accompanied by a police officer or a customs officer to—
  - (a) enter and search the premises or place;
  - (b) seize anything reasonably suspected of having been used or of being about to be used to commit such an offence or of being evidence of the commission of such an offence.
- (2) This section does not limit search powers or powers to obtain a search warrant conferred by any other Ordinance.

#### **17. Legal proceedings**

- (1) For the purpose of this Ordinance, a court may take judicial notice of legislation of the Republic and of any other document of any description granted or otherwise made under legislation of the Republic.
- (2) The production of a copy of any legislation of the Republic—
  - (a) contained in a printed collection of legislation purporting to be printed and published by an authority of the Republic;
  - (b) contained in an issue of the official Gazette of the Republic; or
  - (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,may be held by a court to be conclusive evidence for all purposes of the due and lawful making of that legislation.
- (3) For the purposes of this section, a version of any legislation of the Republic in English—
  - (a) purporting to be produced by an authority of the Republic;
  - (b) certified as being accurate by an officer of the Administration considered by the court to have been, at the time of such certification, a competent translator into English from the language in which the legislation of the Republic was published in the Republic;
  - (c) given or produced in the course of oral evidence of a person whom the court considers to be a competent translator for the purpose; or
  - (d) stated orally in court or produced in writing by a registrar or official court interpreter,

may be held by a court to be conclusive evidence for all purposes that such version is the accurate English version of the legislation in question.

- (4) For the purposes of this section, the production of—
- (a) a document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the legislation under which the document in question was granted or otherwise made or, where the document relates to any function of the Authority or the Nicosia Race Club, by a senior officer of the Authority or, as the case may be, the Nicosia Race Club; or
  - (b) an English translation of a document, the accuracy of which is certified in writing by a translator of recognised competence,
- may be held by a court to be conclusive evidence for all purposes of the contents of the document.

**18. Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 amended**

- (1) The Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 is amended in accordance with this section.
- (2) Sections 7 and 8 are repealed. (Section 15(5) provides for permits issued under section 8 of the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 to be treated as issued under section 15(1) of this Ordinance.)

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**Notes**

- (a) Ordinance 11/05, amended by Ordinance 10/12.
- (b) Ordinance 5/60.
- (c) The Nicosia Race Club is the horseracing authority under Law 48/1973 of the Republic (the Horse Race Betting and Sweepstakes Law of 1973).
- (d) Ordinance 10/85.

## EXPLANATORY NOTE

### (This note does not form part of the Ordinance)

1. This explanatory note relates to the Gambling Ordinance 2013 (the “Ordinance”). It has been prepared by the Office of the Attorney-General and Legal Adviser in order to assist the reader of the Ordinance and should be read in conjunction with it.
2. The Ordinance creates a number of offences relating to betting and gaming. Whilst the provision of betting services continues to be regulated by the Pool Betting (Regulation and Duty) Ordinance 2005, the Ordinance prohibits spread betting (section 5) and betting on dog racing (section 7). Betting on horse racing is permitted only in accordance with arrangements made by the Nicosia Race Club (section 6). The Ordinance also creates offences relating to cheating (section 8) and allowing children to bet (section 9).
3. Gaming machines continue to be prohibited. A new definition of “gaming machine” puts it beyond doubt that the use of such machines is prohibited when gaming is carried on by means of remote communication (sections 4 and 10). However, it is not intended that an offence under section 10 should be committed merely by the provision of facilities that allow remote communication which then may be used to bet or game by such means. Accordingly, a person who makes, say, a telephone available to members of the public or who provides internet access at an internet café does not commit an offence (see section 4(3)). The Administration continues to have the power to permit gaming machines to be used in certain premises (section 15).
4. Whilst the provisions relating to gaming machines in the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 are repealed, the other provisions of that Ordinance relating to gambling remain in force. The Ordinance makes additional express provision in relation to gambling by means of remote communication. Section 11 creates an offence of making available facilities for remote communication specifically for betting and gaming. This is intended to capture, for example, the provision of a live link to casinos outside the Areas or the provision of terminals dedicated to betting or gaming. Section 12 creates an offence of inviting persons to participate in gaming, or of providing, operating or administering arrangements for gaming, by means of remote communication.
5. Section 13 prohibits certain forms of advertising relating to betting and gaming.
6. The provisions of the Ordinance reflect provision made in the Republic by Law 48/1973 (the Horse Race Betting and Sweepstakes Law of 1973) and Law 106(I)/2012 (the Betting Law of 2012).