
**B E T T I N G H O U S E S , G A M I N G H O U S E S A N D
G A M B L I N G P R E V E N T I O N (C O N S O L I D A T I O N)
(A M E N D M E N T) O R D I N A N C E 2 0 1 5**

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**BETTING HOUSES, GAMING HOUSES AND
GAMBLING PREVENTION (CONSOLIDATION)
(AMENDMENT) ORDINANCE 2015**

An Ordinance to amend the Betting Houses, Gaming Houses and Gambling Prevention
(Consolidation) Ordinance 1985 and related purposes

M. Wigston
ADMINISTRATOR

12 February 2015

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

Short title

1. This Ordinance may be cited as the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) (Amendment) Ordinance 2015.

Commencement

2. This Ordinance comes into force on 1 March 2015.

Interpretation

3. In this Ordinance “the principal Ordinance” means the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985(a).

Amendments to principal Ordinance

4. The principal Ordinance is amended in accordance with sections 5 to 17.

Amendment to section 2 (interpretation)

5.—(1) Section 2 is amended as follows.

(2) Insert in the appropriate alphabetical places—

(a) Ordinance 10/1985, amended by Ordinances 1/1996, 30/2005, 18/2006 and 5/2013.

““casino game of chance” means gambling—

- (a) using a gaming machine;
- (b) using cards or dice, including, but not limited to, blackjack, poker or backgammon;
or
- (c) using a roulette wheel or a wheel of fortune;”;

““gaming machine” has the meaning given in section 4 of the Gambling Ordinance 2013(a).”.

Amendment to section 3 (offences relating to betting house etc)

6.—(1) Section 3(1) is amended as follows.

(2) Omit each time it appears “or for playing at any of the games to which Section 6 of this Ordinance applies”.

(3) For “seven hundred and fifty pounds” substitute “€1,708”.

Omission of section 6 (provisions relating to certain games)

7. Section 6 is omitted.

Amendment to section 6A (permit to operate etc game of kazandi)

8.—(1) Section 6A(1)(b) is amended as follows.

(2) For “£1,000” substitute “€1,708”.

Insertion of sections 6C to 6F

9. After section 6B insert the following sections—

“Services for playing casino games of chance

6C.—(1) A person commits an offence if the person provides services for playing a casino game of chance and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding €300,000, or to both.

(2) For the purpose of this section, a person provides services for playing a casino game of chance if the person—

- (a) invites another person to play a casino game of chance; or
- (b) advertises, provides, operates or administers arrangements for playing a casino game of chance.

Participation in casino games of chance

6D. A person commits an offence if the person participates in a casino game of chance and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine not exceeding €50,000, or to both.

Operating place providing services for playing casino games of chance

6E.—(1) A person (P) commits an offence if P operates a place providing services for playing a casino game of chance and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding €300,000, or to both.

(a) Ordinance 5/2013. Section 18 of the Ordinance amends the definition of machine in the Gambling Ordinance 2013.
(b) section 6A was inserted by Ordinance 30/2005.

- (2) For the purpose of this section P operates a place if P—
- (a) owns the place;
 - (b) is in occupation of the place for the time being;
 - (c) has the care or management of the place;
 - (d) exercises or appears to exercise the care or management of the place;
 - (e) assists in the care or management of the place;

(3) Where a person is convicted of an offence under subsection (1), in addition to imposing the penalty specified in that subsection, the court may order that the place be closed for any purpose related to casino games of chance and any other purpose specified by the court.

(4) A person who breaches an order under subsection (3) commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding €300,000, or to both.

Children

6F.—(1) A person commits an offence if the person invites, causes or permits a person under the age of 18 to participate in a casino game of chance.

(2) A person commits an offence if the person invites, causes or permits a person under the age of 18 to enter a place in which services for playing a casino game of chance are provided.

(3) A person who is convicted of an offence under subsection (1) or (2) is liable to a term of imprisonment not exceeding 2 years or a fine not exceeding €50,000, or to both.”.

Substitution of section 11 (warrants)

10. For section 11 substitute—

“Warrants

11.—(1) A Judge may issue a warrant on being satisfied, by information on oath or affirmation, that there are reasonable grounds for believing that a place is kept or used as a betting house or a gaming house.

(2) The warrant may authorise a police officer, with such assistance and by such force as may be necessary, to—

- (a) enter the place at any time;
- (b) search the place;
- (c) search all the persons in the place;
- (d) search any person attempting to leave the place;
- (e) seize equipment, money, securities for money and any other item used or which appears to be used for betting or gambling which are—
 - (i) in the place; or
 - (ii) in the possession of a person in the place or a person attempting to leave the place;
- (f) detain all persons in the place or attempting to leave the place until the persons and the place have been searched.

(3) In this section, Judge means a member of the Resident Judge’s Court or a Senior Judge.”.

Amendment to section 12 (entry without warrant)

- 11.**—(1) Section 12(1) is amended as follows.
- (2) Omit “or for playing at any of the games to which Section 6 of this Ordinance applies”.
- (3) For paragraph (a) substitute—
- “(a) if the place proposed to be entered is a place to which the public or a section of the public have access;”.

Amendment to section 13 (powers of arrest without warrant)

- 12.**—(1) Section 13 is amended as follows.
- (2) Omit “Section 5, 6, 7 of”.

Insertion of section 13A

- 13.** After section 13 insert—

“Injunction closing place offering casino games of chance etc

13A.—(1) This section applies where a person (P) is charged with or convicted of an offence under section 6C or 6E of this Ordinance or section 10 (gaming machines) of the Gambling Ordinance 2013 (“a relevant offence”).

(2) Following the preferment of a charge for a relevant offence, a police officer of the rank of inspector or above may apply to the Resident Judge’s Court for an injunction—

- (a) prohibiting P from providing services related to the relevant offence;
- (b) prohibiting P from operating a place providing services related to the relevant offence;
- (c) requiring P or another person (or both P and another person) to close the place in which the relevant offence is alleged to have been committed.

(3) The court may issue one or more of the injunctions specified in subsection (2) providing it is satisfied that—

- (a) P has been charged with a relevant offence; and
- (b) in the case of an injunction in the terms specified in paragraph (c), there is prima facie evidence which connects P to the place to be closed.

(4) An application under paragraph (2) is made ex-parte in accordance with the Civil Procedure Rules^(a) and must be accompanied by an affidavit.

(5) Where P is convicted of a relevant offence, in addition to imposing a penalty for the offence, the court may issue an injunction—

- (a) prohibiting P from doing anything relating to the offence for which P was convicted;
- (b) requiring P or another person (or both P and another person) to close or keep closed the place where the offence for which P was convicted took place.

(6) An injunction under this section may provide that a place is closed or kept closed for any purpose related to the relevant offence and any other purpose specified in the injunction.

(7) Where a person fails to comply with an injunction under this section, the Chief Constable may execute the injunction.

(a) Subsidiary Legislation of Cyprus revised edition volume 1, 1954, page 120, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/2012) provides for the interpretation of such legislation.

(8) The costs of executing the injunction may be recovered from the person as a fine in accordance with the Criminal Procedure Ordinance^(a).

(9) Irrespective of whether the Chief Constable has taken steps to execute an injunction issued under this section, a person commits an offence if the person fails to comply with the injunction and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding €300,000, or to both.”.

Insertion of section 15A

14. After section 15 insert—

“Officers of companies, etc

15A.—(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.”.

Amendment to section 16 (presumptions)

15.—(1) Section 16 is amended as follows.

(2) Omit “or” at the end of paragraphs (a), (b) and (c) of subsection (1).

(3) After paragraph (d) add—

- “(e) if the operation of relevant equipment is interrupted on the entry of a police officer or a person accompanying a police officer;
- (f) if there is a method which enables relevant equipment to be automatically shut down or automatically restarted, or both, whether by disconnection of the electricity supply or otherwise;
- (g) if there is a method which—
 - (i) deletes data or a program on relevant equipment; or
 - (ii) resets relevant equipment to its initial settings by deleting data relating to its use;
- (h) if there is a method which enables data on relevant equipment to be encrypted, in whole or in part, and stored on the relevant equipment or on an external storage device; or

(a) Cap 155 Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/2012) provides for the interpretation of such legislation

- (i) if there is a method which stops a person viewing or recording the browsing history, viewing or recoding a copy of the ram memory or locating the internet protocol address of relevant equipment”.
- (4) After subsection (1) insert—
 - “(1A) In subsection (1)—
 - (a) “method” includes a software programme;
 - (b) “relevant equipment” means a computer, a telephone or other machine which is capable of being used as a gaming machine which is the place referred to in subsection(1).”.
- (5) Subsection (3) is omitted.

Amendment to section 18 (general penalty)

- 16.—(1) Section 18 is amended as follows.
- (2) For “three hundred pounds” substitute “€768”.

Substitution of section 19 (forfeiture)

- 17. For section 19 substitute—

“Forfeiture

19. Following the conviction of a person for an offence under this Ordinance or the Gambling Ordinance 2013, the court may order the forfeiture of any item which was used, intended to be used or appears to have been used for or in connection with the commission of the offence.”.

Gambling Ordinance 2013 amended

- 18.—(1) Section 3(1) of the Gambling Ordinance 2013(a) is amended as follows.
- (2) For the definition of “machine” in section 3(1) substitute—
 - ““machine” means an apparatus which uses or applies a form of power or a combination of forms of power, including, but not limited to, manual power, mechanical power or electrical power;”.

(a) Ordinance 5/2013.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) (Amendment) Ordinance 2015 (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.

Background

2. The Ordinance amends the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 (the “principal Ordinance”). It reflects amendments made to the corresponding law of the Republic (Cap 151) by Law 168(I)/2014. It makes a minor amendment to a definition in the Gambling Ordinance 2013.

Particular points

3. Section 5 amends section 2 of the principal Ordinance. It defines a “casino game of chance” as being gambling using a gaming machine, cards, dice, a roulette wheel or a wheel of fortune. “Gaming machine” is defined by reference to the Gambling Ordinance 2013. A gaming machine is any machine which on payment gives the user the opportunity to win anything of value by playing a game of chance. This includes machines commonly known as slot machines and fruit machines, as well as computer terminals which enable gambling over the internet.
4. Section 7 repeals section 6 of the principal Ordinance. The offences created by section 6 fall within the general offences related to gaming houses in section 3 or the new offences related to casino games of chance created by new sections 6C, 6D and 6E. Sections 6, 10, 11 and 12 amend provisions in the principal Ordinance consequential to the repeal of section 6.
5. Section 9 inserts new sections 6C to 6F in the principal Ordinance. The new sections create various offences relating to casino games of chance.
6. New section 6C makes it an offence to provide services for playing casino games of chance. The maximum penalty on conviction is imprisonment for 5 years or a fine of €300,000, or both.
7. New section 6D makes it an offence to participate in casino games of chance. The maximum penalty on conviction is imprisonment for 2 years or a fine of €50,000, or both.
8. New section 6E makes it an offence to operate a place offering services for playing casino games of chance. The maximum penalty on conviction is imprisonment for 5 years or a fine of €300,000, or both. On conviction for an offence under this section, the court may also impose an order closing the place. Breach of an order is an offence. The maximum penalty on conviction is imprisonment for 5 years or a fine of €300,000, or both.
9. New section 6F makes it an offence to invite or permit a child to play casino games of chance or to invite or permit a child to enter a place offering services for playing casino games of chance. The maximum penalty on conviction is imprisonment for 2 years or a fine of €50,000, or both.
10. Section 13 inserts new section 13A in the principal Ordinance. It applies where a person is charged with or convicted of an offence under new sections 6C or 6E of the principal Ordinance, or section 10 (possessing a gaming machine) of the Gambling Ordinance 2013. On a person being charged, a police officer of the rank of inspector or above may apply for an injunction prohibiting the person providing services or operating a place providing services in connection with the alleged offence or to close such a place. On conviction of the person, the court has the power to issue an injunction prohibiting the person doing anything in connection with the offence or closing the place where the

offence was committed. Breach of an injunction is an offence. The maximum penalty on conviction is imprisonment for 5 years or a fine of €300,000, or both.

11. Section 14 inserts new section 15A in the principal Ordinance. This puts beyond doubt that where an offence is committed by a body corporate, an officer of the body corporate also commits an offence.
12. Section 15 amends section 16 of the principal Ordinance. It adds presumptions, unless the contrary is proved, that a place is a gaming house if it contains equipment which is capable of being used as a gaming machine which is interrupted on the entry of a police officer, there are systems which allow automatic shutdown and erasure of data or where the internet browsing history, the ram memory or the internet protocol address of a computer cannot be viewed.
13. Section 17 substitutes section 19 of the principal Ordinance. It provides that on conviction of a person for an offence under the principal Ordinance or the Gambling Ordinance 2013, the court may order the forfeiture of any item used, which appeared to have been used or was intended to be used in connection with the commission of the offence.
14. Section 18 makes a minor amendment to the definition of “machine” in the Gambling Ordinance 2013.