



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

**THE GAMING MACHINES ORDINANCE
2000**

CHAPTER G.8

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Gaming Machines Ordinance 2000 - Ordinance No.3 of 2000

As amended by:

Ordinance No.3 of 2008

Ordinance No.3 of 2019

Ordinance No.5 of 2019

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ARRANGEMENT OF SECTIONS

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THE GAMING MACHINES ORDINANCE 2000

CHAPTER G.8

An Ordinance to regulate the use of gaming machines.

Citation.

1. This Ordinance may be cited as the Gaming Machines Ordinance 2000, ROBIOT c.G.8.

Interpretation and definitions.

2. (1) In this Ordinance –

gaming machine means a machine which –

(a) is constructed or adapted for playing a game of chance by means of the machine; and

(b) has a slot or other aperture for the insertion of money or money's worth in the form of cash or tokens.

(2) In subsection (1) the reference to playing a game of chance by means of a machine includes playing a game of chance partly by means of a machine and partly by other means if (but only if) the element of chance in the game is provided by means of the machine.

(3) For the purposes of this Ordinance, a machine is not to be taken as being used for gaming if it is used in such a way that no game played by means of the machine can result in a player, or a person claiming under a player, receiving or being entitled to receive any article, benefit or advantage other than one (but not both) of the following, that is to say –

(a) an opportunity afforded by the automatic action of the machine to play one or more further games without the insertion of any cash or token; or

(b) the delivery by means of the machine of one or more coins or tokens as a prize in respect of a game where one or more coins or tokens of an equal or greater value or aggregate value were inserted into the machine by or on behalf of the player in order to play that game.

(4) In this Ordinance, **charge for playing** means an amount paid in money or money's worth by or on behalf of a player in order to play one or more games by means of a gaming machine.

(5) In this Ordinance, unless the contrary intention appears, **premises** means any building or structure (whether movable or immovable) and also includes a place in the open air.

Licensing of gaming machines.

3. (1) Save in accordance with a licence granted under this Ordinance by the Commissioner's Representative in respect of the premises concerned, no person may cause or permit a gaming machine to be used for gaming on any premises to which the public, or any section of the public, may resort, whether as of right or by permission of the occupier.

(2) Any licence granted under this Ordinance may be expressed to be of indefinite duration or only for a limited or specified period or occasion and, without prejudice to section 27 of the Interpretation and General Provisions Ordinance 1993, the Commissioner's Representative may attach such conditions to licences so granted as he thinks fit either generally or in the circumstances of any particular case.

(3) In particular, but without prejudice to the generality of subsection (2), the conditions which may be attached to a licence granted under this Ordinance may include conditions as to –

(a) the condition of, or the facilities to be provided at, the premises in respect of which the licence is granted;

(b) the type of gaming machines that may be used for gaming on those premises;

(c) the number of gaming machines, or of gaming machines of any type, that may be used for gaming on those premises or that may be so used at any time;

(d) the persons, or classes of persons, who may (or who may not) be permitted to use gaming machines for gaming on those premises or so to use them at any specified time or in any specified circumstances; or

(e) the charge for playing in respect of the gaming machines used for gaming on those premises, or any category of such machines or any particular such machine, or in respect of such machines, or any category of such machines or any particular machine, so used at any particular time.

(4) The Commissioner's Representative may impose fees for the grant of licences under this Ordinance and, without prejudice to section 34 of the

Interpretation and General Provisions Ordinance 1993, may impose different fees for different licences or for different categories of licences.

(5) Without prejudice to section 25 of the Interpretation and General Provisions Ordinance 1993, the Commissioner's Representative may at any time revoke or vary any licence which he has granted under this Ordinance or may attach further conditions to it or may revoke or vary any conditions previously attached.

Offences, penalties, etc.

4. (1) Any person who causes or permits a gaming machine to be used in contravention of section 3(1) commits an offence under this Ordinance.

(2) The court by which a person is convicted of causing or permitting a gaming machine to be used on any premises in contravention of section 3(1) may, in addition to any other penalty that it may impose and on application made by or with the authority of the Principal Legal Adviser, order the forfeiture to the Crown of that machine and, if it thinks fit, of all or any other such machines which it is satisfied were on those premises at the time of the commission of the offence, and any machine so forfeited to the Crown shall then be disposed of as the Commissioner may direct.

(3) Where a Police Officer has reason to believe that a gaming machine is being used on any premises in circumstances involving a contravention of section 3(1), he may enter and search those premises and may seize and impound (whether on those premises or elsewhere) any gaming machine which he finds on those premises and which he has reason to believe may become liable to forfeiture under subsection (2).

(4) Repealed.

(5) Any person who, otherwise than with the authority of a Magistrate or a Police Officer, removes, uses or otherwise deals with a gaming machine that is for the time being impounded in pursuance of this section commits an offence under this Ordinance.

(6) Any person who commits an offence under this Ordinance is liable, on conviction, to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 6 months or to both such fine and such imprisonment (and the Magistrate's Court shall have jurisdiction to impose such a fine despite anything in the Criminal Procedure Code 2019).

(7) In any proceedings against any person for causing or permitting a gaming machine to be used on any premises in contravention of section 3(1), the onus of proving –

(a) that the machine was being used in such a way as is described in section 2(3) and was accordingly not being used for gaming;
or

(b) that a licence granted under this Ordinance was in force in respect of those premises at the relevant time,

shall lie upon that person.

(8) Where, in any proceedings against the owner or the occupier of any premises for causing or permitting a gaming machine to be used thereon for gaming on a particular occasion in contravention of section 3(1), the prosecution proves that such a machine was used thereon for gaming on that occasion, the accused shall be deemed to have caused or permitted such use unless he proves that it took place without his consent, knowledge or connivance and was not due to his lack of diligence.

Unlawful gaming; clarification of Penal Code.

5. It is hereby declared, for the avoidance of doubt, that the use of a gaming machine in such circumstances that causing or permitting that use is not unlawful under this Ordinance does not constitute unlawful gaming and that such use (and any related activity) is not otherwise unlawful under the Penal Code, and the provisions of Chapter XVII of that Code shall be construed accordingly.

