



BERMUDA

GAMING (TRANSFER OF FUNCTIONS) ACT 2021

2021 : 23

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SCHEDULE 1

Minor amendments to the Gaming Act

SCHEDULE 2

Minor consequential amendments

WHEREAS it is expedient to amend various enactments to transfer regulatory functions relating to all forms of gaming to the Bermuda Gaming Commission, to expand the functions of the Problem Gaming Council in relation to problem gaming to include all forms of gaming, and to make related and consequential provisions;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

PRELIMINARY

Citation

1 This Act may be cited as the Gaming (Transfer of Functions) Act 2021.

Transfer and expansion of functions

2 (1) The regulatory functions relating to all forms of gaming are transferred to the Bermuda Casino Gaming Commission which is established under the Casino Gaming Act 2014.

(2) The functions of the Problem Gaming Council under the Casino Gaming Act 2014, in relation to problem gaming, are expanded to include all forms of gaming.

CONSEQUENTIAL AMENDMENTS

Amends Casino Gaming Act 2014

Consequential amendments to the Casino Gaming Act 2014

3 In consequence of the transfer and expansion of functions effected by section 2 of this Act, the Casino Gaming Act 2014 ("the Gaming Act") is amended as provided in sections 4 to 30.

Amends title and section 1

4 In the title and section 1 of the Gaming Act, delete "Casino".

Amends section 2

5 (1) Section 2(1) of the Gaming Act is amended as follows.

(2) Insert the following definitions in the appropriate alphabetical position—

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“associate” has the meaning given in section 3;

“exempt conduct” means conduct that is declared to be exempt conduct by a provision of the gaming legislation;

“gaming legislation” means—

- (a) this Act;
- (b) the Betting Act 2021;
- (c) the Cruise Ships (Casinos) Act 2013;
- (d) the Lotteries Act 1944;

“gaming premises” means—

- (a) casino premises; or
- (b) a betting premises within the meaning of the Betting Act 2021;

“gaming service” means a service provided by doing one or more of the following things—

- (a) placing, making, receiving or accepting wagers;
- (b) providing a service the sole or dominant purpose of which is to introduce individuals who wish to make or place wagers to individuals who are willing to receive or accept those wagers;
- (c) conducting a lottery;
- (d) supplying lottery tickets;
- (e) conducting a game, where—
 - (i) the game is played for money or money’s worth; and
 - (ii) a customer of the service gives or agrees to give consideration to play or enter the game;

“ground for disciplinary action” means—

- (a) in relation to a regulated person, one of the grounds set out in section 46; and
- (b) in relation to a special employee, one of the grounds set out in section 79;

“intoxicating liquor” has the same meaning as in the Liquor Licence Act 1974;

“licence or approval” means any licence, approval or permit granted under this Act;

“lottery” includes any scheme, method or device, other than a game, whereby prizes, whether money prizes or other prizes, are allotted or

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distributed by lot or chance, to or among the persons participating in the lottery;

“staff member”, in relation to a gaming operator, means—

- (a) an employee of the gaming operator; or
- (b) another individual who performs functions that are part of the normal operations of the relevant gaming premises, including such ancillary functions as catering and cleaning, whether or not the person is directly employed by the gaming operator;

“ticket” includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery;

“wager” means, according to context—

- (a) to make an agreement with one or more persons to pay money or money’s worth to one or more of the other persons on the basis of the result of a game, lottery or other uncertain event, whether or not a stake or participation fee is required;
- (b) such an agreement; or
- (c) the amount of money or money’s worth to be staked or paid by a particular person under such an agreement;

“winnings”, in relation to a party to a wager, means the money or money’s worth to be paid to, or retained by, that party as a result of the wager.”.

(3) In the definition of “betting”, delete “as part of a game in a casino” and substitute “in relation to a game or a lottery”.

(4) Repeal the definition of “cashless wagering system” and substitute—

“ “cashless wagering system” means an electronic system that allows a gaming operator to offer its patrons a way of placing stakes and receiving winnings, without using cash or chips, by means of direct debiting and crediting of the patron account;”.

(5) Repeal the definition of “casino employee”.

(6) In the definition of “Commission”, delete “Bermuda Casino Gaming Commission” and substitute “Bermuda Gaming Commission”.

(7) In the definition of “eGaming”, delete “gaming or betting” and substitute “betting or wagering on games”.

(8) In the definition of “foreign casino regulatory body”, delete “casino regulatory” and substitute “gaming regulatory”.

(9) Repeal the definitions of “game” and “gaming area” and substitute—

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“game” means—

- (a) a game that is, or is purported to be, a game of chance or a game of chance and skill combined; or
- (b) a scheme, method or device that—
 - (i) may be used to allot or distribute prizes by lot or chance amongst a group of participants; or
 - (ii) is prescribed as a game for the purposes of this definition;

“gaming” includes any kind of wagering;”.

(10) In the definition of “gaming equipment”, in paragraph (d), delete “and”.

Amends section 3

6 In section 3 of the Gaming Act, repeal subsections (1) and (2) and substitute—

“(1) In this section, a reference to the “operator” is a reference to a person who is an applicant for, or the holder of, a licence under this Act.

(1A) For the purposes of this Act, a person is an “associate” of, or associated with, the operator if, in the opinion of the Commission, the person is able or will be able to exercise an influence over or with respect to the management or operation of the business of the operator to which the licence relates (“the business”).

(2) In determining whether a person is able or will be able to exercise such an influence, the Commission may consider all or any of the following—

- (a) whether the person holds or will hold any relevant financial interest in the business;
- (b) whether the person is or will be entitled to exercise any relevant power (whether in his own right or on behalf of any other person) in the business;
- (c) whether the person holds or will hold any relevant position (whether in his own right or on behalf of any other person) in the business;
- (d) the degree of direct or indirect influence that the person has in the management or operation of the business;
- (e) where the operator holds or is applying for a casino licence, whether the person has any interest, directly or indirectly, in the designated site or the integrated resort;
- (f) any other matter that the Commission considers relevant.”.

Amends Part 2 Heading and section 6

7 In the headings to Part 2 and section 6, and in section 6(1) of the Gaming Act, delete “Casino”.

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Amends section 8

8 In section 8(1) of the Gaming Act—

- (a) delete “casinos” and substitute “gaming in Bermuda”;
- (b) in paragraph (a), delete “a casino” and substitute “casinos, bookmaker services and other businesses that offer gaming”;
- (c) in paragraph (b), delete “in a casino” and substitute “offered by such businesses”;
- (d) in paragraph (c), delete “a casino” and substitute “gaming”;
- (e) in paragraph (d), after “necessary”, insert “or expedient”.

Amends section 9

9 In section 9 of the Gaming Act—

- (a) repeal subsection (1) and substitute—
 - “(1) The functions of the Commission shall be—
 - (a) to administer the gaming legislation, and perform the functions conferred or imposed on the Commission under the gaming legislation, in a manner that best ensures that the objects of the Commission are achieved;
 - (b) to supervise casino operations and casino operators for the purpose of detecting or preventing money laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction; and
 - (c) to perform such other functions as are conferred or imposed on the Commission by or under any other enactment.”;
 - (b) in subsection (2), delete “casinos shall have regard to the need for casinos to be alert to the risk that they”, and substitute “gaming businesses shall have regard to the need for them to be alert to the risk that their operations”.

Amends section 10

10 In section 10(2) of the Gaming Act—

- (a) in paragraph (c), after “casino operations” insert “or other activities performed under a licence or approval under this Act”;
- (b) in paragraph (d), delete “casino”.

Amends section 13

11 In section 13 of the Gaming Act—

- (a) repeal paragraph (a) and substitute—

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- “(a) for the purpose of ascertaining whether or not the holder of a licence or approval is complying with the provisions of the gaming legislation, the conditions of the licence or approval and any direction issued by the Commission under the gaming legislation—
 - (i) to monitor the activities of the holder of the licence or approval;
 - (ii) to inspect any gaming premises;
 - (iii) to monitor any casino operations or other gaming operations; and
 - (iv) to examine gaming equipment used on gaming premises and records kept in relation to such gaming operations;”;
- (b) in paragraph (b), delete “casino premises” and substitute “gaming premises”;
- (c) in paragraph (c), delete “under this Act on casino premises” and substitute “against the gaming legislation”;
- (d) in paragraph (d), delete “casino”;
- (e) in paragraph (e), delete “the operations of a casino” and substitute “casino operations and other activities performed under, or purportedly under, a licence or approval”;
- (f) in paragraph (f), delete “this Act” and substitute “the gaming legislation”.

Amends section 17

12 In section 17(b) of the Gaming Act, delete “this Act” and substitute “the gaming legislation”.

Amends section 24

13 In section 24(4) of the Gaming Act, delete “\$2,880” and substitute “\$10,000”.

Repeals section 31

14 Repeal section 31 of the Gaming Act.

Amends section 37

15 In section 37(3) of the Gaming Act, delete “\$2,880” and substitute “\$10,000”.

Repeals and replaces section 51

16 Repeal section 51 of the Gaming Act and substitute—

“Appeals

51 A casino operator aggrieved by a decision of the Commission regarding the operator’s licence may appeal to the court against that decision.”.

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Amends section 84

17 In section 84(2) of the Gaming Act, delete “\$2,880” and substitute “\$10,000”.

Amends section 91

18 In section 91 of the Gaming Act—

- (a) in subsection (1), delete “may” and substitute “shall”;
- (b) in subsection (1A) delete “casino” and substitute “gaming”.

Amends section 114

19 In section 114(2) of the Gaming Act, delete “30 days” and substitute “six months”.

Repeals and replaces section 121A

20 Repeal section 121A of the Gaming Act and substitute—

“Gaming and betting by staff of casino

121A (1) The Commission may give directions prohibiting a staff member of a casino operator, a class of such staff members, or an immediate member of the family of such a staff member from playing casino games or betting with the casino operator.

(2) A staff member or immediate family member who contravenes a direction given by the Commission pursuant to subsection (1) commits an offence.”.

Repeals and replaces section 129

21 Repeal section 129 of the Gaming Act and substitute—

“Penalty for Part 7 offences

129 Where a person commits an offence against this Part, he shall be liable on summary conviction to a fine not exceeding \$10,000.”.

Amends section 148

22 In section 148(1) of the Gaming Act—

- (a) in paragraph (a) delete “this Part” and substitute “the gaming legislation”;
- (b) in paragraph (c) delete “casino”.

Amends section 157

23 In section 157(2) of the Gaming Act, repeal paragraphs (b) to (d) and substitute—

“(b) bar the respondent from entering or remaining on any gaming premises;

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- (c) require the respondent to close any patron account with a gaming operator;
- (d) require a gaming operator to close any patron account of the respondent with the gaming operator.”.

Amends section 163

24 In section 163 of the Gaming Act—

- (a) in subsection (1), delete “casino premises” and substitute “gaming premises, or from playing any game or betting with any gaming operator,”;
- (b) repeal subsection (2) and substitute—

“(2) For the purposes of maintaining the list of excluded persons referred to in subsection (1), the Council may, by notice in writing, require a gaming operator to furnish any information or produce any document or record in the possession or under the control of the gaming operator relating to the number of visits made by any person to the gaming premises, or the amount of gaming conducted with the gaming operator.”;

- (c) in subsection (3)(c), delete “casino operator” and substitute “gaming operator”;
- (d) in subsection (7)—
 - (i) delete “casino operator” (in each place) and substitute “gaming operator”;
 - (ii) delete “casino premises” (in each place) and substitute “gaming premises”;
- (e) in subsection (8)—
 - (i) delete “casino” (where first occurring) and substitute “gaming premises”;
 - (ii) delete “casino operator” (in each place) and substitute “gaming operator”;
 - (iii) delete “casino premises” and substitute “gaming premises”;
 - (iv) delete “casino employee” and substitute “staff member”.

Inserts sections 167A to 167G

25 In Part 12 of the Gaming Act after section 167, insert—

“Prohibition on offering or engaging in gaming

167A (1) No person in Bermuda shall offer, make, place, receive or accept a wager with another person or persons, whether in person or by use of remote communication.

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(2) No person outside Bermuda shall offer, make, place, receive or accept a wager with a person or persons in Bermuda by use of remote communication.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall be liable on summary conviction to a fine not exceeding 100,000 or to imprisonment for a term not exceeding two years, or to both.

(4) This section does not apply in respect of an action performed in accordance with a licence or approval.

(5) It is a defence to a charge for an offence under this section if it is proved that the relevant conduct was exempt conduct.

Prohibition on offering or providing a gaming service

167B (1) No person in Bermuda shall offer or provide a gaming service, whether in person or by use of remote communication.

(2) No person outside Bermuda shall offer or provide a gaming service to persons in Bermuda by use of remote communication.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall be liable on summary conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding five years, or to both.

(4) This section does not apply in respect of an action performed in accordance with a licence or approval.

(5) It is a defence to a charge for an offence under this section if it is proved that the relevant conduct was exempt conduct.

(6) The court before which a person is convicted of an offence under this section shall, in addition to imposing on that person any other punishment, order the payment by him of a sum which is equal to his gross gaming revenue for the period that the offence was committed, and any such payment ordered shall be recoverable as a fine.

Prohibitions related to possession, sale and supply of gaming machines

167C (1) No person shall possess a gaming machine otherwise than in accordance with a licence or approval.

(2) No person shall whether as principal or as a servant or agent, sell or supply, or offer to sell or supply, a gaming machine otherwise than in accordance with a licence or approval.

(3) For the purposes of subsection (2), a person who places a gaming machine, or causes a gaming machine to be placed, on premises which are not in his occupation shall be treated as supplying the gaming machine at the time when it is placed on those premises.

(4) Any person who contravenes subsection (1), (2) or (3) commits an offence and shall be liable—

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- (a) on summary conviction, to a fine not exceeding \$100,000 or imprisonment for a term not exceeding two years, or to both;
- (b) on indictment, to a fine not exceeding \$250,000 or imprisonment for a term not exceeding five years, or to both.

(5) In this section—

“premises” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

Prohibitions related to use of gaming machines

167D (1) No person shall use a gaming machine for gaming otherwise than in accordance with a licence or approval.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding \$1,000.

(3) No person shall, on premises that the person controls, permit any other person to offer or use a gaming machine for gaming otherwise than in accordance with a licence or approval.

(4) No person acting as principal shall, otherwise than in accordance with a licence or approval—

- (a) undertake for valuable consideration to maintain the mechanism of a gaming machine; or
- (b) cause or permit another person to enter into such an undertaking on his behalf.

(5) Any person who contravenes subsection (3) or (4) commits an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding \$100,000 or imprisonment for a term not exceeding two years, or to both;
- (b) on indictment, to a fine not exceeding \$250,000 or imprisonment for a term not exceeding five years, or to both.

(6) In this section—

“premises” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

Prohibition on importation of gaming machines

167E (1) Subject to subsection (3), no person shall import, or cause to be imported, into Bermuda—

- (a) a gaming machine; or
- (b) any part or accessory for such a machine,

otherwise than in accordance with a licence or approval.

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(2) Any customs officer or police officer may seize or detain any gaming machine which he has reason to believe has been imported in contravention of subsection (1).

(3) Subsection (1) shall not apply to a gaming machine that—

- (a) is on board a vessel that is berthed in Bermuda, and is not unloaded, or intended to be unloaded, in Bermuda; or
- (b) is imported into Bermuda only as a result of being on a vessel that—
 - (i) arrives at any anchorage, mooring or port in Bermuda under unavoidable circumstances owing to inclement weather or any other genuine emergency;
 - (ii) is wrecked or stranded in territorial waters, or at any anchorage, mooring or port in Bermuda; or
 - (iii) is brought from outside Bermuda as a wreck to any anchorage, mooring or port in Bermuda.

(4) Any person who contravenes subsection (1) commits an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding \$100,000 or imprisonment for a term not exceeding two years, or to both;
- (b) on indictment, to a fine not exceeding \$250,000 or imprisonment for a term not exceeding five years, or to both.

Forfeiture of gaming machines

167F Where a person is convicted of an offence under section 167C, 167D or 167E, the court may order any gaming machine, or part or accessory, shown to its satisfaction to relate to the offence, to be forfeited and destroyed or dealt with in such other manner as the court may order.

Restrictions on use, possession, importation, sale or supply of other gaming equipment

167G The Minister may by regulation prescribe restrictions on the use, possession, importation, sale or supply by any person of gaming equipment that—

- (a) is designed, or has been configured, modified or adapted, for use in connection with gaming; and
- (b) either—
 - (i) is not normally used, or is not normally used as so configured, modified or adapted, otherwise than in connection with gaming; or

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- (ii) is intended, or offered for supply, by the person for use in connection with gaming.”.

Amends section 170

26 Repeal section 170(1) of the Gaming Act and substitute—

“(1) A person shall not—

- (a) cheat at gaming in a casino; or
- (b) do anything for the purpose of enabling or assisting another person to cheat at gaming in a casino.

(1A) For the purposes of subsection (1), it is immaterial whether a person who cheats—

- (a) improves his chances of winning anything; or
- (b) wins anything.

(1B) Without prejudice to the generality of subsection (1), cheating at gaming may, in particular, consist of actual or attempted deception or interference in connection with—

- (a) the process by which gaming is conducted; or
- (b) a real or virtual game, race or other event or process to which gaming relates. ”.

Inserts Part 12A

27 After section 179 of the Gaming Act, insert—

“PART 12A
EXEMPT CONDUCT

Exempt private wagers

179A The offering or making of a wager is exempt conduct for this Act if—

- (a) the wager is a purely private matter and not conducted as part of any person’s business;
- (b) no party or proposed party to the wager is at any time under any pressure or duress;
- (c) the amount of the wager, taking into account any other wagers between the person offering or making the wager and the other parties—
 - (i) is not disproportionate to the means of that person; and

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- (ii) is not disproportionate to the apparent means of any of the other parties; and
- (d) the wager will not result in the avoidance of any tax that would otherwise have been payable.

Exempt conduct in other circumstances

179B (1) The Minister may by regulation prescribe circumstances in which specified gaming activity, or specified conduct related to such activity, is exempt conduct for this Act.

(2) The Commission may, by declaration published in the Gazette, specify circumstances in which specified gaming activity, or specified conduct related to such activity, is exempt conduct for this Act for a specified period of not more than three days.”.

Amends section 196

28 In section 196(2) of the Gaming Act—

- (a) in paragraph (aa), delete “casino licences and provisional casino licences” and substitute “any licences or approvals”;
- (b) in paragraph (f), after “measures”, insert “in casinos”;
- (c) in paragraph (g), delete “casino operators” and substitute “the holders of any licence or approval”;
- (d) in paragraph (h), delete “persons who are on the casino premises in the course of their employment” and substitute “staff members of casino operators”.

Amends section 200

29 In section 200(1) of the Gaming Act, delete “this Act” and substitute “the gaming legislation”.

Minor amendments to the Gaming Act

30 Schedule 1, which makes minor amendments to the Gaming Act that either correct small errors or are consequential to the other amendments made by this Act, has effect.

Amends Companies Act 1981

Consequential amendment to the Companies Act 1981

31 (1) In consequence of the transfer of functions effected by section 2(1) of this Act, the Companies Act 1981 is amended as follows.

(2) In the Tenth Schedule, repeal paragraph (b) and substitute—

- “(b) except as authorised by law, providing a gaming service within the meaning of the Gaming Act 2014;”.

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Amends Cruise Ships (Casinos) Act 2013

Consequential amendments to the Cruise Ships (Casinos) Act 2013

32 In consequence of the transfer of functions effected by section 2(1) of this Act, the Cruise Ships (Casinos) Act 2013 (“the Cruise Ships Act”) is amended as provided in sections 33 to 40.

Amends section 2

33 In section 2 of the Cruise Ships Act—

(a) insert the following definition in the appropriate alphabetical position—

“Commission” means the Bermuda Gaming Commission established by the Gaming Act 2014;”;

(b) repeal the definition of “inspector” and substitute—

“inspector” means an inspector appointed under section 12(4) of the Gaming Act 2014;”;

(c) in the definition of “licensed cruise ship”, delete “Minister” and substitute “Commission”;

(d) in the definition of “Minister” delete “lotteries” and substitute “the Bermuda Gaming Commission”.

Amends section 3

34 In section 3 of the Cruise Ships Act, delete “Minister” and substitute “Commission”.

Amends section 5

35 In section 5 of the Cruise Ships Act—

(a) in subsections (1) and (3), delete “Minister” (in each place) and substitute “Commission”;

(b) in subsection (3), delete “his” and substitute “its”.

Amends section 6

36 In section 6 of the Cruise Ships Act—

(a) in subsection (1)—

(i) delete “Minister” (where first occurring) and substitute “Commission”;

(ii) delete “to him” and substitute “to the Commission”;

(b) in subsection (2)(a), delete “Minister” and substitute “Commission”.

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Amends section 7

37 In section 7(1) of the Cruise Ships Act, delete “into the Consolidated Fund” and substitute “to the Commission”.

Amends section 8

38 In section 8 of the Cruise Ships Act—

- (a) in subsection (1), delete “Minister” (where first and third occurring) and substitute “Commission”;
- (b) in subsection (2), delete “Minister” and substitute “Commission”;
- (c) in subsection (3), delete “Minister” (where first occurring) and substitute “Commission”;
- (d) in subsection (4), delete “Minister” and substitute “Commission”.

Amends section 9

39 In section 9(1) of the Cruise Ships Act, delete “Minister” and substitute “Commission”.

Amends section 12

40 In section 12(1) of the Cruise Ships Act, delete “The Minister may appoint any public officer as an inspector to” and substitute “An inspector may”.

Amends Liquor Licence Act 1974

Consequential amendment to Liquor Licence Act 1974

41 (1) In consequence of the transfer of functions effected by section 2(1) of this Act, the Liquor Licence Act 1974 is amended as follows.

(2) In section 1(1) in subparagraph (iv) of the definition of “unlawful game”, delete “Commissioner of Police” and substitute “Bermuda Gaming Commission established by the Gaming Act 2014;”.

Amends Lotteries Act 1944

Consequential amendments to the Lotteries Act 1944

42 In consequence of the transfer of functions effected by section 2(1) of this Act, the Lotteries Act 1944 (“the Lotteries Act”) is amended as provided in sections 43 to 47.

Amends section 1

43 In section 1(1) of the Lotteries Act, insert the following definition in the appropriate alphabetical position—

“ “Commission” means the Bermuda Gaming Commission established by the Gaming Act;”.

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Inserts section 2A

44 After section 2 of the Lotteries Act, insert—

“Exempt lotteries for the Gaming Act 2014

2A A lottery that is deemed by this Act not to be unlawful is an exempt lottery for section 179B of the Gaming Act 2014.”.

Amends section 4B

45 In section 4B of the Lotteries Act—

- (a) in subsection (1), delete “Secretary to the Cabinet” and substitute “Commission”;
- (b) in subsection (3)—
 - (i) delete “Secretary to the Cabinet” and substitute “Commission”;
 - (ii) delete “he” and “his” (in each place) and substitute “it” or “its” as appropriate;
 - (iii) delete “for it” and substitute “for the lottery”.

Amends section 4C

46 In section 4C of the Lotteries Act—

- (a) in subsection (1), delete “Secretary to the Cabinet” and substitute “Commission”;
- (b) in subsection (3)—
 - (i) delete “Secretary to the Cabinet” and substitute “Commission”;
 - (ii) delete “he” and substitute “it”.

Amends section 7

47 In section 7(2) of the Lotteries Act, in paragraphs (a) and (e) delete “Secretary to the Cabinet” (in each place) and substitute “Commission”.

Amends Casino Gaming Regulations 2018

Consequential amendments to the Casino Gaming Regulations 2018

48 In consequence of the transfer and expansion of functions effected by section 2 of this Act, the Casino Gaming Regulations 2018 (“the Casino Regulations”) are amended as provided in sections 49 and 50.

Amends title and regulation 1

49 In the title and regulation 1 of the Casino Regulations, delete “Casino Gaming” and substitute “Gaming (Casino)”.

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Amends regulation 2

50 In regulation 2 of the Casino Regulations—

- (a) in the definition of “Act”, delete “Casino”;
- (b) in the definition of “accredited jurisdiction”, delete “casino” and substitute “gaming”;
- (c) repeal the definition of “bet”;
- (d) in the definition of “foreign co-operation arrangement”, delete “casino” and substitute “gaming”;
- (e) repeal the definition of “intoxicating liquor”.

Amends gaming instruments made under the Gaming Act

Consequential amendments to gaming instruments

51 (1) For the purposes of this section, each of the following is a “gaming instrument”—

- (a) the Casino Gaming (Casino Fees) Regulations 2017;
- (b) the Casino Gaming (Casino Licence Application) Regulations 2017;
- (c) the Casino Gaming (Designated Site) Order 2016;
- (d) the Casino Gaming (Designated Site) (No. 2) Order 2016;
- (e) the Casino Gaming (Designated Sites) Regulations 2016;
- (f) the Casino Gaming (General Reserve and Casino Taxes) Regulations 2017.

(2) In consequence of the transfer and expansion of functions effected by section 2 of this Act, in the title and regulation 1 of each gaming instrument, delete “Casino Gaming” and substitute “Gaming”.

FINAL PROVISIONS

Repeals

- 52 (1) Repeal the Prohibition of Gaming Machines Act 2001.
- (2) In consequence of subsection (1)—
- (a) in the Gaming Act, repeal section 202(4); and
 - (b) in the Cruise Ships Act, repeal section 20.

Transitional

53 For the avoidance of doubt—

- (a) any permit or licence under the Cruise Ships Act or the Lotteries Act; or

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- (b) any permit for the purposes of subparagraph (iv) of the definition of “unlawful game” in section 1(1) of the Liquor Licence Act 1974,

that was in effect immediately before the commencement of this Act, and any condition on or suspension of such a permit or licence, continues in existence on the same terms as if it had been granted or imposed under the relevant Act as amended by this Act.

Consequential amendments

54 (1) In consequence of the amendments under section 4 of this Act, in the following enactments, delete “Casino Gaming Act 2014” (in each place) and substitute “Gaming Act 2014”—

- (a) the Anti-Terrorism (Financial and Other Measures) Act 2004;
- (b) the Criminal Code Act 1907;
- (c) the Financial Intelligence Agency Act 2007;
- (d) the Liquor Licence Act 1974;
- (e) the Misuse of Drugs Act 1972;
- (f) the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008;
- (g) the Proceeds of Crime Act 1997;
- (h) the St. George's Resort Act 2018;
- (i) the Casino Gaming (Casino Fees) Regulations 2017;
- (j) the Casino Gaming (Casino Licence Application) Regulations 2017;
- (k) the Casino Gaming (Designated Site) Order 2016;
- (l) the Casino Gaming (Designated Site) (No. 2) Order 2016;
- (m) the Casino Gaming (Designated Sites) Regulations 2016;
- (n) the Casino Gaming (General Reserve and Casino Taxes) Regulations 2017;
- (o) the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008.

(2) In consequence of the amendments under section 7 of this Act, in the following enactments, delete “Bermuda Casino Gaming Commission” (in each place) and substitute “Bermuda Gaming Commission”—

- (a) the Anti-Terrorism (Financial and Other Measures) Act 2004;
- (b) the Financial Intelligence Agency Act 2007;
- (c) the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008;
- (d) the Proceeds of Crime Act 1997;

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- (e) the Casino Gaming (Casino Fees) Regulations 2017;
- (f) the Casino Gaming (Designated Site) Order 2016;
- (g) the Casino Gaming (Designated Site) (No. 2) Order 2016;
- (h) the Casino Gaming (Designated Sites) Regulations 2016;
- (i) the Casino Gaming (General Reserve and Casino Taxes) Regulations 2017;
- (j) the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008.

(3) In consequence of the amendment under section 16 of this Act, repeal regulation 279(1) of the Casino Regulations.

(4) In consequence of the amendment under section 19 of this Act in regulations 189(3)(a) and 190(2)(a) of the Casino Regulations, delete “30 days” and substitute “six months”.

(5) In consequence of the amendments made under sections 48 and 51 of this Act, Schedule 2, which makes minor amendments to several enactments, has effect.

(6) The Minister may, by regulations subject to the negative resolution procedure, make further consequential and related amendments to any provision of any other Act or statutory instrument if it appears to him that that provision is inconsistent with, or requires amendment consequentially upon, or has become unnecessary in consequence of, the provisions of this Act.

Commencement

55 This Act comes into operation on such day as the Minister responsible for the Bermuda Gaming Commission may appoint by notice published in the Gazette.

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SCHEDULE 1

(Section 30)

MINOR AMENDMENTS TO THE GAMING ACT

- 1 The Gaming Act is amended as follows—
- 1 In section 29(3), delete “Betting Act 1975” and substitute “Betting Act 2021”.
- 2 In section 29A, repeal subsection(4).
- 3 In section 30(2), delete “gambling” and substitute “gaming”.
- 4 In section 38(1), after “a provisional”, insert “casino”.
- 5 In section 47(3), delete “casino employee” and substitute “staff member”.
- 6 In section 66(1)(c), delete “an employee” and substitute “a staff member”.
- 7 In section 68(1)(a) and (b), delete “casino employee” and substitute “staff member”.
- 8 In section 100(1), delete “casino employee” and substitute “staff member”.
- 9 In section 116(2)(b), delete “gambling” and substitute “gaming”.
- 10 In section 120(10), delete “Advisory”.
- 11 In section 124(4), delete “casino employee” and substitute “staff member”.
- 12 In section 125(1) and (2), delete “casino employee” (in each place) and substitute “staff member”.
- 13 In section 126(1), delete “casino employee” and substitute “staff member”.
- 14 In section 135(1), delete “section 134” and substitute “section 142”.
- 15 In the heading to section 147, before “Council” insert “Problem Gaming”.
- 16 In the heading to Part 11, delete “Casino” and substitute “Gaming”.
- 17 In section 166—
 - (a) in subsection (1), delete “a casino or gaming” and substitute “gaming in a casino or to betting”;
 - (b) in subsection (6), delete “and offence” and substitute “an offence”.

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18 In section 180(1), delete paragraph (c) and substitute—

“(c) a staff member of a casino,”.

19 In the heading to section 190, and in sections 190(1), (2) and (2A), delete “casino regulatory” (in each place) and substitute “gaming regulatory”.

20 In section 198(1), before “advertising”, insert “or betting”.

21 In Schedule 2 in paragraph 6 delete “casino regulatory” and substitute “gaming regulatory”.

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SCHEDULE 2

(Section 54(5))

MINOR CONSEQUENTIAL AMENDMENTS

Statutory Instruments Act 1977

1 In the Statutory Instruments Act 1977 in the Second Schedule, delete “Casino Gaming Regulations 2018”.

Casino Gaming (Casino Fees) Regulations 2017

2 In the Casino Gaming (Casino Fees) Regulations 2017—

- (a) delete “Casino Gaming (Casino Licence Application) Regulations” (in each place) and substitute “Gaming (Casino Licence Application) Regulations”;
- (b) in regulation 2 in the definition of “casino tax”, delete “Casino Gaming (General Reserve and Casino Taxes) Regulations” and substitute “Gaming (General Reserve and Casino Taxes) Regulations”;
- (c) in the Schedule delete “Casino Gaming Regulations” (in each place) and substitute “Gaming (Casino) Regulations”.

Casino Gaming (Casino Licence Application) Regulations 2017

3 In the Casino Gaming (Casino Licence Application) Regulations 2017, delete “Casino Gaming (Casino Fees) Regulations” (in each place) and substitute “Gaming (Casino Fees) Regulations”.

Casino Gaming Regulations 2018

4 In the Casino Gaming Regulations 2018, delete “Casino Gaming (Casino Fees) Regulations” (in each place) and substitute “Gaming (Casino Fees) Regulations”.

[Assent Date: 02 June 2021]

[Operative Date: 01 August 2021]