

**PROHIBITION OF IMPORTATION OF GAMING EQUIPMENT
ACT 1999**



**BERMUDA
1999 : 41**

**PROHIBITION OF IMPORTATION OF GAMING EQUIPMENT
ACT 1999**

[Date of Assent 22 December 1999]

[Operative Date 22 December 1999]

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WHEREAS it is expedient to prohibit the importation of gaming machines, parts and accessories, and of lottery tickets:

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:—

Short title

1 This Act may be cited as the Prohibition of Importation of Gaming Equipment Act 1999.

Interpretation

2 (1) In this Act—

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"game of chance" includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined;

"gaming" means the playing of a game of chance for winnings in money or money's worth, whether or not any person playing the game is at risk of losing any money or money's worth ;

"machine" includes any apparatus;

"winnings" includes any prizes or other winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

(2) For the purposes of this Act a machine shall be taken not to be 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 cash or token;
- (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.

(3) In determining for the purposes of this Act whether a game, which is played otherwise than against one or more other players, is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance shall be disregarded.

Machines to which this Act applies

3 (1) This Act applies to any machine which—

- (a) is constructed or adapted for the playing of 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 the element of chance in the game is provided by means of the machine.

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(3) For the purposes of the application of this Act, the Premier may by order amend paragraphs (a) and (b) of subsection (1) or add additional paragraphs thereto.

(4) An order made under subsection (3) shall be subject to negative resolution procedure.

Importation of machines prohibited

4 (1) No person shall import or cause to be imported into Bermuda a machine to which this Act applies.

(2) No person shall import or cause to be imported into Bermuda any part or accessory for a machine to which this Act applies.

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

(4) Any person who contravenes the provisions of subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of \$10,000; and the court before which he is convicted may order any machine, 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.

Amends Lotteries Act 1944

5 Section 2(2) of the Lotteries Act 1944 is amended by inserting the following paragraph after paragraph (a) —

"(aa) imports into Bermuda any ticket for use in the lottery; or".