



ST HELENA

REVISED EDITION OF THE LAWS, 2017

RECREATION & TOURISM

GAMING MACHINES ORDINANCE, 1984¹

Ordinance 1 of 1984

In force 6 September 1984

*Amended by L.N. 13/1998, L.N. 5/2003, L.N. 7/2005, L.N. 8/2007, L.N. 5/2009,
L.N. 46/2013, L.N. 4/2018*

No subsidiary legislation to 1 April 2018

GAMING MACHINES ORDINANCE, 1984

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AN ORDINANCE to provide for the licensing and control of slot machines used for gaming, and for connected purposes.

Short title

1. This Ordinance may be cited as the Gaming Machines Ordinance, 1984.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 April 2018.

“**gaming machine**” means a machine for playing a game of chance which is set in operation wholly or partly by the insertion of a coin, token or other object, and is so constructed as, in certain circumstances, to return mechanically or otherwise to the person operating the machine money or money’s worth of greater total value than that of the coin, token or object inserted;

“**licence**” means a licence granted under section 3;

“**Licensing Justices**” means 3 Justices of the Peace sitting together.

Power to grant licence for use of premises for gaming machines

- 3.** Subject to this Ordinance, the Licensing Justices may grant a licence—
- (a) to the licensee of any premises licensed under the Liquor Ordinance for the sale of intoxicating liquor, permitting those premises to be used for gaming by means of one or more gaming machines;
 - (b) to the secretary of a *bona fide* member’s club or association approved for the purpose by the Licensing Justices, permitting the premises described in the licence to be used for gaming by means of one or more gaming machines.

Application for grant of licence

4. (1) An application for a licence must be made in writing to the Clerk of the Peace, and must specify –

- (a) the premises at which it is desired to install any gaming machines;
- (b) the number of such machines which it is desired to have in operation; and
- (c) the denomination of coin required, or the charge to be made, for the operation of each machine.

(2) In deciding whether or not to grant a licence to any particular applicant, the Licensing Justices may take into consideration all matters that appear to them to be relevant, including the number of other licences already granted, the character of the applicant, and the suitability and situation of the premises concerned.

(3) A licence may be granted subject to conditions as to the hours or days of the week on which any gaming machine may be operated, the denomination of coin, or the charge to be made for the use of any token or other object, required to operate any gaming machine, and any other matters that the Licensing Justices consider desirable either generally in respect of all licences or in respect of the licence granted to any particular applicant.

Duration of licence

5. A licence is valid until the 31st day of December in the year in which it is granted, and unless revoked, or ordered not to be renewed, by the Licensing Justices under section 8, may be renewed from year to year upon payment of the fee for renewal, as provided in this Ordinance.

Fees

6. (1) Upon the grant, renewal or transfer of a licence, the licensee must pay to the Financial Secretary the fee for grant or renewal at the rate specified in the Schedule.

(1A) If a licence is granted after 30th June in any year, the fee payable on the grant of the licence is half the rate otherwise payable for the year in which the licence is granted.

(2) The fee payable upon the renewal of a licence is payable on the day next after New Year's Day, or if that day is a Sunday, within one week.

(3) If any gaming machine licensed under this Ordinance is operated after 31st December in any year, the licensee is deemed to have applied for the renewal of the licence and the whole of the fee payable upon renewal is due and payable.

Recovery of unpaid fees

7. (1) Any fees unpaid in respect of the grant or renewal of a licence may be sued for by the Financial Secretary and recovered in the Magistrates' Court and in any such proceedings the Court may order the licensee to pay an additional 20% of the fee as a penalty.

(2) While a fee payable under this Ordinance remains unpaid there is a lien for the amount due, in favour of the Crown, upon the gaming machines owned by or in the possession of the licensee.

- (2A) If any fee has remained unpaid for one month, the Financial Secretary –
- (a) may instruct the Director of Police in writing or any police officer authorised by him or her to enter the premises where the gaming machines are kept, and take possession of the gaming machines; and
 - (b) if the fee due remains unpaid for more than 14 days after such seizure, may sell the gaming machines and pay the proceeds towards the amount due.

(3) For the purposes of subsection (2) the secretary of a club or association to whom a licence has been granted is deemed to be the owner of the gaming machines installed on the club or association premises.

Revocation of licence

8. (1) The Licensing Justices may revoke any licence if the licensee fails to comply with any condition of the licence or fails to pay any fee payable under this Ordinance for the grant or renewal of a licence.

(2) The Licensing Justices, after giving to the licensee 3 months' notice, may direct that any licence is not to be renewed at the end of the year.

Transfer of licence

9. In the event of the death of a licensee, or a change of ownership or management of any premises licensed under this Ordinance, the Licensing Justices upon application made, and with the written consent of the licensee or the licensee's personal representative, as the case may be, and upon being satisfied as to the character of the applicant and upon payment of the fee specified in the Schedule, may authorise the transfer of the licence to the applicant.

Offences

10. (1) A person who knowingly permits or causes any premises to be used for gaming with any gaming machines except in accordance with the terms of a licence commits an offence.

Penalty: A fine of £250 or imprisonment for 6 months, or both.

(1A) A person who knowingly takes part in gaming with any gaming machine on premises used for that purpose contrary to this Ordinance commits an offence.

Penalty: A fine of £50 or imprisonment for one month, or both.

(2) If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that any premises are being used for gaming with gaming machines contrary to this Ordinance, he or she may grant a search warrant authorising any police officer to enter, at any time, the premises named in the warrant, if necessary by force, and to search the premises and seize anything which is evidence of an offence under this section having been, or being about to be committed.

Appeals

11. An appeal against any decision of the Licensing Justices under this Ordinance may be made to the Governor in Council.

Power to amend Schedule

12. The Governor in Council may, from time to time, by regulation amend the Schedule.

SCHEDULE² (Section 6)

FEES		
1.	Grant or renewal of a licence	£1,000.00 for each machine.
2.	Transfer of a licence	£60.00

² Schedule amended by L.N. 4 of 2018