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Legislation incorporated in this Consolidation	Ordinance	Date in Force
Gambling Ordinance 2013	5/2013	01/03/2013
Gambling (Amendment) Ordinance 2014	8/2014	28/02/2014
Betting Houses, Gaming Houses and Gambling Prevention (Consolidation)(Amendment) Ordinance	2/2015	01/03/2015

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G A M B L I N G O R D I N A N C E 2 0 1 3

An Ordinance to make provisions for betting and other forms of gambling

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

PART 1 Preliminary

Short title

1. This Ordinance may be cited as the Gambling Ordinance 2013.

Commencement

2. This Ordinance comes into force on 1 March 2013

Interpretation

3.—(1) In this Ordinance—

“assistant bookmaker” means a person who hold an assistant bookmaker’s licence;

“assistant bookmaker’s licence” means an assistant bookmaker’s licence issued under the Pool Betting (Regulation and Duty) Ordinance 2005 (a);

“authorised agent” means a person who hold an authorised agent’s licence;

“authorised agent’s licence” means a licence to provide betting services as agent for a Class A bookmaker issued under Part III of the Betting Law (see section 12(2)(c) of the Betting Law);

“Authority” means the National Betting Authority of the Republic established by section 3 of the Betting law;

“Betting Law” means Law 106(I)/2012 of the Republic (as amended from time to time) (the Betting Law of 2012)

“betting services” must be construed in accordance with subsection (2);

“bookmaker” means a person who holds a bookmaker’s licence;

“bookmaker’s licence” means a bookmaker’s licence issued under the Pool Betting (Regulation and Duty) Ordinance 2005;

“business licence” means a licence issued under section 21 of the Control (Entry, Settlement and Commercial Enterprise) Ordinance 1960 (b);

“Class A bookmaker” means a person who holds a Class A licence;

“Class A licence” means a licence to provide betting services on premises issued under Part III of the Betting Law (see section 12(2)(a) of the Betting Law);

“Class B bookmaker” means a person who holds a Class B licence;

(a) Ordinance 11/05. amended by Ordinance 10/12

(b) Ordinance 5/60

“Class B licence” means a licence to provide remote betting services issued under Part III of the Betting Law (see section 12(2)(b) of the Betting Law);

“game” in relation to a game of chance or a game of skill, does not include a sport;

“game of chance” includes a game of mixed chance and skill;

“gaming” means playing a game of chance for money or anything else of value;

“gaming machine” has the meaning given in section 4 (meaning of gaming machine);

~~“machine” means an apparatus that uses or applies mechanical power or electrical power or both; (a)~~

“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;

“OPAP agreement” means the agreement between the governments of the Hellenic Republic and the Republic of Cyprus about the organisation, operation, carrying out and management of games carried out by OPAP S.A. in Cyprus dated 12 February 2003 (as amended from time to time);

“premises” means premises to which the public, or a section of the public, has access;

“remote bet” means a bet in which persons participate by means of remote communication;

“remote communication” means communicating using—

- (a) the internet;
- (b) telephone;
- (c) television;
- (d) radio;
- (e) a link to a computer; or
- (f) any kind of electronic or other technology for facilitating communication;

“remote” gaming means gaming by means of remote communication.

(2) For the purposes of this Ordinance, a person provides betting services if, in the course of a business, the person—

- (a) invites another person to make a bet;
- (b) accepts a bet from another person; or
- (c) provides, operates or administers arrangements for betting.

Meaning of gaming machine

4.—(1) Subject to subsections (3) and (4), in this Ordinance “gaming machine” means any of the following—

- (a) a machine that, on payment of money or anything else of value, gives the user the opportunity to win money or anything of value by playing (including playing by means of remote communication) a game of chance or a game of skill;

Examples

The following are all types of “gaming machine” if payment of money or anything else of value is required and the user has the opportunity to win money or anything else of value: blackjack machines, fruit machines, jackpot machines, machines for playing bingo or roulette, poker machines, quiz machines and slot machines.

(a) Definition substituted by Ordinance 2/15 – came into force on 01 March 2015

- (b) a machine enables the user to bet (including by means of remote communication) on the outcome of a virtual game, virtual race or other virtual event;
 - (c) a computer part, accessory or application (including software) that can be connected to or used with a terminal or screen such that together they function as a machine referred to in paragraph (a) or (b).
- (2) For the purposes of subsection (1)(a) and (b), it is immaterial whether—
- (a) payment is made by insertion into the machine or otherwise; or
 - (b) winnings are paid automatically by the machine or otherwise.
- (3) A computer, telephone or other machine for facilitating remote communication is not a “gaming machine” by reason only of the fact that it can be used to participate in remote betting or remote gaming.
- (4) A machine is not a “gaming machine” by reason only of the fact that it enables the user to participate in a game of chance or game of skill organised and carried out pursuant to arrangements made under the OPAP agreement.

PART 2

Offences

Betting

Spread betting

5. A person who provides betting services in relation to a spread bet commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.

Betting on horse racing

6.—(1) A person who provides betting services in relation to a bet on, or in connection with, a horse race commits an offence unless the bet is made in the approved form.

(2) A person who makes a bet on, or in connection with, a horse race commits an offence unless the bet is made in the approved form.

(3) A person who is convicted of an offence under subsection (1) or (2) is liable to imprisonment for a term not exceeding 2 years or a fine not exceeding €85,430 or to both.

(4) For the purposes of this section, a bet is made in the approved form if the bet is made on a slip or other printed document issued or approved by, or in accordance with other arrangements made by, the Nicosia Racing Club (a).

Betting on dog racing

7. A person who provides betting services in relation to a bet on, or in connection with, a dog race commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.

Cheating

8.—(1) A person commits an offence if the person—

- (a) cheats in relation to a bet; or

(a) The Nicosia Racing Club is the horseracing authority under Law 48/1973 of the Republic (the Horse Race Betting and Sweepstakes Law of 1973)

- (b) does anything for the purpose of enabling or assisting another person to cheat in relation to a bet.
- (2) For the purpose of subsection (1), it is immaterial whether a person who cheats—
 - (a) improves the person’s chances of winning anything; or
 - (b) wins anything
- (3) Without limiting subsection (1), cheating in relation to a bet includes actual or attempted deception or interference in connection with—
 - (a) the process by which betting is conducted; or
 - (b) the game, race or other event or process to which betting relates.
- (4) A person convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 7 years or a fine not exceeding €500,000 or to both.

Children

- 9.—(1) A person commits an offence if the person invites, causes or permits a person under the age of 18 years to make a bet.
- (2) A person commits an offence if the person invites or permits a person under the age of 18 years to enter premises on which betting services are provided.
- (3) A person who is convicted of an offence under subsection (1) or (2) is liable to imprisonment for a term not exceeding 12 months or a fine not exceeding €50,000 or to both.

Gaming machines

Gaming machines

- 10.—(1) A person commits an offence if the person possesses a gaming machine, makes a gaming machine available for use by another person or invites another person to use a gaming machine.
- (2) A person commits an offence if the person manufactures, sells, installs, adapts, maintains or repairs a gaming machine.
- (3) A person who plays a gaming machine commits an offence.
- (4) A person who is convicted of an offence under subsection (1),(2) or (3) is liable to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.
- (5) This section is subject to section 15(4) (Chief Officer may permit gaming machines to be used in certain premises).

Remote betting and Gaming

Providing facilities for remote communication in relation to betting and gaming

- 11.—(1) A person commits an offence if—
 - (a) the person makes facilities for remote communication available for use by another person;
 - (b) the facilities are adapted or presented in such a way as to facilitate, or to draw attention to the possibility of, their use for betting or gaming; and
 - (c) the nature, adaptation or presentation of the facilities is such that—
 - (i) they cannot reasonably be expected to be used for purposes other than betting or gaming; or
 - (ii) they are intended to be used wholly or mainly for betting or gaming.
- (2) No offence is committed under subsection (1)—

- (a) if the facilities for remote communication are used solely for the purpose of providing betting services in accordance with a bookmaker's licence or an assistant bookmaker's licence; or
 - (b) if the facilities for remote communication are for the purpose of participation in gaming organised and carried out pursuant to arrangements made under the OPAP agreement.
- (3) A person who is convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.
- (4) This section is subject to section 15(4) (Chief Officer may permit gaming machines to be used in certain premises).

Remote gaming

- 12.**—(1) A person commits an offence if the person—
- (a) invites another person to participate in remote gaming; or
 - (b) provides, operates or administers arrangements for remote gaming.
- (2) A person commits an offence if the person participates in remote gaming.
- (3) No offence is committed under subsection (1) or (2) in relation to remote gaming organised and carried out pursuant to arrangements made under the OPAP agreement.
- (4) A person who is convicted of an offence under subsection (1) or (2) is liable to imprisonment for a term not exceeding 5 years or a fine not exceeding €300,000 or to both.
- (5) This section is subject to section 15(4) (Chief Officer may permit gaming machines to be used in certain premises).

Other

Advertising

- 13.**—(1) A person who advertises the provision (whether in the Areas or elsewhere) of betting services commits an offence if the advertisement—
- (a) promotes betting services that are provided by a person other than a bookmaker, an assistant bookmaker, a Class A bookmaker, a Class B bookmaker or an authorised agent;
 - (b) where betting services are to be provided in the Areas, promotes the provision of such services by a person other than a person who holds a business licence to provide betting services;
 - (c) suggests that betting leads to, or is required for, social acceptances, personal success, financial success or the resolution of any economic, social or personal problem;
 - (d) contains an endorsement by an individual suggesting that betting is related to the success of the individual; or
 - (e) targets person under the age of 18 years (for example, by using persons who are or appear to be under the age of 18 years to promote the provision of betting services).
- (2) A person who is convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 6 months or a fine not exceeding €30,000 or to both.
- (3) A person who advertises the provision (whether in the Areas or elsewhere) of betting services or any other type of gambling this is prohibited by virtue of any of the following provisions commits an offence—
- (a) section 5 (spread betting);
 - (b) section 6 (betting on horse racing);
 - (c) section 7 (betting on dog racing);
 - (d) section 10 (gaming machines);
 - (e) section 12 (remote gaming).

(4) A person who is convicted of an offence under subsection (3) is liable to imprisonment for a term not exceeding 12 months or a fine not exceeding €50,000 or to both.

Supplementary

Officers of companies, etc

14.—(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.

PART 3

Miscellaneous

~~Chief Officer may permit gaming machines to be used in certain premises (a)~~

~~**15.**—(1) The Chief Officer may in writing permit a gaming machine to be used in premises owned or occupied by the Crown in right of the United Kingdom or occupied wholly or mainly by, or for the purposes of, the armed forces of the United Kingdom.~~

~~(2) The Chief Officer may make the use of gaming machines subject to conditions.~~

~~(3) A permit under subsection (1) may be revoked at any time.~~

~~(4) No offence is committed under section 10 (gaming machines), 11 (providing facilities for remote betting or gaming) or 12 (remote gaming) in relation to a gaming machine that is used in accordance with a permit issued under section (1).~~

~~(5) For the purposes of this Ordinance, a permit under section 8 of the Betting houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 (b) must be treated as issued under section (1) of this section.~~

Fiscal Officer may permit use of gaming machines in certain premises

***15.**—(1) The Fiscal Officer may issue a permit for the use of a gaming machine in premises owned by or occupied by the Crown in right of the United Kingdom or occupied wholly or mainly by or for the purposes of, the armed forces of the United Kingdom.*

(2) A permit under subsection (1)—

- (a) must be in writing;*
- (b) may be issued subject to 1 or more conditions, which must be stated on the permit;*

(a) Section 15 repealed and replaced by Ordinance 8/14 – came into force on 28 February 2014

(b) Ordinance 10/1985

- (c) *expires on 31 December of the year in which it was issued or, if the application is made on or after 1 December, on 31 December of the following year;*
- (d) *may be revoked by the Fiscal Officer in writing at any time.*

(3) An applicant for a permit under subsection (1) must pay a fee of €34 in respect of each gaming machine (or such other fee as the Fiscal Officer may fix by order made as a public instrument).

(4) No offence is committed under section 10 (gaming machines), 11 (providing facilities for remote betting or gaming) or 12 (remote gaming) in relation to a gaming machine if—

- (a) a permit under subsection (1) is issued in respect of the machine; and*
- (b) every condition subject to which the permit is issued is complied with.*

Search warrant

16.—(1) Where a judge is satisfied, on the written application of a police officer or a customs officer, that there are reasonable grounds for suspecting that an offence under this Ordinance has been committed on premises or any other place, the judge may issue a warrant authorising a police officer or a customs officer and any person accompanied by a police officer or a customs officer to—

- (a) enter and search the premises or place;
- (b) seize anything reasonably suspected of having been used or of being about to be used to commit such an offence or of being evidence of the commission of such an offence.

(2) This section does not limit search powers or powers to obtain a search warrant conferred by any other Ordinance.

Legal proceedings

17.—(1) For the purpose of this Ordinance, a court may take judicial notice of legislation of the Republic and of any other document of any description granted or otherwise made under legislation of the Republic.

(2) The production of a copy of any legislation of the Republic—

- (a) contained in a printed collection of legislation purporting to be printed and published by an authority of the Republic;
- (b) contained in an issue of the official Gazette of the Republic; or
- (c) purporting to be printed by the Government Printer of the Republic, by whatever named called,

may be held by a court to be conclusive evidence for all purposes of the due and lawful making of that legislation.

(3) For the purposes of this section, a version of any legislation of the Republic in English—

- (a) purporting to be produced by an authority of the Republic;
- (b) certified as being accurate by an officer of the Administration considered by the court to have been, at the time of such certification, a competent translator into English from the language in which the legislation of the Republic was published in the Republic;
- (c) given or produced in the course of oral evidence of a person whom the court considers to be competent translator for the purpose; or
- (d) stated orally in court or produced in writing by a registrar or official court interpreter,

may be held by a court to be conclusive for all purposes that such version is the accurate English version of the legislation in question.

(4) For the purposes of this section, the production of—

- (a) a document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the legislation under which the document in question was granted or otherwise made or, where the document relates to any function of the Authority or the Nicosia Race Club, by a senior officer of the Authority or, as the case may be, the Nicosia Race Club; or
- (b) an English translation of a document, the accuracy of which is certified in writing by a translator of recognised competence,

may be held by a court to be conclusive evidence for all purposes of the contents of the document.

Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 amended

18.—(1) The Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 is amended in accordance with this section.

(2) Section 7 and 8 are repealed. (Section 15(5) provides for permits issued under section 8 of the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 to be treated as issued under section 15(1) of this Ordinance.