

ORDINANCE 11 OF 2005

AN ORDINANCE TO REGULATE THE BUSINESS OF BOOKMAKERS, ASSISTANT BOOKMAKERS AND POOL BETTING AND TO IMPOSE DUTIES AND FEES IN RELATION TO SUCH BETTING

**P. T. C. Pearson CBE
ADMINISTRATOR**

15th March 2005.

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

1. This Ordinance may be cited as the Pool Betting (Regulation and Duty) Ordinance 2005. Short Title.

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

“approved cash register” means a cash register approved by the Chief Officer for the purpose of stamping coupons in accordance with section 5;

“assistant bookmaker” means a person who as an agent of a bookmaker carries on the business of receiving or negotiating pool bets or any transaction of pool betting;

“audited accounts” means accounts audited by an accountant approved under the provisions of the corresponding law;

“bank guarantee” means an undertaking given to a bookmaker or assistant bookmaker by a bank or co-operative company that, for the period of the bookmaker’s or assistant bookmaker’s licence and until 6 months after the expiry of such licence, it will guarantee to pay any amount up to the limit specified in the guarantee, which the bookmaker or assistant bookmaker is required to pay to any person who is a winner in a pool bet;

“betting company” means a company limited by shares which is established for the sole purpose of carrying on the business of pool betting and the issued and paid share capital of which is at least £100,000;

“bookmaker” means a person who, as an agent of a betting company, carries on the business of receiving or negotiating pool bets or any transaction of pool betting;

“bookmaker’s licence” and “assistant bookmaker’s licence” means a licence issued in accordance with section 3;

“bookmaking” means the business of receiving or negotiating pool bets or any transaction of pool betting carried on by assistant bookmakers or bookmakers;

“corresponding law” means the Pool Betting (Regulation and Duty) Law 1997 of the Republic and includes any Law amending or substituting that Law and any subordinate legislation made under that Law or under any such amending or substituting Law;

“coupon” means a printed form approved by the Chief Officer for the purposes of participation in a pool bet on which the type of pool bet, the amount of such bet, the amount of duty and the total amount collected, together with such additional information as may be prescribed by regulations, are recorded by means of an approved cash register;

“licensed premises” means the premises licensed to operate for the business of bookmaking and any related activity in accordance with section 3;

“pool bet” means any kind of betting carried on by a number of persons taking part in the betting—

- (a) on terms that the winnings of such of those persons as are winners shall be a share of, or determined by reference to, the stake money paid or agreed to be paid by those taking part in the betting; or
- (b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is to be divisible in any proportions amongst such of those persons as are winners; or
- (c) on the basis that the winners or their winnings shall, to any extent, be determined at the unfettered discretion of the person who carries on the betting or of any other person;

“repealed Ordinance” means the Pool Betting (Regulation and Duty) Ordinance 1973.

3.—(1) Subject to subsection (2) no person shall carry out any activity for the purposes of the business of bookmaking unless he is the holder of a bookmaker’s licence or an assistant bookmaker’s licence which is granted in accordance with this Ordinance and any regulations made under it.

(2) The holder of any licence issued under the repealed Ordinance may continue to carry on his business in accordance with the terms of that licence until its expiry.

(3) An application for a bookmaker’s or an assistant bookmaker’s licence shall be submitted to the Chief Officer in accordance with the remaining provisions of this section and with regulations made under section 14.

Law No. 75(I) of 1997 (Republic) as amended by Law No. 176(1) of 2004 (Republic).

Ordinance 7/73.

Bookmaker’s and assistant bookmaker’s licence.

(4) An application for the grant or renewal of a bookmaker's or assistant bookmaker's licence shall be submitted not later than 30th September of each year and if granted or renewed shall take effect from 1st January of the following year.

(5) A bookmaker's or assistant bookmaker's licence granted under this section shall be valid until 31st December of the year in which it takes effect.

(6) A bookmaker's or assistant bookmaker's licence shall specify the premises at which any bookmaking and any activity relating to such bookmaking may be carried out.

(7) The Chief Officer may not authorise more than 16 bookmakers or assistant bookmakers (by way of licences granted under this section) to act as agent in respect of any one betting company.

(8) An annual fee of £5,000 is payable for the grant or renewal of a bookmaker's licence and an annual fee of £300 is payable for the grant or renewal of an assistant bookmaker's licence.

4.—(1) A bookmaker's or assistant bookmaker's licence shall not be granted to any person—

- (a) unless he is a citizen of the Republic or is a company incorporated in accordance with the Companies Ordinance;
- (b) if he has not attained his 21st birthday;
- (c) if he, the company or any person specified in section 9(2) has been convicted by any court in the last 5 years of any offence involving dishonesty or immorality or for any offence in contravention of the Betting Houses, Gaming Houses and Gambling Prevention (Consolidation) Ordinance 1985 or the provisions of this Ordinance or the repealed Ordinance;
- (d) if he has previously been the holder of a bookmaker's or assistant bookmaker's licence which was revoked or suspended by the Chief Officer in accordance with section 13.

(2) Where the application is for a bookmaker's licence, the applicant must, in addition to satisfying the criteria specified in subsection (1)—

- (a) provide written confirmation from the betting company that he is authorised to act as their agent for the purpose of receiving or negotiating pool bets or any transaction of pool betting;
- (b) save where subsection (4) applies, obtain a bank guarantee for such amount as the Chief Officer shall determine having regard to the projected profits of the bookmaker and which shall in any event not be less than £200,000; and
- (c) obtain the bank guarantee required by section 8.

(3) Subject to subsection (4), where the application is for an assistant bookmaker's licence, the applicant must, in addition to satisfying the criteria specified in subsection (1), obtain a bank guarantee for such amount as the Chief Officer shall determine having regard to the projected profits of the assistant bookmaker and which shall in any event not be less than £10,000.

Eligibility for bookmaker's or assistant bookmaker's licence.

Cap. 113 (Laws of Cyprus) as amended by 11/68, 10/87, 9/90 and 7/95.

Ordinance 10/85 as amended by 1/96.

(4) A bookmaker or assistant bookmaker who receives or negotiates pool bets solely of the kind referred to in paragraph (b) of the definition of “pool bet” in section 2 shall be exempt from the requirement to hold and produce a bank guarantee of the kind referred to in subsection (2)(b) or (3) above.

Pool bet to take place on coupon.

5.—(1) No pool betting shall take place except on a coupon issued by a bookmaker or assistant bookmaker in the licensed premises.

(2) A bookmaker or assistant bookmaker shall keep in his licensed premises an approved cash register for the purpose of stamping any coupons issued by him.

Obligations of bookmakers and assistant bookmakers.

6. A bookmaker and assistant bookmaker shall—

- (a) provide the Chief Officer with any information he may request in relation to the bookmaking business or with any other activity related to the business;
- (b) permit the entry into the licensed premises of any police officer or other person authorised by the Chief Officer in this respect for the purpose of checking for compliance with the requirements of this Ordinance, any regulations made under it or any of the conditions of the licence granted in respect of those premises;
- (c) prohibit the entry into the licensed premises of any minors;
- (d) display at a conspicuous place within the licensed premises —
 - (i) a notice stating that minors are prohibited from entering the licensed premises;
 - (ii) a copy of the bookmaker’s or assistant bookmaker’s licence in force in respect of the premises;
 - (iii) a notice explaining the rules governing the bookmaking carried on in such premises;
- (e) where the winnings of any person exceeds £200, pay such amount by cheque drawn from the account kept for the carrying on of the bookmaking business.

Submission of accounts.

7.—(1) A bookmaker shall submit audited accounts for each financial year to the Chief Officer not later than 31st March of each year.

(2) The accounts submitted in accordance with subsection (1) shall include—

- (a) the total amount of any pool bets placed;
- (b) the total amount paid as winnings;
- (c) the total amount of any pool bets collected by any assistant bookmaker;
- (d) any amount paid as commission to an assistant bookmaker and the name of that person; and
- (e) the total amount paid to the betting company for which the bookmaker acts as agent.

(3) The Chief Officer may also require an assistant bookmaker to submit audited accounts containing such information as he may direct.

8.—(1) A bookmaker shall keep a record, whether in electronic form or otherwise, in which he shall enter such details as may be specified by the Chief Officer in relation to each coupon delivered to him and a statement of any stake monies collected or to be collected either by him or by any assistant bookmaker of his.

Duty on pool betting.

(2) A bookmaker shall pay to the Administration by way of duty twenty-five per cent of the total amount of stake money declared in the statement made in accordance with subsection (1).

(3) A bookmaker or an assistant bookmaker may charge and collect from any persons participating in a pool bet such an amount as may be the proportional share of duty which the bookmaker may be required to pay to the Administration under subsection (2).

(4) A bookmaker shall obtain and produce a bank guarantee for such amount, not less than £30,000, as may be determined by the Chief Officer for the purposes of guaranteeing any amount which a bookmaker is required to pay to the Administration as duty under this section.

(5) The validity period of the bank guarantee referred to in subsection (4) shall be equal to the period commencing with the grant of the bookmaker's licence and ending two months after the expiry of that licence.

(6) A bookmaker shall, not later than 12 days from the end of the week during which he received or carried on pool bets, pay to the Administration the total amount of duty due in accordance with this section.

(7) Where a bookmaker fails, refuses or neglects to pay the full amount of duty owed by him within the period set out in subsection (6), he shall be liable to pay an additional charge of ten per cent of the amount of the duty which he failed, neglected or refused to pay.

9.—(1) Any person who—

Offences and penalties.

- (a) carries on the business of a bookmaker or of an assistant bookmaker or carries out any activity in relation to such business, without being licensed to do so in accordance with this Ordinance or the provisions of the repealed Ordinance; or
- (b) carries on the business of a bookmaker or assistant bookmaker in contravention of any of the conditions of his licence; or
- (c) carries on any such business in any place other than the licensed premises; or
- (d) participates in any pool bet carried on in contravention of any of the provisions of this Ordinance;
- (e) wilfully prevents, obstructs or delays any police officer or any other person authorised to act in accordance with this Ordinance from exercising any of the powers or performing any of the duties conferred on him by this Ordinance; or
- (f) contravenes any other provision of this Ordinance for which no relevant penalty is provided,

shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding 1 year or to a fine not exceeding £50,000 or to both such penalties.

(2) Where an offence contrary to this Ordinance is committed by a body corporate and it is proved that it was committed with the consent, connivance or approval, or that its commission has been facilitated by the negligence of any director, secretary or any other individual having similar responsibilities in relation to the body corporate, such director, secretary or other individual shall also be guilty of a like offence.

Issue of search
warrant.

10. Where a Judge, or any member of the Police Force in charge of a station is satisfied after hearing evidence on oath that there are any reasonable grounds for suspecting that any premises or other place are being kept or used contrary to the provisions of this Ordinance, he may issue a warrant by which to authorise any police officer or other person named in the warrant to—

- (a) enter and search such premises, by the use of force where necessary, for the purposes of carrying out an investigation in the said premises; and
- (b) confiscate any document or other article, including any electronic equipment used for the purpose of recording any such document, which he reasonably suspects is being, has been or may be used for the purpose of committing any offence contrary to this Ordinance.

Entry without
warrant.

11.—(1) Notwithstanding anything contained in this or any other Ordinance it shall be lawful for any authorised person, with such assistance and by such force as may be necessary, at any time and without warrant, to enter and search any premises or other place which he has reasonable grounds for believing are being kept or used contrary to the provisions of this Ordinance.

(2) The power contained in subsection (1) is only exercisable where an authorised person reasonably believes that the entry is required to be effected immediately and that to delay such entry in order to apply for a warrant in accordance with section 10 would adversely prejudice the effectiveness of the search.

(3) Every officer acting in accordance with this section shall have the same powers upon entry as may be exercised by a police officer or other person named in a warrant issued under section 10.

(4) For the purposes of this section “authorised person” means any police officer of or above the rank of Sergeant, whether in uniform or not.

Arrest without
warrant.

12. Any police officer, whether in uniform or not, may arrest without warrant any person whom he finds committing an offence contrary to section 9 of this Ordinance and may seize any money or other thing used as stakes and any instruments used or appearing or intended to be used or to have been used in the commission of the offence.

Termination,
cancellation or
suspension of
licence.

13.—(1) Notwithstanding any other provision of this Ordinance, the Chief Officer may revoke or suspend for any period a bookmaker’s or assistant bookmaker’s licence if he is satisfied that the licence holder is carrying on his pool betting business or performing any activity in relation to such business in contravention of any provision of this Ordinance or of any regulations made under it or of any condition of his licence.

(2) Without prejudice to the generality of subsection (1), the Chief Officer shall revoke or suspend for any period a bookmaker's licence if the Chief Officer has, within the preceding 12 months, revoked two licences held by assistant bookmakers who were acting as agents of the said bookmaker.

14.—(1) The Administrator may make regulations to be published in the Gazette for the better application of the provisions of this Ordinance.

Regulations.

(2) Without prejudice to the generality of subsection (1), such regulations may provide for—

- (a) the application form for and the information to be provided by an applicant for a bookmaker's or assistant bookmaker's licence;
- (b) the conditions which may be attached to such a licence including conditions as to the type of pool bet or bets which may be received or negotiated by a bookmaker or assistant bookmaker under the terms of his licence.

15. The provisions of this Ordinance shall not apply to any pool bet which is authorised under the provisions of any other Ordinance in force.

Exempted pool bet.

16.—(1) Subject to subsection (2), nothing in this Ordinance shall apply to the transmission of football coupons through British Forces Post Offices in the Areas by entitled persons or to the preparation or possession of such coupons by such persons for the purpose of such transmission.

Exemption for entitled persons using the British Forces Post Offices.

(2) The exemption provided by subsection (1) shall not be enjoyed by any entitled person unless the envelope or other container in which the coupon is inserted, or the outside of such coupon if it can be posted without an envelope or container, is clearly inscribed with the name, initials, rank or civilian status and, in the case of a member of the Armed Forces, the Service number and an address within the Areas of the entitled person transmitting the coupon.

(3) Any—

- (a) person other than an entitled person who transmits or attempts to transmit or conspires with any other person (whether an entitled person or not) to transmit, or solicits or incites an entitled person to transmit on his behalf, or aids and abets another person, not being an entitled person, to transmit a coupon through a British Forces Post Office in the Areas; or
- (b) entitled person who conspires with any other person, whether an entitled person or not, to enable a person not being an entitled person to transmit such a coupon through a British Forces Post Office in the Areas, or who aids and abets or in any way assists a person not being an entitled person to transmit such a coupon through such a post office, or who solicits cash, any material object or any advantage to which he would not otherwise be entitled from a person other than an entitled person or accepts or agrees to accept any cash, material, object or such an advantage from a person who is not an entitled person in consideration of assisting in any way such person (not

being an entitled person) to transmit a coupon through a British Forces Post Office in the Areas,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding £500 or to both such penalties.

(4) In this section—

“British Forces Post Office” means a place used as a post office or a postal box or other receptacle used for posting mail and certified in writing by an officer of Her Majesty’s Forces of the rank of major or equivalent or above as being a post office, postal box or such receptacle under the control of the Assistant Director of the Forces Postal and Courier Communications Service in the Island of Cyprus;

“entitled person” means—

- (a) a member of a force or civilian component as defined in paragraphs 1(a) and (b) respectively of section 1 of Annex C to the Treaty of Establishment and a dependant of such a person as defined in paragraph 1(d) of that section; and
- (b) a person described in section 9(3) of Part II of Annex B to the said Treaty who is entitled under the provisions of that paragraph to the rights and facilities enjoyed by a member of a force as described in this section and a dependant of such a person as defined in paragraph 1(d) of section 1 of Annex C to the said Treaty;

“football coupon” means a document, form or any other paper designed, or intended by any person, to enable any person to compete or take part in football betting.

Repeal.
Ordinance 7/73.

17.—(1) Subject to subsection (2), the Pool Betting (Regulation and Duty) Ordinance 1973 is repealed.

(2) The provisions of the repealed Ordinance shall continue to apply in respect of any licence issued under that Ordinance until the licence expires.

(3) Any regulations, orders or notifications made under the repealed Ordinance, in so far as they are not inconsistent with the provisions of this Ordinance, shall continue in force until revoked and shall be deemed to have been made under this Ordinance.

Commencement.

18. This Ordinance shall come into force on the date of its publication in the Gazette.

15th March 2005
(128/96)

P. D. Draycott
Chief Officer.
