



ST. HELENA

## CHAPTER 156

# GAMING MACHINES ORDINANCE

### Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Amended by L.N. 13/1998	
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Amended by L.N. 7 of 2005	
Amended by L.N. 8 of 2007	
Amended by L.N. 5 of 2009	
Gazette Notice No. 63 of 1 July 2011	

No Subsidiary Legislation has been made under this Ordinance

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

**CHAPTER 156****GAMING MACHINES ORDINANCE****ARRANGEMENT OF SECTIONS****SECTION**

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**CHAPTER 156****GAMING MACHINES ORDINANCE**

*(Ordinance 1 of 1984 and Legal Notices 13 of 1998, 5 of 2003, 7 of 2005, 8 of 2007 and 5 of 2009)*

AN ORDINANCE TO PROVIDE FOR THE LICENSING AND CONTROL OF SLOT MACHINES USED FOR GAMING, AND FOR OTHER PURPOSES CONNECTED THEREWITH.

**Commencement**

*[6 September 1984]*

**Short title**

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

**Interpretation**

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

**“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 three Justices of the Peace of the St. Helena Magistrates’ Court sitting together.

**Power to grant licence for use of premises for gaming machines**

3. Subject to the provisions of this Ordinance, the Licensing Justices may grant a licence—
- (a) to the licensee of any premises licenced 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 shall be made in writing to the Clerk of the Peace, and shall specify the premises at which it is desired to install any gaming machines, the number of such machines which it is desired to have in operation and the denomination of coin required, or the charge to be made, for the operation of each machine.

(2) In determining whether or not to grant a licence to any particular applicant, the Licensing Justices may take into consideration all such matters as 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 any conditions as to the hours or days of the week on which any gaming machine may be operated, as to 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 such other conditions which 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 shall be valid until the thirty-first 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 the provisions of section 8, may be renewed from year to year upon payment of the fee therefor, as hereinafter provided.

**Fees**

6. (1) Upon the issue, renewal or transfer of a licence, the licensee shall pay to the Financial Secretary the fee therefor at the rate specified in the Schedule:

Provided that where a licence is granted after the thirtieth day of June in any year, the fee payable on the issue of the licence shall be half the rate otherwise payable for the year in which the licence is issued.

(2) The fee payable upon the renewal of a licence shall be 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 the thirty-first day of December in any year the licensee shall be deemed to have applied for the renewal of the licence and the whole of the fee payable upon renewal shall be 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 summarily in the Magistrates' Court and in any such proceedings the Court may order the licensee to pay an additional twenty *per centum* of the fee as a penalty.

(2) At any time when any fee payable under this Ordinance remains unpaid there shall be a lien for the amount due, in favour of the Crown, upon the gaming machines owned by or in the possession of the licensee. Where any such fee has remained unpaid for one month, the Financial Secretary may instruct the Chief of Police<sup>2</sup> in writing or any Police Officer authorised by him to enter the premises where the gaming machines are kept, and take possession of the gaming machines and, if the fee due remains unpaid after fourteen days after such seizure, may sell the same 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 shall be 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 thereof or fails to pay any fee payable under this Ordinance for the grant or renewal thereof.

(2) The Licensing Justices, after giving to the licensee three months notice, may direct that any licence shall not 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 his personal representative, as the case may be, 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) Any person who—

- (a) knowingly permits or causes any premises to be used for gaming with any gaming machines except in accordance with the terms of a licence shall be guilty of an offence and liable on summary conviction to a fine of £250 or to imprisonment for six months or to both such fine and imprisonment;
- (b) knowingly takes part in gaming with any gaming machine on premises used for that purpose contrary to the provisions of this Ordinance shall be guilty of an offence and liable on summary conviction to a fine of £50 or to imprisonment for one month, or to both such fine and imprisonment.

(2) If the Magistrate or 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 the provisions of this Ordinance, he may grant a search warrant

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<sup>2</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

authorising any police officer to enter, at any time, any premises named in the warrant, if necessary by force, and to search the premises and to 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.

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#### SCHEDULE<sup>3</sup>

(Section 6)

#### FEES

1. The fee payable on the grant or renewal of a licence shall be £875.00 for each machine.
  2. For the transfer of a licence the fee payable shall be £45.00.
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<sup>3</sup> Schedule amended by L.N. 13/1998, L.N. 5 of 2003, L.N. 7 of 2005, L.N. 8 of 2007 and L.N. 5 of 2009