

CAYMAN ISLANDS



GAMBLING (AMENDMENT) BILL, 2022

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A BILL FOR AN ACT TO AMEND THE GAMBLING ACT (2016 REVISION) TO UPDATE THE PENALTIES FOR THE COMMISSION OF OFFENCES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Cabinet Office



Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Gambling Act (2016 Revision) (“the principal Act”) in order to update the penalties for the commission of offences, and to provide for incidental and connected purposes.

Clause 1 provides the short title and the commencement provisions.

Clause 2 amends section 4 of the principal Act in order to increase the penalties for a range of general gambling offences including the use and ownership of premises for gambling, the publication of lottery numbers and dealing with money resulting from gambling activities. The legislation provides for the fine to be increased from four hundred dollars to ten thousand dollars and for the term of imprisonment to increase from one year to four years.

Clause 3 amends section 5 of the principal Act by repealing and substituting subsection (1) in order to increase the penalties attached to playing in or being found in a common gaming house. The legislation provides for the fine to be increased from ten dollars to two thousand five hundred dollars and for the term of imprisonment to increase from two months to six months.

Clause 4 amends section 6(1) of the principal Act in order to increase the penalties attached to taking part in a public lottery. The legislation provides for the fine to be increased from ten dollars to two thousand five hundred dollars and for the term of imprisonment to increase from two months to six months.

Clause 5 amends section 9 of the principal Act in order to increase the penalties attached to being found gambling or betting in licensed premises. The legislation provides for the fine to be increased from ten dollars to two thousand five hundred dollars and for the term of imprisonment to increase from two months to six months.

Clause 6 amends section 10 of the principal Act in order to increase the penalties attached to using a place for gambling without permission. The legislation provides for the fine to be increased from ten dollars to five thousand dollars and for the term of imprisonment to increase from two months to one year.

Clause 7 amends section 16(2) of the principal Act in order to increase the penalties attached to refusing to demolish a place erected or constructed for gambling where so ordered by a Judge. The legislation provides for the fine to be increased from ten dollars to five thousand dollars and for the term of imprisonment to increase from two months to one year. It also provides for the increase of the fine from two dollars to one hundred dollars for each day there is non-compliance with the order of the Judge.

Clause 8 amends section 18(2) of the principal Act in order to increase the penalties attached to the failure by a person to prove that the person was not in possession of a lottery



ticket. The legislation provides for the fine to be increased from twenty dollars to two thousand five hundred dollars and for the term of imprisonment to increase from three months to six months.

Clause 9 amends section 20 of the principal Act in order to increase the penalties attached to keeping a common gaming house. The legislation provides for the fine to be increased from one hundred dollars to twenty thousand dollars and for the term of imprisonment to increase from six months to four years.

Clause 10 amends section 21 of the principal Act in order to increase the penalties attached to conducting or taking part in a lottery. The legislation provides for the fine to be increased from one hundred dollars to twenty thousand dollars and for the term of imprisonment to increase from three months to four years.

Clause 11 amends section 22 of the principal Act in order to increase the penalties attached to any gambling activity involving selling tickets, assembling for lottery results or paying for lottery tickets. The legislation provides for the fine to be increased from forty dollars to five thousand dollars and for the term of imprisonment to increase from two months to one year.

Clause 12 repeals section 26 of the principal Act and substitutes proposed new section 26 which provides for the mode of trial for offences under the legislation.

Clause 13 contains the savings and transitional provisions.



CAYMAN ISLANDS**GAMBLING (AMENDMENT) BILL, 2022****Arrangement of Clauses**

Clause	Page
1. Short title and commencement	7
2. Amendment of section 4 of the Gambling Act (2016 Revision) - offences	7
3. Amendment of section 5 - persons playing in, or being found in a common gaming house	8
4. Amendment of section 6 - penalty for taking part in public lottery	8
5. Amendment of section 9 - persons found gambling or betting in licensed premises	8
6. Amendment of section 10 - using place for gambling without permission	8
7. Amendment of section 16 - demolition of place specially erected or constructed for gambling	9
8. Amendment of section 18 - onus of proof	9
9. Amendment of section 20 - penalty for keeping common gaming house	9
10. Amendment of section 21 - penalty for conducting or taking part in lottery	9
11. Amendment of section 22 - offences	10
12. Repeal and substitution of section 26 - mode of trial	10
13. Transitional and savings provisions	10

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A BILL FOR AN ACT TO AMEND THE GAMBLING ACT (2016 REVISION) TO UPDATE THE PENALTIES FOR THE COMMISSION OF OFFENCES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Act may be cited as the Gambling (Amendment) Act, 2022.
- (2) This Act shall come into force on such date as may be appointed by Order made by the Cabinet.

Amendment of section 4 of the Gambling Act (2016 Revision) - offences

2. The *Gambling Act (2016 Revision)*, in this Act referred to as the “principal Act”, is amended in section 4 as follows —
 - (a) by deleting the words “commits an offence and is liable on conviction to a fine of four hundred dollars, or to imprisonment, with or without hard labour, for twelve months”; and
 - (b) by substituting for the words deleted in paragraph (a), the words “commits an offence and is liable on conviction to a fine of ten thousand dollars or to imprisonment for a term of four years, or to both”.

Amendment of section 5 - persons playing in, or being found in a common gaming house

3. The principal Act is amended in section 5 by repealing subsection (1) and substituting the following subsection —

“(1) A person who plays in a common gaming house commits an offence and is liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for a term of six months, or to both.”.

Amendment of section 6 - penalty for taking part in public lottery

4. The principal Act is amended in section 6(1) as follows —

- (a) by deleting the words “commits an offence and is liable on conviction to a fine of ten dollars or to imprisonment, with or without hard labour, for two months”; and
- (b) by substituting for the words deleted in paragraph (a), the words “commits an offence and is liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for a term of six months, or to both”.

Amendment of section 9 - persons found gambling or betting in licensed premises

5. The principal Act is amended in section 9 as follows —

- (a) by deleting the words “commits an offence and is liable on conviction to a fine of ten dollars or to imprisonment, with or without hard labour, for two months”; and
- (b) by substituting for the words deleted in paragraph (a), the words “commits an offence and is liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for a term of six months, or to both”.

Amendment of section 10 - using place for gambling without permission

6. The principal Act is amended in section 10 as follows —

- (a) by deleting the words “commits an offence and is liable on conviction to a fine of ten dollars or to imprisonment, with or without hard labour, for two months”; and
- (b) by substituting for the words deleted in paragraph (a), the words “commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year, or to both”.



Amendment of section 16 - demolition of place specially erected or constructed for gambling

7. The principal Act is amended in section 16(2) as follows —

- (a) by deleting the words “commits an offence and is liable on conviction to a fine of ten dollars or to imprisonment, with or without hard labour, for two months, and to a further fine of two dollars or to imprisonment for one week, with or without hard labour, for every day during which such non-compliance continues”; and
- (b) by substituting for the words deleted in paragraph (a), the words “commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year, or to both, and to a further fine of one hundred dollars or to imprisonment for one week, or to both, for every day during which such non-compliance continues”.

Amendment of section 18 - onus of proof

8. The principal Act is amended in section 18(2) as follows —

- (a) by deleting the words “commits an offence and is liable on conviction to a fine of twenty dollars or to imprisonment, with or without hard labour, for three months”; and
- (b) by substituting for the words deleted in paragraph (a), the words “commits an offence and is liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for a term of six months, or to both”.

Amendment of section 20 - penalty for keeping common gaming house

9. The principal Act is amended in section 20 as follows —

- (a) by deleting the words “commits an offence and is liable on conviction to a fine of one hundred dollars, and in default of payment to imprisonment for six months, with or without hard labour”; and
- (b) by substituting for the words deleted in paragraph (a), the words “commits an offence and is liable on conviction to a fine of twenty thousand dollars or to imprisonment for a term of four years, or to both”.

Amendment of section 21 - penalty for conducting or taking part in lottery

10. The principal Act is amended in section 21 as follows —

- (a) by deleting the words “commits an offence and is liable on conviction to a fine of one hundred dollars, and in default of payment to imprisonment for three months, with or without hard labour”; and

- (b) by substituting for the words deleted in paragraph (a), the words “commits an offence and is liable on conviction to a fine of twenty thousand dollars or to imprisonment for a term of four years, or to both”.

Amendment of section 22 - offences

11. The principal Act is amended in section 22 as follows —

- (a) by deleting the section heading and substituting the following section heading —

“Further offences”; and

- (b) in subsection (1) —

- (i) by deleting the words “commits an offence and is liable on conviction to a fine of forty dollars, and in default of payment to imprisonment for two months, with or without hard labour”; and
- (ii) by substituting for the words deleted in subparagraph (i), the words “commits an offence and is liable on summary conviction as follows —
 - (i) in the case of an offence under paragraph (a) or (c), to a fine of five thousand dollars or to imprisonment for a term of one year, or to both; and
 - (ii) in the case of an offence under paragraph (b), to a fine of two thousand five hundred dollars or to imprisonment for a term of six months, or to both”.

Repeal and substitution of section 26 - mode of trial

12. The principal Act is amended by repealing section 26 and substituting the following section —

“Mode of trial

- 26.** (1) Subject to subsection (2), offences under this Act shall be tried summarily.
- (2) Sections 4, 20 and 21 shall be considered as Category B offences, triable either way, in accordance with section 5 of the *Criminal Procedure Code (2021 Revision)*.”.

Transitional and savings provisions

13. (1) Any matter or proceeding commenced in any court in relation to a person accused of an offence under the principal Act immediately before the date of the commencement of this amending Act shall be continued, completed and enforced as if this amending Act was not in force.
- (2) Where —



- (a) prior to the date of commencement of this amending Act, a person accused of an offence under the principal Act is convicted following a trial or a plea of guilty to the offence; and
- (b) at the date of commencement of this amending Act, no judgment or sentence has been passed upon the accused person in respect of the offence,

the accused person shall, for the purpose of the judgment or sentence, be dealt with in all respects as if this amending Act had not come into force.

- (3) Where, at the date of commencement of this amending Act, any trial is or any proceedings are pending before a court in respect of an offence under the principal Act, the trial or proceedings shall, after that date, be dealt with in all respects as if this amending Act was not in force.

Passed by the Parliament the day of , 2022.

Speaker

Clerk of the Parliament

