

CAYMAN ISLANDS



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

THE GAMBLING (AMENDMENT) BILL, 2018

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Gambling Law (2016 Revision) (“the principal Law”) in order to update the penalties for acting in contravention of the legislation.

Clause 1 provides the short title and the commencement provision.

Clause 2 amends section 4 of the principal Law 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 three years.

Clause 3 amends section 5 of the principal Law by repealing and substituting subsection (1) in order to increase the penalties attached to playing in or being found in a gaming house. The legislation provides for the fines 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 Law in order to increase the penalties attached to taking part in a public lottery. The legislation provides for the fines 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 Law in order to increase the penalties attached to being found gambling or betting in licensed premises. The legislation provides for the fines 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 Law in order to increase the penalties attached to using a place for gambling without permission. The legislation provides for the fines 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 11(1) of the principal Law in order to replace the words “Grand Court” with “summary court”.

Clause 8 amends section 12 of the principal Law in order to replace the words “Grand Court” with “summary court”.

Clause 9 amends section 16(2) of the principal Law in order to increase the penalties attached to refusing to demolish a place erected or constructed for gambling. The legislation provides for the fines 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 legislation.

Clause 10 amends section 18(2) of the principal Law 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 fines 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 11 amends section 20 of the principal Law in order to increase the penalties attached to keeping a common gaming house. The legislation provides for the fines to be increased from one hundred dollars to twenty thousand dollars and for the term of imprisonment to increase from six months to three years.

Clause 12 amends section 21 of the principal Law in order to increase the penalties attached to conducting or taking part in a lottery. The legislation provides for the fines to be increased from one hundred dollars to twenty thousand dollars and for the term of imprisonment to increase from two months to three years.

Clause 13 amends section 22 of the principal Law 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 fines 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 14 contains the savings and transitional provisions.

THE GAMBLING (AMENDMENT) BILL, 2018

ARRANGEMENT OF CLAUSES

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

CAYMAN ISLANDS

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

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Gambling (Amendment) Law, 2018. Short title and commencement
(2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet.
2. The Gambling Law (2016 Revision), in this Law referred to as the “principal Law”, is amended in section 4, as follows - Amendment of section 4 of the Gambling Law (2016 Revision) - offences
 - (a) by deleting after paragraph (i) 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 the words “commits an offence and is liable on conviction to a fine of ten thousand dollars or to imprisonment for a term of three years or to both”.
3. The principal Law is amended in section 5 by repealing subsection (1) and substituting the following subsection - Amendment of section 5 - persons playing in, or being found in a common gaming house

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

The Gambling (Amendment) Bill, 2018

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

4. The principal Law 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 the words “commits an offence and is liable on 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 Law 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 the words “commits an offence and is liable on 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 Law 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 the words “commits an offence and is liable on conviction to a fine of five thousand dollars or to imprisonment for a term of one year or to both”.

Amendment of section
11 – justice may issue
warrant to search place,
etc.

7. The principal Law is amended in section 11(1) by deleting the words “the Grand Court” and by substituting the words “a summary court”.

Amendment of section
12 – justice may issue
warrant to search
persons

8. The principal Law is amended in section 12 by deleting the words “the Grand Court” and by substituting the words “a summary court”.

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

9. The principal Law 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 the words “commits an offence and is liable on 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 both for every day during which such non-compliance continues”.

10. The principal Law is amended in section 18(2) as follows - Amendment of section 18 - onus of proof
- (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 the words “commits an offence and is liable on conviction to a fine of two thousand five hundred dollars or to imprisonment for a term of six months or to both”.
11. The principal Law is amended in section 20 as follows - Amendment of section 20 - penalty for keeping common gaming house
- (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 the words “commits an offence and is liable on conviction to a fine of twenty thousand dollars or to imprisonment for a term of three years or to both”.
12. The principal Law is amended in section 21 as follows - Amendment of section 21- penalty for conducting or taking part in lottery
- (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 the words “commits an offence and is liable on conviction to a fine of twenty thousand dollars or to imprisonment for a term of three years or to both”.
13. The principal Law is amended in section 22(1) as follows - Amendment of section 22 - offences
- (a) by deleting after paragraph (c), 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
 - (b) by substituting the words “commits an offence and is liable on conviction as follows -
 - (i) in the case of paragraphs (a) and (c), to a fine of five thousand dollars or to imprisonment for a term of one year or to both; or
 - (ii) in the case of paragraph (b), to a fine of two thousand five hundred dollars or to imprisonment for a term of six months or to both”.
14. (1) Any matter or proceeding commenced in any court in relation to an accused person immediately before the date of the commencement of this Transitional and savings provisions

amending Law shall be continued, completed and enforced as if this amending Law was not in force.

(2) Where -

- (a) prior to the date of commencement of this amending Law, an accused person is convicted following a trial or a plea of guilty to an offence; and
- (b) at the date of commencement of this amending Law, 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 Law had not come into force.

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

Passed by the Legislative Assembly the day of , 2018.

Speaker.

Clerk of the Legislative Assembly.