

Seychelles

Licences Act, 2010

Licences (Game of Chance) Regulations

Statutory Instrument 60 of 1994

Legislation as at 5 July 2017

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Licences (Game of Chance) Regulations

Contents

1. Citation	1
2. Interpretation	1
3. Application	1
4. Bodies to be consulted	1
5. Scope of licence	1
6. Restriction on grant of licence	1
7. Conditions of a licence	2
8. Validity and non-trasferability of a licence	3
9. Fees, deposit and documents	3
10. Winning exempted	4
11. Premises not a gaming house	4
12. Savings	5
13. Revocation or suspension of a licence	5
Schedule	5

Seychelles

Licences Act, 2010

Licences (Game of Chance) Regulations

Statutory Instrument 60 of 1994

Commenced on 26 September 1994

[This is the version of this document at 5 July 2017.]

[SI. 60 of 1994; SI. 82 of 1996; SI. 70 of 2011]

1. Citation

These Regulations may be cited as the Licences (Game of Chance) Regulations.

2. Interpretation

In these Regulations—

“**game of chance**” means the playing of bingo, aero bingo, treble chance, lotto, scratch cards or any game, by whatever name called, similar to the above and a lottery;

“**winnings**” includes any prizes or other winnings of any kind.

3. Application

An application for a game of chance licence shall be in the Form provided by the Authority and shall specify the game or games of chance for which the licence is applied for.

4. Bodies to be consulted

Before granting a game of chance licence, the Authority shall consult—

- (a) the Ministry responsible for Finance;
- (b) the Commissioner of Police;
- (c) the Ministry responsible for Planning as to whether any premises in which the activity is conducted comply with the planning requirements under the Laws of Seychelles;
- (d) the person in charge of the Fire Brigade as to whether the premises referred to in paragraph (c) comply with the planning requirements relating to fire protection under the laws of Seychelles.

[regulation 4(d) amended by regulation 2(a) of [SI 70 of 2011](#) w.e.f. 31 October 2011]

5. Scope of licence

Notwithstanding sections 167, 170 and 173(c) of the Penal Code, a game of chance licence shall authorise the holder of the licence to organize and conduct a game of chance subject to and in accordance with the licence.

6. Restriction on grant of licence

- (1) No person other than a company incorporated under the Companies Act, not being an overseas company within the meaning of that Act, shall be eligible to apply for a game of chance licence.

[regulation 6 renumbered as regulation 6(1) by regulation 2(a) of [SI 82 of 1996](#) w.e.f. 7 October 1996]

- (2) The Authority shall not grant a game of chance licence to a company where any director of the company or its manager is an undischarged bankrupt or has been convicted of an offence involving dishonesty or immorality.

[regulation 6(2) inserted by regulation 2(a) of [SI 82 of 1996](#) w.e.f. 7 October 1996]

- (3) The Authority may, for the purpose of regulating gaming activities and preventing excessive gaming activities in Seychelles, restrict the number of game of chance licences to be granted under these Regulations.

[regulation 6(3) inserted by regulation 2(a) of [SI 82 of 1996](#) w.e.f. 7 October 1996]

7. Conditions of a licence

- (1) A game of chance licence shall, in addition to any other conditions which the Authority may specify in the licence, be subject to the following conditions—
- (a) an invitation to participate in a game of chance, the prizes offered and the rules of the game shall be published in a local newspaper or made public over the radio or television or by the display of public posters;
 - (b) tickets or cards to participate in a game of chance, other than scratch cards, shall be offered to the public not less than three days and not more than 30 days before the date of the game;
 - (c) each ticket or card offered for participation in a game of chance shall bear the seal of the holder of the licence;
 - (d) all winnings, if in money, shall be paid in Seychelles rupees;
 - (e) the holder of the licence shall display in a conspicuous place in the premises in which the activity is conducted—
 - (i) a copy of the licence;
 - (ii) a notice specifying the game of chance organized, the prizes offered and the rules of the game;
 - (f) the holder of the licence—
 - (i) shall publish in a local newspaper the full name of each winner of a game of chance organized by the holder, other than scratch cards, together with the full address unless the winner has requested that the name shall not be so published;
 - (ii) shall forward to the Authority the full name of each winner of a game of chance organized by the holder, other than scratch cards, together with the full address and prize won, including the full names and other particulars of the winners whose full names have not been published under paragraph (i);
 - (iii) where a date has been fixed for the draw of a game of chance, shall not postpone such date either before or after such date unless for good reason published in a local newspaper and made public over the radio or television not less than two days prior to such date and shall not, in any event, postpone such date for a period exceeding 60 days;
 - (iv) shall retain the winning tickets or cards for a period of 90 days after the draw;
 - (v) shall hand over to the Police station at Victoria any unsold tickets or cards marked cancelled not less than two hours before the draw;
 - (vi) shall pay in full all winnings in accordance with paragraph (d) to a winner in cash or by cheque (other than a post-dated cheque) immediately after a valid claim is made by the winner;

- (vii) shall ensure that tickets or cards offered for each game are of a colour different from those issued for any other game and are numbered in numerical order;
- (viii) shall ensure, at the expense of the holder, the presence of a police officer at each draw;
- (ix) shall prohibit any employee of the holder in participating in any game of chance organized by the holder;
- (x) shall ensure that the employees of the holder are of good character, honest and willing to provide efficient service to participants of the games;
- (xi) shall use for the draw a machine of a type approved by the Authority and tested and certified by the Seychelles Bureau of Standards;
- (xii) shall, at the request of the Seychelles Bureau of Standards, produce the machine referred to in paragraph (xi) for periodic testing;
- (xiii) shall keep a register of the sale agents of the holder of the licence and make available for inspection the register by the Authority, an officer authorized by the Authority or a police officer.

[regulation 7(1)(f) inserted by regulation 2(b) of [SI 82 of 1996](#) w.e.f. 7 October 1996]

- (2) Where an employee of the holder of a game of chance licence or any person acting on behalf of or under any arrangement with the holder of the licence contravenes any condition of the game of chance licence, the holder of the licence shall be liable for such contravention as if he had personally committed the contravention unless he proves that he had used due diligence and taken all reasonable steps to prevent such contravention and that the contravention was committed without his knowledge, consent or connivance.

8. Validity and non-transferability of a licence

- (1) The Authority may, on application under regulation 3, grant a game of chance licence for a period of one year or five years.
- (2) Where a game of chance licence is granted for a period of five years, the holder of the licence shall pay the annual licence fee for the period subsequent to the first year, on or before the beginning of each subsequent year
- (3) A game of chance licence granted—
 - (a) for a period of one year shall, unless earlier revoked, cease to be valid at the end of that year;
 - (b) for a period of five years shall, where the holder of the licence—
 - (i) fails to pay the annual licence fee in accordance with subregulation (2), unless earlier revoked, cease to be valid at the beginning of the year for which the annual licence fee is due and payable;
 - (ii) pays the annual licence fee in accordance with subregulation (2), unless earlier revoked, cease to be valid at the end of 5 years.
- (4) A game of chance licence is not transferable.

9. Fees, deposit and documents

[repealed and substituted by regulation 2(c)(ii) of [SI 82 of 1996](#) w.e.f. 7 October 1996]

- (1) An application for a game of chance licence shall be accompanied by—
 - (a) subject to subregulation (5), the fees set out in the Schedule;

- (b) a deposit furnished in the manner specified in subregulation (2) of such sum, not exceeding R1,000,000 as may be determined by the Authority, as security for the satisfaction of any judgment against the holder of the licence in relation to any act or omission connected with the licence in relation to any act or omission connected with the licence or for the performance of any obligation of the holder in respect of any winnings of any game of chance;
- (c) documents to the satisfaction of the Authority that the applicant has in its employment as manager and senior staff persons who are honest, trustworthy and reliable.

[regulation 9(1)(c) inserted by regulation 2(c)(i) of [SI 82 of 1996](#) w.e.f. 7 October 1996]

- (2) A deposit under subregulation (1)(b) may be furnished—
 - (i) in cash;
 - (ii) by a bank guarantee;
 - (iii) by a policy of insurance.
- (3) Where a holder of a licence fails to satisfy any judgment or perform an obligation referred to in subregulation (1)(b), the Authority may, where the deposit is in cash, apply the deposit or, where the deposit is by bank guarantee or by a policy of insurance, require the bank or the insurer, to satisfy the judgment or perform the obligation.
- (4) Where by the application of subregulation (3) the deposit at any time falls short of the sum for which the deposit is furnished under subregulation (1)(b), the Authority may require the holder of the licence to furnish an additional deposit so as to make up the short fall.
- (5) A person who was the holder of a game of chance licence and who applies, after the expiration of the licence, for a game of chance licence shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application, ceased to carry on the activity for which he was previously licensed, be liable, in addition to the licence fee and any other penalty under the Act to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of expiration of the previous licence and the date of the lodging of his application.
- (6) Where the application is refused the Authority shall refund the licence fee and the surcharge, and return the deposit, to the applicant.
- (7) Where a game of chance licence ceases to be valid, the Authority shall return to the person who was the holder of the licence the deposit or such part thereof as is not required to satisfy a judgment or perform an obligation under subregulation (3).

10. Winning exempted

- (1) No person is liable in respect of winnings from any game of chance to any taxation or duty imposed by law in respect of income, whether gross or net, profits or gift or to any duty, fee, rate, cess or other impost under any law.
- (2) For avoidance of doubt, in this regulation 'winnings' does not include any winnings, profit or other income of the holder of the game of chance licence or any employee of or person acting on behalf of, or under any arrangement with the holder of the licence.

11. Premises not a gaming house

Notwithstanding anything in the Penal Code or in any other law, the use of a premises for the organizing and conduct of a game of chance under the authority of a game of chance licence does not constitute the premises a gaming house.

12. Savings

These Regulations do not apply—

- (a) where a game of chance is organized and conducted for raising money for a charitable cause, or a public purpose, approved by the Minister;
- (b) where a game of chance is organized and conducted at an entertainment promoted for raising money to be applied for purposes other than private gain.

13. Revocation or suspension of a licence

The Authority may suspend or revoke a game of chance licence—

- (a) where the holder of the licence contravenes any condition of the licence;
- (b) where the holder of the licence or the manager or any member of the senior staff of the holder has been convicted of an offence involving dishonesty; or
- (c) where the holder of the licence ceases to be qualified for the grant of the licence.

[regulation 13 inserted by regulation 2(d) of [SI 82 of 1996](#) w.e.f. 7[31st October 1996]

Schedule**Fees**

1.	Annual Licence fee	R1,000,000
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[Schedule item 2 repealed and substituted by regulation 2(e) of [SI 82 of 1996](#) w.e.f. 7 October 1996; item 1 repealed and item 2 renumbered as item 1 by regulation 2(b) of SI 70 of, 2011 w.e.f. 31 October 2011]