



BERMUDA

CASINO GAMING (CASINO FEES) REGULATIONS 2017

BR 24 / 2017

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SCHEDULE

The Minister responsible for gaming, in exercise of the power conferred by section 196 of the Casino Gaming Act 2014, makes the following Regulations:

Citation

1 These Regulations may be cited as the Casino Gaming (Casino Fees) Regulations 2017.

Interpretation

2 In these Regulations, unless the context otherwise requires—

“Act” means the Casino Gaming Act 2014;

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“applicant” shall mean the person applying for a licence or approval under the Act, irrespective of whether that person will be the holder or recipient of the licence or approval sought;

“casino licence” means a licence granted under section 38 of the Act;

“casino tax” means the tax payable by a casino operator on the gross gaming revenue pursuant to the Act and in accordance with the Casino Gaming (General Reserve and Casino Taxes) Regulations 2017;

“Commission” means the Bermuda Casino Gaming Commission established under section 6 of the Act;

“Compliance Committee” means the committee established by a casino operator pursuant to section 52A of the Act;

“investigation ”means any steps taken by or on behalf the Commission or on the instruction of the Commission and for which the applicant is obligated to reimburse the Commission in accordance with these Regulations;

“provisional licence” means a licence granted pursuant to section 32A of the Act;

“reimburse” means the payment of all costs to the Commission to acquire, produce, accomplish or obtain the relevant information, item or objective, without profit to the Commission, and shall not include the time or labour costs to the Commission.

### Calculation of and deposit for the reimbursement of costs and fees

3 (1) For the purpose of these Regulations or any regulations where the fee is stated as “reimbursement”, or where a person is stated as being liable to reimburse the Commission, this regulation shall apply.

(2) The Commission may require by written notice, and the applicant—

- (a) shall pay to the Commission, a deposit; or
- (b) shall deposit such further funds with the Commission,

in such sum, currency, within such period, and in such manner, as may be specified by the Commission.

(3) The Commission may pay from the deposit all sums incurred in relation to, or required for, the relevant investigation, which may include third party costs and travel and other costs incurred by or on behalf of the Commission.

(4) Following the determination of the application, the Commission shall produce a certificate signed by an officer of the Commission stating the total costs relating to the application and such certificate shall, in the absence of manifest error, be final conclusive and binding on the applicant.

(5) Where the amount stated in the certificate is higher than the amount paid under paragraph (2) above, the Commission may by written notice require the applicants

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to reimburse the Commission the excess within such period as may be specified in the notice.

(6) Where the amount stated in the certificate is less than the amount paid under paragraph (2) above, the Commission shall return the balance to the applicant without interest as soon as reasonably practicable.

(7) In addition to the Certificate, the Commission shall provide to an applicant a general breakdown of the sums deducted from the deposit, as the Commission shall see fit, and subject to the right of the Commission to redact any documents or invoices disclosed.

### Liability for fees

4 (1) The fees to be charged pursuant to the Act and any regulations made under the Act shall be those set out in the Schedule.

(2) Where no fee is set out in the Schedule the applicant shall be liable to reimburse the Commission and regulation 3 above shall apply.

### Cost of replacing a lost, stolen or damaged licence

5 (1) Upon an application for the replacement of a licence the applicant shall pay the fee as set out in the Schedule.

(2) The applicant shall be liable to reimburse the Commission for the costs of any investigation undertaken as a consequence of the replacement of the licence, and regulation 3 above shall apply accordingly.

### Costs of investigation and suitability tests

6 Unless otherwise stated in the Act or these Regulations, and in addition to any fee payable, where the Commission undertakes any investigations and/or suitability checks pursuant to powers contained in the Act at the request of or on an application by a person, that person shall be liable to reimburse the Commission for the costs of such investigation and/or suitability checks and regulation 3 above shall apply.

### Manner of payment of fees

7 (1) All fees in the Schedule and all other payments made pursuant to the Act shall be paid by direct transfer in Bermuda Dollars or such other currency as may be specified by the Commission and into such account of the Commission designated in the relevant application form or as may be directed in writing by the Commission.

(2) All fees are non-refundable.

### Penalty for non-payment of fees

8 (1) Subject to paragraph (2), if an applicant fails to comply with the requirement to pay the fees in accordance with these Regulations, and as required under the Act then, without prejudice to any other proceedings that may be taken in respect of such failure, the applicant commits an offence.

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(2) Notwithstanding paragraph (1), where an applicant has not made payment of any fees payable in accordance with these Regulations and as required by the Act or any regulation, and where the Commission is satisfied that such non-payment is not due to wilful neglect or default, the Commission may accept payment of the sum due together with, or without, a penalty of 10% of the amount due for each month or part month during which the default occurs.

(3) Where the Commission accepts payment made under this paragraph no offence under the Act shall have been committed and no disciplinary action shall be taken.

(4) A person who commits an offence under this regulation is liable on summary conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(5) A person is not guilty of an offence under this regulation if he took all reasonable steps and exercised all due diligence to avoid committing the offence.

### Recovery of Fees

9 (1) Any fee or any penalty payable under these Regulations may be recovered by the Commission in its own name in a court of summary jurisdiction as a civil debt, irrespective of the amount so payable, and any officer of the Commission may conduct such proceedings.

(2) A certificate signed by an officer of the Commission stating the amount of any fees and costs due and unpaid shall in the absence of manifest error be conclusive evidence that the sum stated in the certificate is unpaid and is due to the Commission and any document purporting to be such a certificate shall be deemed to be such a certificate until the contrary is proved.

### Special Allocation of Provisional Licence Issue Fee

10 Upon receipt of a Provisional Licence Issue Fee the Commission shall ensure that—

- (a) \$150,000 is provided to the Problem Gaming Council for the purpose of—
  - (i) providing training in problem gambling to treatment professionals;
  - (ii) providing marketing and community outreach programs to educate relevant stakeholders on treatment and harm mitigation programs; and
  - (iii) such other activities as may be specified by the Commission; and
- (b) \$250,000 is provided to educational facilities in Bermuda or other such bodies in Bermuda as the Commission sees fit for the purpose of providing educational and vocational training relating to employment at a Casino or relating to gaming generally.

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### Casino Licence Issue Fee and Annual Casino Licence Fee

11 (1) Upon the granting of a casino licence the owner of an integrated resort on behalf of the casino operator shall be liable to pay to the Commission the Casino Licence Issue Fee, payable upon demand by the Commission, as set out in the Schedule.

(2) A casino licence shall not take effect until such time as the Casino Licence Issue Fee payable under paragraph (1) has been paid in full.

(3) Upon each 12 month anniversary of the grant of a casino licence the owner of an integrated resort on behalf of the casino operator shall be liable to pay the Annual Casino Licence Fee as set out in the Schedule.

(4) The owner of the integrated resort shall be entitled to a deduction from the amount of the Annual Casino Licence Fee calculated in accordance with this regulation.

(5) The maximum discount may be up to 100% of the Annual Casino Licence Fee.

(6) The deduction from the Annual Casino Licence Fee shall be equal to the casino tax paid by the casino operator in the 12 month period for which the Annual Casino Licence Fee is payable.

(7) The Commission shall provide notice in writing to the owner of the integrated resort of the liability to pay the Annual Casino Licence Fee and a certificate stating any applicable deduction, and the owner of the integrated resort shall pay the Annual Casino Licence Fee to the Commission as directed in the notice in writing.

(8) A certificate signed by an officer of the Commission stating the amount of any deduction shall in the absence of manifest error be conclusive evidence of the deduction from the Annual Casino Licence Fee, and any document purporting to be such a certificate shall be deemed to be such a certificate until the contrary is proved.

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### SCHEDULE

(Regulations 4, 5 & 11 )

All fees set out in the Schedule are in addition to any requirement to reimburse the Commission for the costs of any investigation as may be required pursuant to the Act or any regulations.

| Description                    | Amount                             |
|--------------------------------|------------------------------------|
| Casino Licence Application Fee | \$600,000                          |
| Provisional Licence Issue Fee  | \$1.4m                             |
| Casino Licence Issue Fee       | \$1m                               |
| Annual Casino Licence Fee      | \$1m<br>(less applicable discount) |
| Replacement Licence fee        | \$100                              |

Made this 28th day of March 2017

Acting Minister of Tourism, Transport and Municipalities