

CAYMAN ISLANDS



GAMBLING LAW

(2016 Revision)

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Law 20 of 2015 -22nd October, 2015.

Consolidated and revised this 28th day of July, 2016.

Note (not forming part of the Law): This revision replaces the 1996 Revision which should now be discarded.



CAYMAN ISLANDS**GAMBLING LAW****(2016 Revision)****Arrangement of Sections**

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(2016 Revision)

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Gambling Law (2016 Revision)*.

Definitions and interpretation

2. (1) In this Law —

“**common gaming house**” includes any place kept or used for gambling, to which the public, or any class of the public, has or may have access, and any place kept for habitual gambling, whether the public, or any class of the public, has or may have access thereto or not, and any place kept or used for the purpose of a public lottery;

“**contract of carriage**” means a contract made by or on behalf of a carrier for the carriage by sea of a passenger or of a passenger and luggage, as the case may be, but does not include a contract of carriage which is not for reward;

“**gambling**” means to play at any game, whether of skill or chance, for money or money’s worth;

“**instruments or appliances for gambling**” includes all articles which are used in and for the purpose of gambling or a lottery;

“**international voyage**” means a voyage between —

- (a) a port in the Cayman Islands and a port in a State or territory outside the Cayman Islands; or



- (b) a port in a State or territory outside of the Cayman Islands to a port in any other State or territory;

“**international waters**” means the high seas outside the territorial sea of any State or territory;

“**Judge**” means a Judge of the Grand Court;

“**lottery**” includes any game, method or device whereby money or money’s worth is distributed or allotted in any manner depending upon, or to be determined by chance or lot, held, drawn, exercised or managed whether within the Islands, or in any country or place outside the Islands;

“**lottery ticket**” includes any paper, figure, writing, symbol or other article whatsoever, which either expressly or tacitly entitles, or purports to entitle the holder, or any other person, to receive any money or money’s worth on the happening of any event or contingency connected with any public lottery;

“**passenger ship**” means a ship carrying more than twelve passengers;

“**place**” means any house, office, room or building, and any place or spot, whether open or enclosed, and includes a ship, boat or other vessel, whether afloat or not, and any vehicle;

“**public lottery**” means a lottery to which the public or any class of the public has or may have access, and every lottery shall, until the contrary be proved, be deemed to be a public lottery;

“**raffle**” means the sale of numbered tickets one or more of which is drawn at random for the awarding of a prize;

“**territorial sea**” in relation to —

- (a) a State means that area of sea established by a State in accordance with Article 3 of the *United Nations Convention on the Law of the Sea of 20 December 1982*;
- (b) the Cayman Islands has the meaning as in the *Cayman Islands (Territorial Sea) Order 1989* [S.I.1989/2397]; and
- (c) any other territory shall be in accordance with such legislation, decree, treaty or agreement establishing its territorial sea; and

“**unlawful gaming**” includes —

- (a) cock-fighting, whether for a stake or not, and whether practised publicly or privately; and
- (b) the act of betting or of playing a game for a stake when practised —
- (i) in or upon any path, street, road or place to which the public have access, whether as of right or not;
- (ii) in any premises in respect of which a licence has been granted to distill, manufacture, sell or possess rum or any intoxicating liquor; or



- (iii) in or at a common gaming house as defined under this Law;
- (2) A place in which lottery tickets are sold or distributed shall be deemed to be used for the purpose of a public lottery.
- (3) A place shall be deemed to be used for a purpose, if it is used for that purpose even on one occasion only.
- (4) Every person who demises or lets to hire a place shall be deemed the owner thereof.

Application

- 2A.** (1) This Law shall not apply to —
- (a) a Cayman Islands registered passenger ship operating under a contract of carriage while it is in international waters and on an international voyage; and
 - (b) raffles staged by churches, service organizations and other voluntary associations to raise funds for the programmes of the respective churches, organizations and associations.
- (2) Section 158(h) of the *Penal Code (2013 Revision)* shall not apply to persons who stage raffles in accordance with this Law.
- (3) For the avoidance of doubt, gambling is not permitted on a vessel described in subsection (1)(a) nor on any vessel while the vessel is in a port in the Islands or its territorial sea but is permitted in any port in any other territory or state that permits gambling in its port or its territorial sea.

Common gaming house

- 3.** Every common gaming house is hereby declared to be a common and public nuisance contrary to law.

Offences

- 4.** A person who —
- (a) being the owner or occupier, or having the use temporarily or otherwise thereof, keeps or uses a place as a common gaming house;
 - (b) permits a place of which he is owner or occupier or of which he has the use temporarily or otherwise, to be kept or used by another person as a common gaming house;
 - (c) has the care or management of, or in any manner assists in the management of a place kept or used as a common gaming house, or assists in carrying on a public lottery;
 - (d) receives directly or indirectly any money or money's worth for or in respect of any chance in, or event, or contingency connected with a

public lottery, or sells or offers for sale, or gives or delivers any lottery ticket;

- (e) draws, throws, declares or exhibits, expressly or otherwise, the winner or winning number, ticket, lot, figure, design, symbol or other result of any public lottery;
- (f) writes, prints, or publishes, or causes to be written, printed or published, any lottery ticket, list of prizes, any announcement of the result of a public lottery or any announcement relating to a public lottery;
- (g) announces or publishes, or causes to be announced or published, either orally by means of any print, writing, design, sign or otherwise, that any place is opened, kept, or used as a common gaming house, or in any other manner invites or solicits any person to commit a breach of section 5 or 6;
- (h) advances or furnishes money for the purpose of establishing or conducting the business of a common gaming house or for the purpose of a public lottery; or
- (i) commits an act of unlawful gaming,

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.

Persons playing in, or being found in a common gaming house

5. (1) A person who plays in a common gaming house 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.
- (2) A person found in a common gaming house, or found escaping therefrom on the occasion of its being entered under this Law, shall be presumed, until the contrary be proved, to be, or to have been playing therein.

Penalty for taking part in public lottery

6. (1) A person who, either personally or by an agent, pays or deposits any money or money's worth to or with any person concerned in the business of a common gaming house as a stake, or for or in respect of any event or contingency connected with a public lottery, or buys a lottery ticket, 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.
- (2) A person in whose possession a lottery ticket is found shall be presumed, until the contrary be proved, to have bought the same.
- (3) Every lottery ticket in respect of a lottery within the Islands shall be forfeited, and it shall be the duty of any constable to seize every such ticket wherever found.



Moneys paid for lottery ticket recoverable

7. Any money or money's worth paid or deposited for or in respect of any such event or contingency as aforesaid, or for or in respect of the purpose of a lottery ticket, shall be recoverable as money had and received to or for the use of the person from whom the same was received.

Contract for sale of lottery ticket void

8. Every sale or contract for the sale of a lottery ticket is hereby declared to be void, and no action shall be maintainable by any person in respect of any such sale or contract, except by the purchaser for the return of the money or other consideration, if any, paid thereon.

Persons found gambling or betting in licensed premises

9. A person who is found at any time, gambling or betting, or assembled together for such purpose, in any public place or licensed premises, 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 it shall be lawful for any constable on view without warrant to arrest all such persons as aforesaid, and for that purpose to enter such place.

Using place for gambling without permission

10. A person who is found using any place for the purpose of gambling or betting, without the permission of the owner or occupier 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 in any such case, the onus of proving such permission shall lie on the defendant; and it shall be lawful for any constable, upon complaint being made to him by any householder that any place is being used by two or more persons for the purpose of gambling or betting, without the permission of the owner or occupier thereof, to enter therein and arrest all persons then found therein using the place as aforesaid.

Justice may issue warrant to search place, etc.

- 11.** (1) A Justice, on being satisfied upon written information on oath, that there is good reason to believe that any place is kept or used as a common gaming house, may, by warrant, authorise any constable, with such assistance and by such force as may be necessary, by night or by day to enter or go to such place, and to search the same and all persons found therein, and to seize all instruments and appliances for gambling, and all money, securities for money and other articles reasonably supposed to have been used, or intended to be used, for any game or lottery, which may be found in such place, or on any such persons; and to detain all such persons until they and the said place are searched. If any of the things or circumstances which are, by this Law, presumptive evidence of guilt are found in such place, or on any person therein, every such person shall be detained in custody until he can be brought, or shall give bail for his appearance, before the Grand Court, to be dealt with according to law.
- (2) All instruments and appliances for gambling, money, securities for money and other articles found in a common gaming house, or on any persons found therein, or escaping therefrom, and which the Judge is of opinion were used or intended to be used for any game or lottery, shall be declared by him to be forfeited.

Justice may issue warrant to search persons

- 12.** A Justice, on being satisfied upon information on oath that there is good reason to believe that any instruments or appliances for gaming are likely to be found on any person, may, by warrant, authorise any constable to arrest such person, and to take him forthwith before any Justice, who shall thereupon cause such person to be searched in his presence, and if any such instrument or appliance be found upon his person, he shall be detained in custody until he can be brought, or shall give bail for his appearance before the Grand Court, to be dealt with according to law.

Presumptions as to instruments or appliances for gambling

- 13.** If any instruments or appliances for gambling are found in any place entered under this Law, or upon any person found therein, or if persons are seen or heard to escape therefrom on the approach or entry of any constable having authority under this Law to enter or go to such place, or if any such constable is unlawfully prevented from, or obstructed or delayed in entering or approaching the same or any part thereof, it shall be presumed, until the contrary be proved, that the place is a common gaming house, and that the same is so kept or used by the occupier thereof.



Presumptions as to construction of place

- 14.** (1) If, in the case of a place entered under this Law, any passage, staircase or means of access to any part thereof is unusually narrow, steep or otherwise difficult to pass, or any part of the premises is provided with unusual or unusually numerous means for preventing or obstructing an entry or with unusual contrivances for enabling persons therein to see or ascertain the approach or entry of persons or for giving the alarm, or for facilitating escape from the premises, it shall be presumed, until the contrary be proved, that the place is a common gaming house, and that the same is so kept or used by the occupier thereof.
- (2) Wherever it comes to the knowledge of the police officer in charge of any district that any place in such district is fitted or provided with any of the means or contrivances mentioned in subsection (1), in such a way as to lead to a presumption that the place is used, or intended to be used, for the purposes of a common gaming house, it shall be the duty of such police officer to cause notice thereof to be served on the owner of such place, if he can be found, and if the owner cannot be found, then the notice may be served by being affixed to the principal outer door, or any other conspicuous part of the place.

Effect of notice to owner of place

- 15.** Whenever notice under section 14(2) has been served, it shall be presumed, until the contrary is proved, that the place referred to in the notice is kept or used as a common gaming house with the permission of the owner thereof.

Demolition of place specially erected or constructed for gambling

- 16.** (1) Whenever, upon the trial of any offence under this Law, it appears to a Judge that the place in or in respect of which the offence is alleged to have been committed is a common gaming house, and that the same is fitted or provided with any of the means or contrivances mentioned in section 15, he may, if he thinks fit, cause the owner thereof to be summoned before him at a time and place to be mentioned in the summons, to show cause why an order should not be made against such owner for the demolition and destruction of so much of the premises as appears to have been specially erected or constructed for the purpose of facilitating the carrying on of gambling therein.
- (2) In default of the owner showing cause to the contrary at the times and place mentioned in the summons, or at the time and place to which such summons may be adjourned, it shall be lawful for a Judge to order the owner of the premises, within a time to be fixed in the order, to cause to be demolished and destroyed so much thereof as appears to him to have been specially erected or constructed as aforesaid, and on proof of non-compliance with such order, the owner 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.

Non-production of information

- 17.** (1) Except as hereinafter mentioned, no information laid under this Law shall be admitted in evidence in any civil or criminal proceedings, and no witness shall be obliged or permitted to disclose the name or address of any informer under this Law, or state any matter which might lead to his discovery, and if any books, documents or papers which are in evidence, or liable to inspection in any civil or criminal proceeding whatsoever, contain any entry in which any informer is named or described, or which might lead to his discovery, the Court shall cause all such passages to be concealed from view, or to be obliterated so far as may be necessary to protect the informer from discovery.
- (2) If, on the trial of any offence under this Law, a Judge, after full enquiry, believes that the informer wilfully made in his information a material statement which he knew or believed to be false, or did not believe to be true, or if, in any other proceeding, such Judge is of the opinion that justice requires the discovery of the informer, he may require the production of the original information, permit enquiry and require full disclosure concerning the informer.

Onus of proof

- 18.** (1) If any person is found in possession of a lottery ticket, the onus of proof shall be upon the person in whose possession the same is found to prove that the lottery ticket —
- (a) is not in fact a lottery ticket; or
 - (b) was not bought or obtained in connection with a public lottery or a lottery.
- (2) A person who is found in possession of a lottery ticket and fails to prove any of the facts set forth in subsection (1) 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.



Common gaming house, what included in

- 19.** Save as hereinafter provided, no house, office, room or other place shall be opened, kept or used for the purpose of any money or valuable thing being received by or on behalf of the owner, occupier or keeper thereof, or any person using the same or any person having the care or management or in any way conducting the business thereof or by or on behalf of any person procured or employed by or acting for or on behalf of such owner, occupier, keeper or person using, or having the care or management of the business, as or for the consideration for any assurance, undertaking, promise or agreement, express, implied or understood, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any game, pretended game or lottery called or known as Peaka Pow or Drop Pan, or to any game of a similar nature or to any lottery, raffle, game or pretended game of chance, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid, and every house, office, room or other place opened, kept or used for the purposes aforesaid, or any of them, shall be taken and deemed to be a common gaming house within the meaning of this Law.

Penalty for keeping common gaming house

- 20.** A person who, being the owner or occupier of any house, office, room or other place, or a person using the same, opens, keeps or uses the same for either of the purposes mentioned in section 19, and any person who being the owner or occupier of any house, office, room or other place, knowingly and wilfully permits the same to be opened, kept or used by any other person for either of the said purposes, and any person having the care or management of or in any manner, conducting or assisting in conducting the business of any house, office, room or place opened, kept or used for either of the said purposes 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.

Penalty for conducting or taking part in lottery

- 21.** A person who, being the owner or occupier of any house, office, room or place opened, kept or used for either of the said purposes, or any person acting for or on behalf of any such owner or occupier, or any person having the care or management or in any manner assisting in conducting the business thereof, who receives, directly or indirectly, any money or valuable thing as a deposit on condition of paying any sum of money or other valuable thing on the happening of any event or contingency of or relating to any lottery, raffle or game, or pretended game of chance, or as or for the consideration for any assurance, undertaking, promise or agreement, express, implied or understood, to pay or give thereafter any money or valuable thing on any such event or contingency, and any person giving any acknowledgement, note, security or draft on the receipt of any money or valuable thing so paid or given as aforesaid purporting or intended to entitle the bearer or any other person to receive any money or valuable thing on the happening of any such event or contingency as aforesaid 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.

Offences

- 22.** (1) Save as hereinafter provided —
- (a) anyone who gives or sells or offers for sale any paper, ticket or token authorising or for the purpose of enabling or entitling any person to receive any money or valuable thing on any event or contingency of or relating to any game, pretended game or lottery called or known as Peaka Pow or Drop Pan or to any game of a similar nature or to any lottery, raffle, game or pretended game of chance;
 - (b) any person or persons attending or assembling in any public or private place for the purpose of ascertaining or waiting for the result of any such event or contingency as aforesaid; or
 - (c) any person who on or under any pretence, device, form, denomination or description whatsoever shall pay or agree or promise to pay any sum or sums of money, or shall deliver or agree or promise to deliver any goods, or shall do or forbear doing or shall agree or promise to do or forbear doing anything for the benefit of any person or persons, whether with or without consideration, on any event or contingency arising upon or relative or applicable to the drawing or choice by chance or otherwise of any ticket or tickets, lot or lots, number or numbers, figure or figures, or on any event or contingency arising upon or relative or applicable to the displaying or declaring of any winning number or numbers, figure or figures, token or tokens, ticket or tickets, lot or lots in any lottery, raffle, game or pretended game of chance, or shall publish any proposal for the purposes aforesaid,



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.

- (2) Any constable may arrest without warrant any person whom he finds committing any offence against subsection (1).
- (3) In any proceedings for an offence under paragraph (a) of subsection (1), the onus of proving that any paper, ticket or token authorising or for the purpose of enabling or entitling any person to receive any money or valuable thing on any event or contingency of or relating to any game, pretended game or lottery called or known as Peaka Pow or Drop Pan, or any game of a similar nature, or to any lottery, raffle, game or pretended game of chance, is not a paper, ticket or token within the meaning of paragraph (a) of subsection (1), shall be upon the person accused of giving, selling or offering the same for sale.

Power to make regulations to stop letters, etc., being sent by post

- 23.** The Postmaster-General may, from time to time, with the approval of the Cabinet, make such regulations as he thinks fit, for preventing the sending or delivery by post of letters, circulars, advertisements or tickets of or concerning any lottery, whether such letters, circulars, advertisements or tickets be posted in or outside the Islands.

Regulations

- 23A.** The Cabinet may make regulations providing for the licensing of raffles including the mode and manner of application, the conduct of raffles, accounting for proceeds, fees, offences, appeal process and conditions or limitations to be attached to the licences.

Acts done under this Law exempt from actions for damages

- 24.** No action for damages shall lie in any civil court for any act done by any person purporting to act under this Law, unless such act be first proved to have been done with express malice

Evidence

- 25.** (1) Whenever two or more persons are charged with any offence against this Law, the Court may require one or more of them to give evidence as a witness or witnesses for the prosecution and any such person who refuses to be sworn, or to answer any lawful question, shall be dealt with in the same manner as witnesses so refusing may by law be dealt with by a Justice.
- (2) Every person so required to give evidence who shall, in the opinion of a Judge, make true and full discovery of all things to which he is lawfully examined shall be entitled to receive a certificate of indemnity under the hand of the Judge, stating that he has made a true and full discovery of all things as to

which he was examined, and such certificate shall be a bar to all legal proceedings against him in respect of all such things as aforesaid.

- (3) Any person charged with an offence against this Law may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

Mode of trial

- 26.** All offences against this Law shall be tried summarily in the Grand Court.

Second conviction

- 27.** If a person convicted of an offence under section 4 is again convicted of the same or any other offence under that section, a Judge may, in addition to the punishment provided by that section, order him to give security, for a period not exceeding one year, by one or more sureties, that he will not offend against this Law, and every such order shall have the like effect and consequences as if the same had been made under section 35 of the *Penal Code (2013 Revision)*, relating to the procedure in cases for binding persons over to keep the peace or be of good behaviour.

Appropriation of fines

- 28.** The Judge may order any portion, not exceeding fifty per cent, of any fine imposed and levied under this Law, to be paid to the informer or informers.

Publication in consolidated and revised form authorised by the Cabinet this 30th day of August, 2016.

Kim Bullings
Clerk of Cabinet

