



THE STATUTES OF THE REPUBLIC OF SINGAPORE

CASINO CONTROL ACT

(CHAPTER 33A)

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Casino Control Act

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An Act to make provision for the operation and regulation of casinos and gaming in casinos; to establish the Casino Regulatory Authority

of Singapore, to provide for its functions and powers and for matters connected therewith.

[1st June 2006: — Section 2 ;
1st July 2008: — Sections 34, 35, 36, 37 (in relation to any employee transferred to the service of the Authority under section 34), 38 and 39 ;
2nd April 2008: — Sections 3, 4, 5 to 33 and 37 (in relation any property, assets, interests, rights, privileges, liabilities or obligations transferred to the Authority under section 33), Parts III to XIII and the Schedule]

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Casino Control Act and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“appointed day” means —

(a) in relation to this Act, the date of commencement of this Act; and

(b) in relation to a particular provision of this Act, the date of commencement of that particular provision;

“authorised bank” means any bank authorised by the Authority for the purposes of this Act;

“authorised person” means any person authorised to perform any function or duty or to exercise any power under section 13(6);

“Authority” means the Casino Regulatory Authority of Singapore established under section 5;

“casino” means any premises, or part of premises, within a designated site where persons may participate in one or more games approved by the Authority under section 100;

[Act 36 of 2012 wef 31/01/2013]

“casino employee” means an employee having functions in or in relation to a casino;

“casino licence” means a casino licence granted under section 49 that is in force;

“casino marketing arrangement” means an arrangement whereby a person organises, promotes or facilitates the playing of any game in a casino by one or more patrons, for which the first-mentioned person receives from the casino operator or from the person for the time being in charge of the casino —

(a) a commission based on the turnover of play in the casino attributable to the patron or patrons or otherwise derived from the play of the patron or patrons;

(b) a share of the casino operator’s gross gaming revenue from the patron or patrons; or

(c) such other form of payment or rebate, monetary or otherwise, as may be prescribed;

[Act 36 of 2012 wef 31/01/2013]

“casino operator” means a person who is the holder of a casino licence;

“casino premises” means the casino premises referred to in section 51;

“Chairman” means the Chairman of the Authority and includes any temporary Chairman of the Authority;

“Chief Executive” means the Chief Executive of the Authority appointed under section 13 and includes any person acting in that capacity;

“chip purchase voucher” means a voucher issued by a casino operator to a patron named in the voucher entitling the patron

to be issued with chips of an equivalent value to that specified in the voucher;

[Act 36 of 2012 wef 31/01/2013]

“chips” means any tokens used instead of money for the purpose of gaming and includes any voucher or other instrument that has a fixed dollar wagering value;

“Comptroller” means the Comptroller of Income Tax appointed under section 3(1) of the Income Tax Act (Cap. 134) and includes, for all purposes of this Act except the exercise of the powers conferred on the Comptroller by sections 146A(2) and 152, a Deputy Comptroller or an Assistant Comptroller appointed under section 3(1) of the Income Tax Act;

[Act 36 of 2012 wef 31/01/2013]

“corporation” has the same meaning as in section 4(1) of the Companies Act (Cap. 50);

“Council” means the National Council on Problem Gambling established under section 154;

“deposit account” means an account established under section 108(2);

“designated site” means any parcel or parcels of land designated by the Minister under subsection (2) as a site on which a casino may be located;

“Development Agreement” means an agreement in writing by a statutory body to lease a designated site to a person (referred to hereinafter as the lessee) for the development of an integrated resort thereon by the lessee on the terms and conditions stated in the agreement, and includes any supplemental agreement or other document amplifying or modifying those terms and conditions;

[Act 36 of 2012 wef 31/01/2013]

“electronic monitoring system” means any electronic or computer or communications system or device that is so designed that it may be used, or adapted, to send or receive data from gaming equipment in relation to the security, accounting or operation of gaming equipment;

“electronic table game” means a gaming machine used for the purpose of playing a game traditionally played at tables, and includes any electronic device through which bets may be placed on a game played at a table;

[Act 36 of 2012 wef 31/01/2013]

“employ” includes engage under a contract for services;

“excluded person” means a person barred from entering or remaining on any casino premises by —

(a) an exclusion order under section 120, 121 or 122;

(b) a family exclusion order, provisional family exclusion order or exclusion order under Part X;

[Act 36 of 2012 wef 31/01/2013]

(c) section 165A; or

[Act 36 of 2012 wef 31/01/2013]

(d) section 165D for the remainder of any month by reason of his having made the maximum number of visits to any casino for the month as specified by a visit limit imposed on him;

[Act 36 of 2012 wef 31/01/2013]

“game” means a game of chance or a game that is partly a game of chance and partly a game requiring skill;

“gaming equipment” means any device or thing (including chips) used, or capable of being used, for or in connection with gaming and includes —

(a) a gaming machine;

(b) linked jackpot equipment;

(c) an electronic monitoring system; and

(d) a part of, or a replacement part for, any such machine, equipment or system;

“gaming machine” means any device, whether wholly or partly mechanically or electronically operated, that is so designed that —

- (a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
- (b) as a result of making a bet on the device, winnings may become payable,

and includes any machine declared by the Authority to be a gaming machine;

“Inland Revenue Authority of Singapore” means the Inland Revenue Authority of Singapore established under section 3 of the Inland Revenue Authority of Singapore Act (Cap. 138A);

[22/2009 wef 22/10/2009]

“inspector” means an inspector appointed under section 13(5);

“integrated resort” means a development comprising hotel, retail, dining, entertainment, recreation and other facilities, and of which a casino may be a part;

[Act 36 of 2012 wef 31/01/2013]

“international market agent” means a person, other than an employee of a casino operator, who performs any of the functions specified in section 110A(2) in relation to one or more casino marketing arrangements;

[Act 36 of 2012 wef 31/01/2013]

“international market agent licence” means a licence issued by the Authority to an international market agent under section 110B;

[Act 36 of 2012 wef 31/01/2013]

“international market agent representative” means an individual who is employed by an international market agent to organise, promote or conduct a casino marketing arrangement on behalf of the international market agent;

[Act 36 of 2012 wef 31/01/2013]

“international market agent representative licence” means a licence issued by the Authority to an international market agent representative under section 110B;

[Act 36 of 2012 wef 31/01/2013]

“jackpot” means the combination of letters, numbers, symbols or representations required to be displayed on the reels or video screen of a gaming machine so that the winnings in accordance with the prize payout scale displayed on the machine are payable from money which accumulates as contributions are made to a special prize pool;

[Deleted by Act 36 of 2012 wef 31/01/2013]

[Deleted by Act 36 of 2012 wef 31/01/2013]

[Deleted by Act 36 of 2012 wef 31/01/2013]

“linked jackpot arrangement” means an arrangement whereby 2 or more gaming machines are linked to a device that —

- (a) records, from time to time, an amount which, in the event of a jackpot or other result being obtained on one of those machines, may be payable, or part of which may be payable, as winnings;
- (b) for the purpose of recording the amount referred to in paragraph (a), receives data from each gaming machine to which the device is linked; and
- (c) is not capable of affecting the outcome of a game on a gaming machine to which the device is linked;

“linked jackpot equipment” means any jackpot meter, payout display, linking equipment, computer equipment, programming or other device (other than a gaming machine) forming, or capable of forming, part of a linked jackpot arrangement;

“match play coupon” means a coupon issued by a casino operator to a patron which, when presented by the patron together with chips in any wager, augments the patron’s wager according to a ratio, percentage or value specified in the coupon;

[Act 36 of 2012 wef 31/01/2013]

“member” means a member of the Authority;

“Minister”, except in section 45A and Parts IX and X, means the Minister for Home Affairs;

[Act 36 of 2012 wef 31/01/2013]

“operations”, in relation to a casino, means —

- (a) the conduct of gaming in the casino;
- (b) the management and supervision of the conduct of gaming in the casino;
- (c) money counting in, and in relation to, the casino;
- (d) accounting procedures in, and in relation to, the casino;
- (e) the use of storage areas within the casino premises; and
- (f) other matters affecting or arising out of activities in the casino;

“owner”, in relation to a designated site, means the person who is registered in the land-register under the Land Titles Act (Cap. 157) as the purchaser of a leasehold interest in the designated site or, if no one has been registered in the land-register, the person who has entered into a Development Agreement to lease the designated site;

[Act 36 of 2012 wef 31/01/2013]

“premium player” means a patron of a casino who opens a deposit account with the casino operator with a credit balance of not less than \$100,000, where —

- (a) the deposit is in such form as may be prescribed;
- (b) the period during which the credit balance in the deposit account is below \$100,000 does not exceed such period as may be prescribed; and
- (c) the deposit account fulfils such other conditions as may be prescribed;

[Act 36 of 2012 wef 31/01/2013]

“record” includes any book, account, document, paper or other source of information compiled, recorded or stored in written

form, or on microfilm, or by electronic process, or in any other matter or by any other means;

“share” includes stock except where a distinction between stock and shares is express or implied;

“special employee” means a person, whether or not an employee of a casino operator, who —

- (a) is employed or working in a casino in a managerial capacity or who is authorised to make decisions, involving the exercise of his discretion, that regulate the operations of a casino; or
- (b) is employed or working in a casino in any capacity relating to any of the following activities:
 - (i) the conduct of gaming;
 - (ii) the movement of money or chips about the casino premises;
 - (iii) the exchange of money or chips to patrons of the casino;
 - (iv) the counting of money or chips on the casino premises;
 - (v) the security and surveillance of the casino;
 - (vi) the operation, maintenance, construction or repair of gaming equipment;
 - (vii) the supervision of any of the above activities;
 - (viii) any other activity relating to the operations of the casino that is specified by the Authority for the purposes of this definition by notice in writing given to the casino operator;

[Act 36 of 2012 wef 31/01/2013]

“special employee licence” means a special employee licence issued by the Authority under Part V;

“voting share” has the same meaning as in section 4(1) of the Companies Act (Cap. 50).

(2) For the purposes of this Act, the Minister may, by order published in the *Gazette* —

- (a) designate any parcel or parcels of land as a site on which a casino may be located for such period as may be specified in the order; and
- (b) extend any period under paragraph (a) for such further period as may be specified in the order.

(3) In this Act —

- (a) a reference to a function includes a reference to a power, authority or duty; and
- (b) a reference to the exercise of a function includes, in relation to a duty, a reference to the performance of the duty.

Meaning of “associate”

3.—(1) For the purposes of this Act (other than Division 2 of Part IV), a person is an “associate” of a casino operator or an applicant for a casino licence if the person, in the opinion of the Authority, is able or will be able to exercise a significant influence over or with respect to the management or operation of the casino business of the casino operator or applicant.

[Act 36 of 2012 wef 31/01/2013]

(1A) In determining whether a person is able or will be able to exercise the significant influence referred to in subsection (1), the Authority may consider all or any of the following:

- (a) whether the person holds or will hold any relevant financial interest in the casino business of the casino operator or applicant;
- (b) whether the person is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the casino business of the casino operator or applicant;
- (c) whether the person holds or will hold any relevant position (whether in right of the person or on behalf of any other person) in the casino business of the casino operator or applicant;

(d) the degree of direct or indirect influence that the person has in the management or operation of the casino business of the casino operator or applicant;

(e) any other matter that the Authority considers relevant.

[Act 36 of 2012 wef 31/01/2013]

(2) In this section —

“relevant financial interest”, in relation to a business, means —

(a) any share in the capital of the business;

[Act 36 of 2012 wef 31/01/2013]

(b) any entitlement to receive any income derived from the business; or

[Act 36 of 2012 wef 31/01/2013]

(c) any contribution to the capital of the business, whether by a loan or otherwise;

[Act 36 of 2012 wef 31/01/2013]

“relevant position”, in relation to a business, means the position of director or manager, or other executive position, however that position is designated;

[Act 36 of 2012 wef 31/01/2013]

“relevant power” means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others —

(a) to participate in any directorial, managerial or executive decision; or

(b) to elect or appoint any person to any relevant position.

Minister may revoke order for designated site or cancel casino licence in public interest

4.—(1) Notwithstanding any other provision of this Act, if it appears to the Minister to be necessary in the public interest to do so, the Minister may, after consultation with the Authority —

(a) revoke any order made under section 2(2); or

(b) cancel any casino licence,

and give such directions to the Authority or the casino operator concerned as are necessary to give effect to the revocation of the order or the cancellation of the casino licence, as the case may be.

(2) The Authority or casino operator, as the case may be, shall give effect to any direction given by the Minister under subsection (1).

(3) Where the Minister has revoked an order under subsection (1)(a), any casino licence granted for a casino on the site to which that order relates shall be deemed to be cancelled.

(4) The Minister shall pay such fair compensation as the Minister may determine for any damage caused to the casino operator concerned by reason of the revocation of the order or cancellation of the casino licence by the Minister under subsection (1).

(5) If the amount of compensation to be paid under subsection (4) is disputed by the casino operator, the dispute shall be referred to arbitration, and parties shall be deemed as having submitted the dispute to arbitration under the Arbitration Act (Cap. 10) to be decided in accordance with Singapore law.

(6) Any sum required by the Minister for paying compensation under subsection (4) shall be paid out of the Consolidated Fund.

(7) If any doubt arises as to whether any act done under this section was in the public interest, a certificate signed by the Minister shall be conclusive evidence of the matters stated therein.

(8) Any decision of the Minister under subsection (1) shall be final.

PART II

CASINO REGULATORY AUTHORITY OF SINGAPORE

Division 1 — Establishment, incorporation and constitution of Authority

Establishment and incorporation of Casino Regulatory Authority of Singapore

5. There is hereby established a body to be known as the Casino Regulatory Authority of Singapore which shall be a body corporate with perpetual succession and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering such other acts or things as bodies corporate may lawfully do and suffer.

Common seal

6.—(1) The Authority shall have a common seal and such seal may from time to time be broken, changed, altered or made anew as the Authority thinks fit.

(2) All deeds and other documents requiring the seal of the Authority shall be sealed with the common seal of the Authority.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Authority for the purpose or by one member and the Chief Executive.

(4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to any document and shall presume that it was duly affixed.

Constitution of Authority

7.—(1) The Authority shall consist of the following members:

- (a) a Chairman; and
- (b) such other members, not being less than 4 or more than 16, as the Minister may, from time to time, determine.

(2) The First Schedule shall have effect with respect to the Authority, its members and its proceedings.

[Act 36 of 2012 wef 31/01/2013]

Division 2 — Functions, duties and powers of Authority

Objects of Authority

8. The objects of the Authority are to maintain and administer systems for the licensing, supervision and control of casinos, for the purpose of —

- (a) ensuring that the management and operation of a casino is carried out by persons who are suitable, and remains free from criminal influence or exploitation;
[Act 36 of 2012 wef 31/01/2013]
- (b) ensuring that gaming in a casino is conducted honestly; and
- (c) containing and controlling the potential of a casino to cause harm to minors, vulnerable persons and society at large.

Functions and duties of Authority

9.—(1) Subject to the provisions of this Act, the functions and duties of the Authority shall be to —

- (a) license and regulate the operation of casinos;
- (b) approve any system of controls and administrative and accounting procedures of a casino;
- (c) advise the Minister concerning policy in relation to supervision and inspection of casinos;
- (d) do all things it is authorised or required to do under this Act, including but not limited to —
 - (i) supervising the operation of casinos, the persons responsible for such operations and the conduct of gaming within the casinos;
 - (ii) ensuring that the handling, collection, disbursement and counting of money within casino premises is supervised;
 - (iii) detecting offences committed within casino premises or in relation to casinos;
 - (iv) receiving and investigating complaints from casino patrons concerning the conduct of gaming in the casino;
 - (v) adjudicating cases of dispute between a casino operator and patrons of the casino;
 - (vi) investigating the suitability of applicants for licences;
 - (vii) checking casino records as required;

- (viii) inspecting, testing and approving gaming equipment and chips used in casinos; and
 - (ix) preparing and giving to the Minister such reports concerning the operation of casinos and the conduct of gaming in them as the Authority thinks fit or as the Minister may request; and
- (e) perform such other functions as are conferred or imposed on the Authority by or under this Act or any other written law.

(2) The Authority may undertake such other functions and duties as the Minister may assign to the Authority and in so doing, the Authority shall be deemed to be fulfilling the purposes of this Act, and the provisions of this Act shall apply to the Authority in respect of such functions and duties.

(3) Nothing in this section shall be construed as imposing on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

Powers of Authority

10.—(1) Subject to the provisions of this Act, the Authority may carry on such activities as appear to the Authority to be advantageous, necessary or expedient for it to carry on for or in connection with the performance of its functions and the discharge of its duties under this Act or any other written law.

(2) Without prejudice to the generality of subsection (1), the Authority may —

- (a) conduct such investigations as may be necessary for enforcing this Act;
- (b) require any person to furnish such returns and information as may be necessary for implementing the provisions of this Act;
- (c) issue or approve codes of practice relating to casino operations;

- (d) publish educational materials or carry out research or other educational activities relating to casino gaming, or to support (financially or otherwise) the carrying out by others of such activities or the provision by others of information or advice;
- (e) enter into such contracts as may be necessary or expedient for the purpose of performing its functions or discharging its duties;
- (f) become a member or an affiliate of any international body, the functions, objects or duties of which are similar to those of the Authority;
- (g) acquire and hold property, both movable and immovable, and to sell, lease, mortgage or otherwise dispose of the property;
- (h) make provision for gratuities, pensions, allowances or other benefits for employees or former employees of the Authority; and
- (i) make provision for the specialised training of any employee of the Authority and, in that connection, to offer scholarships to intending trainees or otherwise pay for the cost of the training and all expenditure incidental thereto.

(3) This section shall not be construed as limiting any power of the Authority conferred by or under any other written law.

(4) The Authority shall furnish the Minister information with respect to its property and activities in such manner and at such times as the Minister may, from time to time, require.

Directions by Minister

11. The Minister may, after consultation with the Authority or otherwise, give to the Authority such directions, not inconsistent with the provisions of this Act, as to the performance and exercise by the Authority of its functions, duties and powers under this Act as the Minister may consider necessary, and the Authority shall give effect to all such directions.

Appointment of committees and delegation of powers

12.—(1) The Authority may appoint from amongst its own members or from other persons who are not members such number of committees as it thinks fit for purposes which, in the opinion of the Authority, would be better regulated and managed by means of such committees.

(2) The Authority may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee appointed under subsection (1) or to the Chairman or Chief Executive or to any other member, officer or employee of the Authority, any of the functions or powers of the Authority under this Act or any other written law, except —

- (a) the power of delegation conferred by this section; and
- (b) the power to make any subsidiary legislation.

(3) Any function or power delegated under subsection (2) to any committee or person may be performed or exercised by the committee or person to whom it has been delegated in the name and on behalf of the Authority.

(4) No delegation under this section shall prevent the performance or exercise of any function or power by the Authority.

*Division 3 — Provisions relating to staff and inspectors***Appointment of Chief Executive and other employees, etc.**

13.—(1) The Authority shall, with the approval of the Minister, appoint a Chief Executive on such terms and conditions as the Authority may determine.

(2) The Chief Executive shall —

- (a) be known by such designation as the Authority may determine;
- (b) be responsible to the Authority for the proper administration and management of the functions and affairs of the Authority in accordance with the policy laid down by the Authority; and

(c) not be removed from office without the consent of the Minister.

(3) The Minister shall consult the Public Service Commission before granting his approval under subsection (1) or before giving his consent under subsection (2)(c).

(4) If the Chief Executive is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for any other reason temporarily unable to discharge his duties, another person may be appointed by the Authority to act in the place of the Chief Executive during any such period of absence from duty.

(5) The Authority may, from time to time, appoint and employ on such terms and conditions as the Authority may determine such officers, employees, consultants, inspectors and agents as may be necessary for the effective performance of its functions and discharge of its duties.

(6) The Authority may, from time to time, authorise any person to perform any function or duty or to exercise any power under this Act.

Functions of inspectors

14. The functions of an inspector are as follows:

- (a) for the purpose of ascertaining whether or not a casino operator is complying with the provisions of this Act, the conditions of the casino licence, and any direction issued by the Authority under this Act —
 - (i) to inspect casino premises;
 - (ii) to monitor the operations of a casino; and
 - (iii) to examine gaming equipment used in a casino and records kept in relation to a casino;
- (b) to monitor the handling and counting of money on casino premises;
- (c) to assist in any other manner, where necessary, in the detection of offences committed under this Act on casino premises;

- (d) to receive and investigate complaints from casino patrons relating to the conduct of gaming;
- (e) to report to the Authority regarding the operations of a casino; and
- (f) to perform any other functions as are conferred on inspectors under this Act.

Powers of inspectors

15.—(1) An inspector may do any one or more of the following:

- (a) require any person in possession of, or having control of, any machinery, equipment, record or other thing relating to the operations of a casino to produce the machinery, equipment, record or other thing for inspection and to answer questions or provide information relating to the machinery, equipment, record or other thing;

[Act 36 of 2012 wef 31/01/2013]

- (b) inspect any machinery, equipment, record or other thing referred to in paragraph (a) and take copies of, extracts from, or notes relating to, such record;

[Act 36 of 2012 wef 31/01/2013]

- (c) if the inspector considers it necessary to do so for the purpose of obtaining evidence of the contravention of any provision of this Act, seize any machinery, equipment, record or other thing;

[Act 36 of 2012 wef 31/01/2013]

- (d) stop any game conducted in a casino;

- (e) by written notice require —

- (i) the holder of any casino licence, special employee licence, international market agent licence, international market agent representative licence or other authorisation under this Act;

[Act 36 of 2012 wef 31/01/2013]

- (ii) an employee of a person referred to in sub-paragraph (i); or

- (iii) any other person associated with operations or their management in premises the inspector is authorised to enter,

to attend before the inspector at a specified time and place and to answer questions, or to provide information within a reasonable period specified in the notice, with respect to any activity regulated by this Act;

- (f) examine and test any machinery, equipment or other thing referred to in paragraph (a) and order the person in charge of it to withdraw it from use if it is unsatisfactory for use;
[Act 36 of 2012 wef 31/01/2013]
- (g) investigate any complaint from a patron of a casino relating to the conduct of any activity regulated by this Act;
- (h) any other thing authorised by this Act to be done by an inspector.

(2) If an inspector seizes any thing under this section, it may be retained by the inspector until the completion of any proceedings (including proceedings on appeal) in which it may be evidence but, in the case of records, the person from whom the records were seized shall be permitted to inspect and make copies of the records.

(3) Subsection (2) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.

Power to require names and addresses

16.—(1) An inspector who exercises a right of entry to casino premises under section 118 or under a search warrant may require a person on the premises to state the person's full name and residential address.

(2) An inspector is not authorised to require a person to state his name or address unless the inspector —

- (a) suspects on reasonable grounds that the person has committed an offence.

[Act 36 of 2012 wef 31/01/2013]

(b) [*Deleted by Act 36 of 2012 wef 31/01/2013*]

(3) Any person who fails to comply with a requirement made under subsection (1) shall be guilty of an offence.

Seizure and forfeiture of equipment, etc.

17.—(1) An inspector may seize —

- (a) any thing that the inspector reasonably suspects is gaming equipment that is not authorised under this Act to be on the casino premises; or
- (b) any article or thing the use or possession of which is unlawful.

(2) A police officer or an inspector may apply to a court upon completion of the investigation in relation to any item seized under subsection (1) for an order that the item seized under that subsection be forfeited to the Authority.

(3) On an application under subsection (2), the court shall order that the item be forfeited to the Authority if the court is satisfied that the item is —

- (a) gaming equipment that is not authorised under this Act to be on the casino premises; or
- (b) any article or thing the use or possession of which is unlawful,

as the case may be, regardless of whether a charge has been filed in relation to the item or whether a person has been convicted of an offence in relation to the item.

(4) Any item forfeited under this section shall be disposed of in accordance with any direction of the court.

Division 4 — Financial provisions

Funds and property of Authority

18. The funds and property of the Authority shall consist of —

- (a) grants made under section 21;

- (b) all fees, fines, composition sums and financial penalties paid into the funds of the Authority under this Act;
- (c) all moneys paid to the Authority for the purposes of the Authority;
- (d) all moneys paid to the Authority by way of grants, subsidies, donations, gifts and contributions;
- (e) all moneys received by the Authority by way of charges and fees for services rendered by the Authority to any person;
- (f) all moneys, dividends, royalties, interest or income received from any transaction made pursuant to the powers conferred on the Authority under this Act or any other written law;
- (g) all moneys borrowed by the Authority under this Act;
- (h) all other moneys and property lawfully received by the Authority for the purposes of the Authority; and
- (i) all accumulations of income derived from any such property or money.

Financial year

19. The financial year of the Authority shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Authority shall begin on the appointed day and end on 31st March of the succeeding year.

Moneys recovered or collected by Authority

20. Except where otherwise provided, all moneys recovered and charges, fees, fines, composition sums and financial penalties collected by the Authority under this Act shall be paid into and form part of the moneys of the Authority.

Grants-in-aid

21. For the purpose of enabling the Authority to perform its functions and discharge its duties under this Act, the Minister may, from time to time, make grants-in-aid to the Authority of such sums of

money, as the Minister may determine, out of moneys to be provided by Parliament.

Power to borrow

22.—(1) For the performance of its functions or discharge of its duties under this Act or any other written law, the Authority may, from time to time, raise loans from the Government or, with the approval of the Minister, raise loans within or outside Singapore from such source as the Minister may direct by —

- (a) mortgage, overdraft or other means, with or without security;
- (b) charge, whether legal or equitable, on any property vested in the Authority or on any other revenue receivable by the Authority under this Act or any other written law; or
- (c) the creation and issue of debentures, bonds or any other instrument as the Minister may approve.

(2) For the purposes of this section, the power to raise loans shall include the power to make any financial agreement whereby credit facilities are granted to the Authority for the purchase of goods, materials or things.

Issue of shares, etc.

23. As a consequence of the vesting of any property, rights or liabilities of the Government in the Authority under this Act, or of any capital injection or other investment by the Government in the Authority in accordance with any written law, the Authority shall issue such shares or other securities to the Minister for Finance as that Minister may, from time to time, direct.

Bank account

24.—(1) The Authority shall open and maintain an account with such bank as the Authority thinks fit.

(2) Every such account shall be operated by such person as may, from time to time, be authorised in that behalf by the Authority.

Application of moneys

25. The moneys of the Authority shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Authority and in making any payment that the Authority is authorised or required to make.

Power of investment

26. The Authority may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

Accounts and records

27. The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that —

- (a) all payments out of its moneys are correctly made and properly authorised; and
- (b) adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority.

Audit of accounts

28.—(1) The accounts of the Authority shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General (referred to in this Act as the auditor).

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is a public accountant who is registered or deemed to be registered under the Accountants Act (Cap. 2).

(3) The Authority shall, as soon as practicable after the close of each financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.

(4) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;

- (b) whether proper accounting and other records have been kept, including records of all assets of the Authority whether purchased, donated or otherwise;
 - (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Authority during the financial year were in accordance with the provisions of this Act; and
 - (d) such other matters arising from the audit as he considers necessary.
- (5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Authority.
- (6) The auditor shall submit such periodical and special reports to the Minister and to the Authority as may appear to him to be necessary or as the Minister or the Authority may require.

Powers of auditor

29.—(1) The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Authority.

(2) The auditor or any person authorised by him may make copies of, or take extracts from, any such accounting or other records.

(3) The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor or the person authorised by him considers necessary for the performance of his functions under this Act.

(4) Any person who —

- (a) refuses or fails, without any reasonable cause, to allow the auditor or any person authorised by the auditor access to any accounting and other records of the Authority in his custody or power;

- (b) refuses or fails, without any reasonable cause, to give any information possessed by him as and when required by the auditor or person authorised by the auditor; or
- (c) hinders, obstructs or delays the auditor or any person authorised by the auditor in the performance of his functions,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Presentation of financial statements and auditor's report to Parliament

30.—(1) The Authority shall, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the Authority, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Authority.

(3) The Minister shall, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

Division 5 — General

Annual report

31.—(1) The Authority shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may, from time to time, direct.

(2) The Minister shall, as soon as practicable, cause a copy of every such report to be presented to Parliament.

Symbol or representation of Authority

32.—(1) The Authority shall have the exclusive right to the use of such symbol or representation as the Authority may select or devise and thereafter display or exhibit such symbol or representation in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Authority, or which so resembles the Authority's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

*Division 6 — Transfer of property, assets, liabilities and employees***Transfer to Authority of property, assets and liabilities**

33.—(1) As from the appointed day, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by the Ministry of Home Affairs and such assets, interests, rights, privileges, liabilities and obligations of the Government as may be determined by the Minister for Finance relating to the Ministry of Home Affairs shall be transferred to and shall vest in the Authority without further assurance, act or deed.

(2) If any question arises as to whether any particular property, asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Authority under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Authority under subsection (1) shall be held by the Authority upon such tenure and subject to such terms and conditions as the President may determine.

(4) Every agreement relating to any of the transferred properties to which the Government was a party immediately before the appointed day, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that day as if —

- (a) the Authority had been a party to such an agreement; and
- (b) for any reference to the Government there were substituted in respect of anything to be done on or after the appointed day a reference to the Authority.

Transfer of employees

34.—(1) As from the appointed day, such persons or categories of persons as the Minister may determine who, immediately before that day, were employed by the Government shall be transferred to the service of the Authority on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) If any question arises as to whether any person or any category of persons has been transferred to the service of the Authority under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the person or category of persons was or was not so transferred.

(3) Until such time as terms and conditions of service are drawn up by the Authority, the terms and conditions of service in the Government shall continue to apply to every person transferred to the service of the Authority under subsection (1) as if he were still in the service of the Government.

(4) Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Authority under this section shall be entitled to claim any benefit under that Act on the ground that he has been retired from the public service on account of abolition or reorganisation of office in consequence of the establishment of the Authority.

Service rights, etc., of transferred employees to be preserved

35.—(1) The terms and conditions to be drawn up by the Authority shall take into account the salaries and terms and conditions of service,

including any accrued rights to leave, enjoyed by the persons transferred to the service of the Authority under section 34 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Authority shall recognise the length of service of the persons so transferred while in the employment of the Government to be service with the Authority.

(3) Nothing in the terms and conditions of service to be drawn up by the Authority shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards any pension, gratuity or allowance payable under the Pensions Act.

(4) Where a person has been transferred to the service of the Authority under section 34, the Government shall be liable to pay to the Authority such portion of any pension, gratuity or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Authority.

(5) Where any person in the service of the Authority, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority thinks fit, such allowance or gratuity as the Authority may determine.

Existing contracts

36. All deeds, schemes, bonds, agreements, instruments and arrangements subsisting immediately before the appointed day to which the Government is a party and relating to any person transferred to the service of the Authority under section 34 shall continue in force on and after that day and shall be enforceable by or against the Authority as if the Authority had been named therein or had been a party thereto instead of the Government.

Pending proceedings

37. Any proceedings or cause of action relating to the portion of the property, assets, interests, rights, privileges, liabilities and obligations transferred to the Authority under section 33 or to any employee transferred to the service of the Authority under section 34 pending or existing immediately before the appointed day by or against the Government, or any person acting on its behalf, may be continued and shall be enforced by or against the Authority.

Continuation and completion of disciplinary proceedings

38.—(1) Where, on the appointed day, any disciplinary proceedings were pending against any employee of the Government transferred to the service of the Authority, the proceedings shall be carried on and completed by the Authority.

(2) Where, on the appointed day, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or direction had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that day.

(3) Any order, ruling or direction made by a committee under this section shall be treated as an order, a ruling or a direction of the Authority and have the same force or effect as if it had been made by the Authority under this Act.

Misconduct or neglect of duty by employee before transfer

39. The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the Government, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government, and if this Act had not been enacted.

PART III

LICENSING OF CASINOS

Certain contracts in relation to gaming valid and enforceable

40. Section 5(1) and (2) of the Civil Law Act (Cap. 43) shall not apply in relation to —

- (a) any contract entered into with a casino operator or his agent for the playing in the casino of a game that is conducted by or on behalf of the casino operator or his agent, as the case may be, at any time while the casino licence is in force;
- (b) any contract entered into with a casino operator or his agent for the use of a gaming machine in the casino, at any time while the casino licence is in force; and
- (c) any contract for any transaction permitted under section 108, at any time while the casino licence is in force.

Two casinos only

41.—(1) The Authority shall, during the period of 10 years commencing from the date on which a second site for a casino is designated by an order made under section 2(2), ensure that there are not more than 2 casino licences in force under this Act at any particular time.

(2) A casino licence is to apply to one casino only.

Main shareholder of casino operator not to divest stake or participate in other casino for certain period

42.—(1) During the period of 10 years commencing from the date on which a second site for a casino is designated by an order made under section 2(2) —

- (a) the main shareholder of a casino operator shall not, without the prior written approval of the Authority, transfer or dispose of any part of his stake in the casino operator to the extent that after the transfer or disposal, the percentage of the total votes attached to his stake in the casino operator —

- (i) is less than 20% of the total votes attached to all voting shares in the casino operator; or
 - (ii) is equal to or less than the percentage of the total votes attached to the stake of any other stakeholder in the casino operator; and
 - (b) no person other than the main shareholder of a casino operator shall, without the prior written approval of the Authority, acquire any stake in the casino operator to the extent that after the acquisition, the percentage of the total votes attached to the stake of that person in the casino operator —
 - (i) is equal to or more than 20% of the total votes attached to all voting shares in the casino operator; and
 - (ii) is equal to or more than the percentage of the total votes attached to the main shareholder's stake in the casino operator.
- (2) The main shareholder of a casino operator shall not, at any time where there are only 2 casinos in Singapore —
- (a) acquire or hold any stake in the other casino operator;
 - (b) participate in the management or operation of the other casino operator, whether by nominating or appointing any director or officer of the other casino operator or otherwise; or
 - (c) enter into any agreement for the management or operation of the other casino.
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —
- (a) in the case of an individual, to a fine not exceeding \$125,000; or
 - (b) in any other case, to a fine not exceeding \$250,000.
- (4) Without prejudice to subsection (3), the Minister may, by notice in writing, do one or more of the following:

- (a) where the Minister is satisfied that the main shareholder of a casino operator has contravened subsection (1)(a), direct the main shareholder to acquire a stake in the casino operator, in such manner, within such time and subject to such conditions as may be specified in the notice, to the extent that after the acquisition, the percentage of the total votes attached to his stake in the casino operator —
- (i) is equal to or more than 20% of the total votes attached to all voting shares in the casino operator; and
 - (ii) is more than the percentage of the total votes attached to the stake of every other stakeholder in the casino operator;
- (b) where the Minister is satisfied that any person has contravened subsection (1)(b) or (2)(a), direct that person to transfer or dispose of the whole or any part of his stake in the casino operator which has been acquired or held in contravention of that provision in such manner, within such time and subject to such conditions as may be specified in the notice;
- (c) where the Minister is satisfied that the main shareholder of a casino operator has contravened subsection (2)(b), direct the main shareholder to cease all participation in contravention of that provision within such time as may be specified in the notice;
- (d) where the Minister is satisfied that the main shareholder of a casino operator has contravened subsection (2)(c), direct the main shareholder to terminate any agreement made in contravention of that provision within such time as may be specified in the notice;
- (e) give such other direction as the Minister considers appropriate.
- (5) Any person who fails, without reasonable excuse, to comply with a direction made under subsection (4) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$12,500 for every day or part thereof that he fails to comply with the direction; or
 - (b) in any other case, to a fine not exceeding \$25,000 for every day or part thereof that he fails to comply with the direction.
- (6) Where any direction has been made under subsection (4)(b), then, until a transfer or disposal is effected in accordance with the direction, and notwithstanding anything in the Companies Act (Cap. 50) or in the memorandum or articles of association of the casino operator —
- (a) no voting rights shall be exercisable in respect of any voting shares in the casino operator which are comprised in any part of any stake in the casino operator acquired or held in contravention of subsection (1)(b) or (2)(a) (referred to in this subsection as the relevant shares), unless the Minister expressly permits such rights to be exercised;
 - (b) no shares in the casino operator shall be issued or offered (whether by way of rights, bonus or otherwise) in respect of the relevant shares unless the Minister expressly permits such issue or offer; and
 - (c) except in a liquidation of the casino operator, no payment shall be made by the casino operator of any amount (whether by way of dividends or otherwise) in respect of the relevant shares unless the Minister expressly permits such payment.
- (7) For the purposes of this section —
- (a) a person holds a stake in a casino operator if he —
 - (i) holds any voting share in the casino operator; or
 - (ii) is deemed under subsection (8) to control any percentage of the total votes attached to all voting shares in the casino operator; and
 - (b) the percentage of the total votes attached to a person's stake in a casino operator at a particular time is the aggregate of —

- (i) the percentage which represents the proportion that the votes attached to the voting shares which he holds in the casino operator at that time bear to the total votes attached to all voting shares in the casino operator at that time; and
 - (ii) every percentage of the total votes attached to all voting shares in the casino operator which he is deemed under subsection (8) to control at that time.
- (8) For the purposes of this section, if —
 - (a) a person —
 - (i) holds one or more units of equity interests in an entity (referred to in this subsection as the first level entity) and by virtue of that holding controls; or
 - (ii) is deemed under this subsection to control, a certain percentage (referred to in this subsection as the first level percentage) of the total votes attached to all equity interests in the first level entity; and
 - (b) the first level entity holds one or more units of equity interests in another entity (referred to in this subsection as the second level entity) and by virtue of that holding controls a certain percentage (referred to in this subsection as the second level percentage) of the total votes attached to all equity interests in the second level entity,

then the person shall be deemed to control a percentage of the total votes attached to all equity interests in the second level entity which is equal to the product of the first level percentage and the second level percentage.

- (9) In this section —

“business trust” has the same meaning as in section 2 of the Business Trusts Act (Cap. 31A);

“entity” includes a corporation, an unincorporated association, a sole proprietorship, a partnership, a limited liability partnership and a business trust;

“equity interest” —

- (a) in relation to a corporation, means a voting share in that corporation; and
- (b) in relation to any entity other than a corporation, means any right or interest, whether legal or equitable, in the entity, by whatever name called, which gives the holder of that right or interest voting power in that entity;

“hold”, in relation to any stake, voting share or unit of equity interest, includes holding that stake, voting share or unit through a nominee, and “holder” and “holding” shall be construed accordingly;

“limited liability partnership” means a limited liability partnership formed under section 4(1) of the Limited Liability Partnerships Act (Cap. 163A) or any equivalent foreign law;

“main shareholder”, in relation to a casino operator, means such person as the Minister may, by notification in the *Gazette*, designate as the main shareholder of the casino operator.

(10) This section shall apply to every individual, whether resident in Singapore or not, and to every body corporate or unincorporate, whether incorporated or carrying on business in Singapore or not.

(11) Where the main shareholder of a casino operator is not resident or does not have a place of business in Singapore, it shall be a condition of the casino licence that the casino operator shall notify the Authority of an address within Singapore for the service of any summons, notice, order or legal process upon its main shareholder and of a person or persons authorised by the main shareholder to accept service on its behalf.

Operating casino without casino licence prohibited

43.—(1) No person shall operate a casino without a valid casino licence in force.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part thereof during which the offence continues after conviction.

(3) The court before which a person is convicted of an offence under this section shall, in addition to imposing on that person any other punishment, order the payment by him of a sum which is equal to his gross gaming revenue for the period that the offence was committed, and any such payment ordered shall be recoverable as a fine.

(4) In this section, “gross gaming revenue” has the same meaning as in section 146 as if the person who operated the casino had been a casino operator.

Application for casino licence

44.—(1) An application for a casino licence may be made to the Authority only by the owner of a designated site on which a casino is intended to be located or, with the approval of the Authority, by a person nominated by that owner.

(2) Every application for a casino licence shall be —

- (a) made to the Authority in a form specified by the Authority;
- (b) accompanied by the prescribed application fee; and
- (c) accompanied by such documents and information as may be required by the Authority as regards that licence.

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(3) If an application is refused under subsection (4) or withdrawn by the applicant, the Authority, in its discretion, may refund the whole or part of the application fee.

(4) If a requirement under this section is not complied with, the Authority may refuse to consider the application.

Matters to be considered in determining applications

45.—(1) The Authority shall not grant an application for a casino licence unless the Authority is satisfied that the applicant, and each associate of the applicant, is a suitable person to be concerned in or associated with the management and operation of a casino.

- (2) In particular, the Authority shall consider whether —
- (a) each such person is of good repute, having regard to character, honesty and integrity;
 - (b) each such person is of sound and stable financial background;
 - (c) in the case of an applicant that is not a natural person, the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;
 - (d) the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the proposed casino and the services of persons who have sufficient experience in the management and operation of a casino;
 - (e) the applicant has sufficient business ability to establish and maintain a successful casino;
 - (f) any of those persons has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
 - (g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity;
 - (h) any person proposed to be engaged or appointed to manage or operate the casino is a suitable person to act in that capacity;
- [Act 36 of 2012 wef 31/01/2013]*
- (ha) the applicant is a suitable person to develop, maintain and promote the integrated resort (of which the casino is a part) as a compelling tourist destination which meets prevailing

market demand and industry standards and contributes to the tourism industry in Singapore; and

[Act 36 of 2012 wef 31/01/2013]

(i) any other matter that may be prescribed.

(3) The Authority shall, in determining the matter set out in subsection (2)(*ha*), have regard to the opinion of the evaluation panel under section 45A.

[Act 36 of 2012 wef 31/01/2013]

Evaluation panel to form opinion on integrated resort

45A.—(1) The Minister may appoint 3 or more persons to form an evaluation panel to evaluate the following, in relation to any integrated resort:

- (a) the visitor appeal of the integrated resort;
- (b) the comparability of the integrated resort or any part thereof to similar attractions or facilities internationally or to the prevailing industry standards in respect of each such attraction or facility;
- (c) the degree to which the integrated resort or any attraction or facility therein meets the prevailing market demand in respect of the integrated resort, attraction or facility; and
- (d) the contribution of the integrated resort to the tourism industry in Singapore.

(2) Each member of the evaluation panel shall be appointed on such conditions and for such term as the Minister may determine.

(3) The Minister may appoint a secretary and such other officers as may be required to enable the evaluation panel to carry out its functions under this section.

(4) In formulating its opinion on the matters in subsection (1) in relation to any integrated resort, the evaluation panel shall call for and consider the views of the applicant for the casino licence and any party to the Development Agreement concerning that integrated resort and may also do all or any of the following:

- (a) request the applicant for the casino licence to furnish one or more of the following:

- (i) revenue and other financial information on the integrated resort, including such itemised information about each attraction in the integrated resort;
 - (ii) the reinvestment plans or maintenance plans for any part of the integrated resort;
 - (iii) any survey carried out about a performance indicator for any aspect of the integrated resort;
 - (iv) such other documents or information relating to the integrated resort as the evaluation panel may consider necessary;
- (b) enter any part of the integrated resort and inspect it;
- (c) call for and consider the views of persons with the necessary experience or expertise;
- (d) assess the quality of the integrated resort, or any part thereof, against such performance indicators and standards, and using such methodology, as may be prescribed.
- (5) The evaluation panel shall, upon the conclusion of its evaluation —
- (a) give the Authority its opinion on the matters in subsection (1); and
 - (b) state, in its opinion, when the next evaluation should be carried out.
- (6) Nothing in this section shall prejudice the enforcement of any right or claim by or against any party to a Development Agreement arising out of an opinion of the evaluation panel under subsection (5).
- (7) The Minister may make regulations generally for the carrying out of or giving effect to the purposes of this section, and may prescribe anything required or permitted to be prescribed under this section.
- (8) In this section, “Minister” means the Minister charged with the responsibility for tourism development and promotion.

[Act 36 of 2012 wef 31/01/2013]

Investigation of application

46.—(1) On receiving an application for a casino licence, the Authority shall cause to be carried out all such investigations and inquiries as it considers necessary to enable it to consider the application properly.

(2) In particular, the Authority may —

- (a) require any person it is investigating in relation to the person's suitability to be concerned in or associated with the management or operation of a casino to consent to having his photograph, finger prints and palm prints taken; and
- (b) send a copy of the application and of any such photograph, finger prints and palm prints taken under paragraph (a) and any supporting documentation to the Commissioner of Police.

(3) The Commissioner of Police or any police officer authorised by the Commissioner shall inquire into and report to the Authority on such matters concerning the application as the Authority requests.

(4) The Authority may refuse to consider an application for a casino licence if any person from whom it requires a photograph, finger prints or palm prints under this section refuses to allow his photograph, finger prints or palm prints to be taken.

Authority may require further information, etc.

47.—(1) The Authority may, by notice in writing, require a person who is an applicant for a casino licence or a person whose association with the applicant is, in the opinion of the Authority, relevant to the application to do any one or more of the following:

- (a) to provide, in accordance with directions in the notice, any information, that is relevant to the investigation of the application and is specified in the notice;
- (b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit examination of the

records, the taking of extracts from them and the making of copies of them;

- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b);
- (d) to furnish to the Authority any authorisations and consents that the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the person and his associates or relations from other persons.

[Act 36 of 2012 wef 31/01/2013]

(2) If a requirement made under this section is not complied with, the Authority may refuse to consider the application concerned.

Updating of application

48.—(1) If a change occurs in the information provided in or in connection with an application for a casino licence (including in any documents lodged with the application) before the application is granted or refused, the applicant shall, without delay, give the Authority written particulars of the change.

(2) If —

- (a) the Authority requires information (including information in any records) from a person referred to in section 47 whose association with the applicant is in the opinion of the Authority relevant to the application; and
- (b) a change occurs in that information before the application is granted or refused,

that person shall, without delay, give the Authority written particulars of the change.

(3) Any person who fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part thereof during which the offence continues after conviction.

(4) When particulars of the change are given, those particulars shall then be considered to have formed part of the original application, for the purposes of the application of subsection (1) or (2) to any further change in the information provided.

Grant or refusal of casino licence

49.—(1) The Authority shall determine an application for a casino licence by either granting or refusing the application and shall notify the applicant in writing of its decision.

(2) A casino licence may be granted subject to such conditions as the Authority thinks fit.

(3) Without limiting the matters to which conditions may relate, the conditions of a casino licence may relate to any matter for which provision is made by this Act but shall not be inconsistent with a provision of this Act.

(4) If an application is granted, the casino licence is granted for the term, subject to the conditions and for the location specified in the licence.

(5) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

Casino licence fee

49A.—(1) A casino operator shall pay to the Authority a casino licence fee of such amount, at such times and in such manner as may be prescribed.

(2) Any increase in the casino licence fee during the term of a casino licence shall be paid in respect of the remainder of the term for which the casino licence is valid, at the rate prescribed.

(3) Notwithstanding section 52, the casino licence shall lapse if any part of the casino licence fee payable is not paid within the time prescribed for the payment thereof.

[Act 36 of 2012 wef 31/01/2013]

Renewal of casino licence

49B.—(1) An application for the renewal of a casino licence shall be —

- (a) made to the Authority in the form specified by the Authority not later than 6 months before the date of expiry of the casino licence;
- (b) accompanied by the prescribed application for renewal fee; and
- (c) accompanied by such documents and information as may be required by the Authority as regards that licence.

(2) If an application to renew a casino licence is submitted to the Authority less than 6 months before the date of expiry of the casino licence, the application must, in addition to the renewal fee, be accompanied by the prescribed late application fee.

(3) Sections 44 to 49 shall apply, with the necessary modifications and subject to this section, to an application and an applicant for the renewal of a casino licence as they do to an application and an applicant for the grant of a casino licence.

[Act 36 of 2012 wef 31/01/2013]

Amendment of conditions

50.—(1) The conditions of a casino licence may be amended in accordance with this section.

(2) An amendment may be proposed —

- (a) by the casino operator by requesting the Authority in writing to make the amendment; or
- (b) by the Authority by giving notice in writing of the proposed amendment to the casino operator.

(3) The Authority shall allow the casino operator such period as it may specify to make submissions to the Authority concerning any proposed amendment (whether proposed by the Authority or the casino operator) and shall consider the submissions made.

(4) The Authority shall then decide whether to make the proposed amendment, either with or without changes from that originally proposed, and shall notify the casino operator of its decision.

(5) Any amendment that the Authority decides upon takes effect when notice of the decision is given to the casino operator or on any later date that may be specified in the notice.

(6) In this section, “amendment” includes the variation or revocation of any condition or the addition of a new condition.

[Act 36 of 2012 wef 31/01/2013]

Authority to define casino premises

51.—(1) The boundaries of any casino premises, as at the time when a casino licence is granted, shall be defined by the casino licence within the designated site for which the casino licence is granted.

(2) The Authority may, from time to time, redefine the boundaries of the casino premises, within the designated site for which the casino licence is granted, as the Authority thinks fit and may do so of its own motion or on the application of the casino operator.

(3) An application for the redefining of the boundaries of the casino premises shall be accompanied by the prescribed fee.

(4) The defining or redefining of the boundaries of casino premises takes effect when the Authority gives written notice of it to the casino operator concerned or any later date specified in the notice.

Duration of casino licence

52. A casino licence remains in force for the period for which it is granted, as specified in the licence, unless it is sooner cancelled or surrendered under this Act.

Transfer, mortgage, etc., of casino licence

53.—(1) No casino licence shall be transferable except with the prior approval in writing of the Authority.

(2) A casino operator shall not mortgage, charge or otherwise encumber the casino licence except with the prior approval in writing of the Authority.

Disciplinary action against casino operator

54.—(1) In this section —

“disciplinary action”, in relation to a casino operator, means one or more of the following:

- (a) the cancellation or suspension of a casino licence;
- (b) the issuing of a letter of censure;
- (c) the variation of the terms of a casino licence;
- (d) the imposition of a financial penalty for each ground of disciplinary action —
 - (i) in respect of a serious breach, of a sum not exceeding 10% of the annual gross gaming revenue (as defined in section 146(6)) of the casino operator for the financial year immediately preceding the date the financial penalty is imposed, as ascertained from the casino operator’s latest audited accounts; or
 - (ii) in respect of any other ground of disciplinary action, of a sum not exceeding \$1 million;

[Act 36 of 2012 wef 31/01/2013]

“grounds for disciplinary action”, in relation to a casino operator, means any of the following grounds:

- (a) that the casino licence was improperly obtained in that, at the time the casino licence was granted or renewed, there were grounds for refusing it;
[Act 36 of 2012 wef 31/01/2013]
- (b) that the casino operator, a person in charge of the casino, an agent of the casino operator or a casino employee has contravened a provision of this Act or a condition of the casino licence;
- (c) that the casino premises are, for specified reasons, no longer suitable for the conduct of casino operations;
[Act 36 of 2012 wef 31/01/2013]
- (d) the casino operator is, for specified reasons, in the opinion of the Authority no longer a suitable person to

hold the casino licence having regard to the matters in section 45(2);

[Act 36 of 2012 wef 31/01/2013]

- (e) the casino operator has failed to comply with a direction under subsection (7) of section 63 within the time referred to in that subsection to terminate an association with an associate;

[Act 36 of 2012 wef 31/01/2013]

- (f) the casino operator has failed to provide information that it is required by this Act to provide or has provided information knowing it to be false or misleading or reckless as to whether it is so;

[Act 36 of 2012 wef 31/01/2013]

“serious breach”, in relation to a casino operator, means a contravention of a provision of this Act or a condition of the casino licence by the casino operator, a person in charge of the casino, an agent of the casino operator or a casino employee which, in the opinion of the Authority —

- (a) severely affects the integrity of the casino operations or the integrity of gaming in the casino or severely undermines a measure intended to safeguard individuals or society against harm from casino gambling;
- (b) has caused or could cause significant gain of property to a person not legally entitled to it or significant loss of property to a person legally entitled to it;
- (c) has occurred as a result of wilful intent or reckless disregard for regulatory compliance;
- (d) has arisen from or in connection with a systemic failure or multiple failures in the management or operation of the casino; or
- (e) is injurious to the public interest or public order.

[Act 36 of 2012 wef 31/01/2013]

(2) The Authority may serve on a casino operator a notice in writing affording the casino operator an opportunity to show cause within 14 days, or such longer period as the Authority may allow on application

by the casino operator, why disciplinary action should not be taken on grounds for disciplinary action specified in the notice.

[Act 36 of 2012 wef 31/01/2013]

(3) The casino operator may, within the period allowed under subsection (2), arrange with the Authority for the making of submissions to the Authority as to why disciplinary action should not be taken and the Authority shall consider any submissions so made.

[Act 36 of 2012 wef 31/01/2013]

(4) The Authority may then take such disciplinary action against the casino operator as the Authority sees fit by giving written notice to the casino operator of the disciplinary action that the Authority intends to take.

(5) The cancellation, suspension or variation of a casino licence under this section takes effect when the notice under subsection (4) is given or on a later date specified in the notice.

(6) A letter of censure may censure the casino operator in respect of any matter connected with the operation of the casino and may include a direction to the casino operator to rectify within a specified time any matter giving rise to the letter of censure.

(7) If any direction given under subsection (6) is not complied within the specified time, the Authority may, by giving written notice to the casino operator, cancel, suspend or vary the terms of the casino licence or impose a financial penalty not exceeding the appropriate sum in paragraph (d) of the definition of “disciplinary action” in subsection (1) without affording the casino operator a further opportunity to be heard.

[Act 36 of 2012 wef 31/01/2013]

(8) If a casino operator operates a casino during the suspension of the casino licence, the Authority may, by written notice, impose a financial penalty not exceeding the appropriate sum in paragraph (d) of the definition of “disciplinary action” in subsection (1) on the casino operator for every day or part thereof that the casino operations continue while the casino licence is suspended, without affording the casino operator a further opportunity to be heard.

[Act 36 of 2012 wef 31/01/2013]

(9) A member of the Authority who has participated in the consideration of disciplinary action against a casino operator is not prevented by that reason alone from considering whether further disciplinary action should be taken against that casino operator.

(10) Any error in, revision to or adjustment of a casino operator's gross gaming revenue ascertained from its latest audited accounts shall not affect the validity of any financial penalty imposed by the Authority under this section.

[Act 36 of 2012 wef 31/01/2013]

Surrender of casino licence

55.—(1) A casino operator may surrender the casino licence by giving notice in writing to the Authority.

(2) The surrender takes effect only if the Authority consents to the surrender.

Appointment of manager if casino licence cancelled, surrendered or suspended

56.—(1) If a casino licence is cancelled, surrendered or suspended, the Authority may, with the approval of the Minister, appoint a manager of the casino for the purposes of this section.

(2) In appointing a person to be a manager, the Authority shall have regard to the suitability of the person.

(3) A manager is appointed on such terms and conditions as the Authority thinks fit.

(4) The appointment of a manager of a casino may be terminated at any time by the Authority and is terminated by the grant of another casino licence in respect of the casino.

(5) If the appointment of the manager is terminated, the manager ceases to be deemed to be the holder of a casino licence.

(6) A manager —

- (a) is deemed to be the holder of a casino licence on the same terms as those on which the casino operator held the licence before its cancellation, suspension or surrender, subject to such modifications as the Authority determines;

- (b) assumes full control of and responsibility for the business of the casino operator in respect of the casino and may retain for use in the casino any property of the casino operator;
- (c) shall conduct, or cause to be conducted, casino operations in accordance with this Act;
- (d) has, in connection with the conduct of those operations, all the functions of the casino operator; and
- (e) may employ such staff as may be required to operate the casino.

(7) Regulations made under this Act may make provision for or with respect to the appointment and functions of a manager appointed under this section.

(8) The following provisions have effect in respect of the net earnings of a casino while operations in the casino are being conducted by a manager under this section:

- (a) subject to paragraph (b), no payment of net earnings is to be made to the former casino operator without the prior approval of the Authority;
- (b) the former casino operator is entitled to a fair rate of return out of net earnings (if any) on any property of the former casino operator retained by the manager;
- (c) the Authority may direct that all or any part of net earnings (other than that referred to in paragraph (b)) shall be paid to the Authority, with any balance to be paid to the former casino operator.

PART IV

SUPERVISION AND CONTROL OF CASINO OPERATORS

Division 1 — Directions, investigations, etc.

Directions to casino operator

57.—(1) The Authority may give to a casino operator a written direction that relates to the conduct, supervision or control of casino

operations, whether within the casino premises or elsewhere, and the casino operator shall comply with the direction as soon as it takes effect.

[Act 36 of 2012 wef 31/01/2013]

(2) The direction takes effect when the direction is given to the casino operator or on a later date specified in the direction.

(3) The power conferred by this section includes a power to give a direction to a casino operator to adopt, vary, cease or refrain from any practice in respect of the conduct of casino operations, whether within the casino premises or elsewhere.

[Act 36 of 2012 wef 31/01/2013]

(4) A direction under this section shall not be inconsistent with this Act or the conditions of the casino licence.

(5) Any casino operator who fails to comply with a direction under this section shall be liable to disciplinary action.

(6) Where a casino operator has been subject to disciplinary action under subsection (5) (referred to in this section as the first disciplinary action) and continues to fail to comply with the direction of the Authority, such failure shall constitute a fresh ground of disciplinary action for every day or part thereof that the failure continues after the first disciplinary action.

General investigations

58.—(1) The Authority may investigate a casino from time to time and at any time that the Authority thinks it desirable to do so and, if it is directed to do so by the Minister, shall investigate the casino.

(2) The investigation may include (but is not limited to) an investigation of any or all of the following matters:

- (a) the casino and operations in the casino;
- (b) the casino operator or a person who, in the opinion of the Authority, is an associate of the casino operator;
- (c) any person who, in the opinion of the Authority, could affect the exercise of functions in or in relation to the casino;

- (d) any person who, in the opinion of the Authority, could be in a position to exercise direct or indirect control over the casino operator, or an associate of the casino operator, in relation to functions in or in relation to the casino;

[Act 36 of 2012 wef 31/01/2013]

- (e) any person, body or association having a business association with the casino operator or with an associate of the casino operator.

[Act 36 of 2012 wef 31/01/2013]

(3) The Authority may make a report to the Minister on the results of such an investigation if it thinks it desirable to do so and shall make such a report if the investigation was made at the direction of the Minister.

Regular investigations of casino operator's suitability, etc.

59. The Authority shall, at such intervals as it may determine, investigate whether or not —

- (a) the casino operator is a suitable person to continue to hold the casino licence; and
- (b) the casino licence should continue in force,

and shall take whatever action the Authority considers appropriate in the light of its findings.

Casino operator to provide information

60.—(1) The Authority may, by notice in writing, require a casino operator or a person who was a casino operator or a person who, in the opinion of the Authority, is or was directly or indirectly associated with the casino operator —

- (a) to provide the Authority or an authorised person, in accordance with directions in the notice, with such information relevant to the casino operator or that association or to the casino, or with such information as the Authority requires, as is specified in the notice;
- (b) to produce to the Authority or an authorised person, in accordance with the directions in the notice, such records

relevant to the casino operator or that association or to the casino, or to matters specified by the Authority, as are specified in the notice and to permit examination of those records, the taking of extracts from them and the making of copies of them; or

- (c) to attend before the Authority or an authorised person for examination in relation to any matters relevant to the casino operator or that association or to the casino, or to matters specified by the Authority, and to answer questions relating to those matters.

(2) If records are produced under this section, the Authority or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary for investigations to be carried out.

(3) At any reasonable time during the period for which records are retained, the Authority or authorised person shall permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Authority or an authorised person.

(4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

(5) Any casino operator who fails to comply with a requirement of a notice under this section shall be liable to disciplinary action.

(6) Any person (other than a casino operator) who fails to comply with a requirement of a notice under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part thereof during which the offence continues after conviction.

Change in situation of casino operator

61.—(1) In this section —

“major change”, in the situation existing in relation to a casino operator, means —

- (a) any change which results in a person becoming an associate of the casino operator;

(b) any change in the person engaged or appointed to manage or operate the casino; or

(c) any other change which is of a class or description prescribed as major for the purposes of this section;

“minor change”, in the situation existing in relation to a casino operator, means any change in that situation that is prescribed as a minor change for the purposes of this section.

(2) A casino operator shall —

(a) take all reasonable steps to ensure that a major change in the situation existing in relation to the casino operator which is within the casino operator’s power to prevent occurring does not occur except with the prior approval in writing of the Authority;

(b) where paragraph (a) does not apply, notify the Authority in writing of any major change in the situation existing in relation to the casino operator within 3 days after the casino operator becomes aware of the change; and

(c) notify the Authority in writing of any minor change in the situation existing in relation to the casino operator within 14 days after becoming aware that the change has occurred.

(3) Sections 46 and 47 apply to and in respect of an application for approval under this section in the same manner that they apply to and in respect of an application for a casino licence.

(4) If a major change is proposed or has occurred involving a person becoming an associate of a casino operator —

(a) in a case which also requires —

(i) an application to be made under section 65 or 66 by a shareholder or prospective shareholder of the casino operator;

(ii) notice of a controlled contract to be given under section 73; or

(iii) an application for a special employee licence to be made under section 81,

the casino operator shall be deemed to have complied with subsection (2)(a) if such application is made or such notice is given, as the case may be; or

- (b) in any other case, the Authority shall inquire into the change to determine whether it is satisfied that the person is a suitable person to be associated with the management of a casino having regard to the matters in section 63(4) and if it is not so satisfied, shall take such action as it considers appropriate under section 63.

(5) Any casino operator who fails to comply with subsection (2) shall be liable to disciplinary action.

Change in situation of associate

62.—(1) Where a change of a kind specified by the Authority in writing given to an associate of a casino operator takes place in the situation existing in relation to the associate of the casino operator, the associate shall notify the Authority in writing of the change within 14 days after it takes place.

(2) Any associate of a casino operator who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part thereof during which the offence continues after conviction.

On-going monitoring of associates and others

63.—(1) The Authority may, from time to time, investigate —

- (a) an associate, or a person likely to become an associate, of a casino operator; or
- (b) any person, body or association having a business association with a person referred to in paragraph (a).

(2) A casino operator shall notify the Authority in writing that a person is likely to become an associate as soon as practicable after the casino operator becomes aware of the likelihood.

(3) If the Authority, having regard to the relevant matters referred to in section 45(2), determines that an associate is unsuitable to be concerned in or associated with the business of the casino operator, the Authority may, by notice in writing, require the associate to terminate the association with the casino operator.

[Act 36 of 2012 wef 31/01/2013]

(4) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

(5) If the Authority determines that an associate of a casino operator has engaged or is engaging in conduct that, in the Authority's opinion, is unacceptable for a person who is concerned in or associated with the ownership, management or operation of the business of the casino operator, the Authority may —

- (a) issue a written warning to the associate that the conduct is unacceptable; or
- (b) give written notice to the associate requiring the associate to give a written undertaking to the Authority, within the period specified in the notice, regarding the future conduct of the associate.

(6) If the associate fails to give an undertaking required under subsection (5)(b) or breaches an undertaking given under that subsection, the Authority may give the associate written notice requiring the associate to terminate, within 14 days or a longer period agreed with the Authority, the association with the casino operator.

(7) If the association is not terminated within 14 days from the date of the notice referred to in subsection (3) or (6) or any longer period agreed with the Authority, the Authority may, by notice in writing, direct the casino operator to take all reasonable steps to terminate the association and the casino operator shall comply with the direction within 14 days or any longer period agreed with the Authority.

(8) The Authority may —

- (a) require an associate or a person likely to become an associate to consent to having his photograph, finger prints and palm prints taken; and

- (b) send a copy of such photograph, finger prints and palm prints and any supporting documents to the Commissioner of Police.

(8A) The Commissioner of Police or any police officer authorised by the Commissioner shall inquire into and report to the Authority on such matters concerning the associate or person likely to become an associate as the Authority requests.

[30/2008 wef 17/12/2008]

- (9) Any casino operator who fails to comply with subsection (2) or (7) shall be liable to disciplinary action.

Division 2 — Controlled shareholdings

Application and interpretation of this Division

64.—(1) This Division shall apply to, and in relation to, all individuals whether resident in Singapore or not and whether citizens of Singapore or not, and to all bodies corporate or unincorporate, whether incorporated or carrying on business in Singapore or not.

- (2) In this Division, unless the context otherwise requires —

“arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;

“related corporation”, in relation to a corporation, means a corporation that is deemed to be related to the first-mentioned corporation under section 6 of the Companies Act (Cap. 50);

“relevant date”, in relation to a corporation, means the date on which a casino licence granted to that corporation first commences, whether before, on or after the date of commencement of sections 20 and 21 of the Casino Control (Amendment) Act 2012;

[Act 36 of 2012 wef 31/01/2013]

“substantial shareholder” has the same meaning as in section 81 of the Companies Act.

(3) In this Division, a person, *A*, is an associate of another person, *B*, if —

- (a) *A* is a spouse, a parent, remoter lineal ancestor or step-parent, a son, daughter, remoter issue, step-son or step-daughter or a brother or sister of *B*;
- (b) *A* is a corporation the directors of which are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B*, or where *B* is a corporation, of the directors of *B*;
- (c) *B* is a corporation the directors of which are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A*, or where *A* is a corporation, of the directors of *A*;
- (d) *A* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B*;
- (e) *B* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A*;
- (f) *A* is a related corporation of *B*;
- (g) *A* is a corporation in which *B*, alone or together with other associates of *B* as described in paragraphs (b) to (f), is in a position to control not less than 20% of the votes in *A*;
- (h) *B* is a corporation in which *A*, alone or together with other associates of *A* as described in paragraphs (b) to (f), is in a position to control not less than 20% of the votes in *B*; or
- (i) *A* is a person with whom *B* has an agreement or arrangement, whether oral or in writing and whether express or implied, to act together with respect to the acquisition, holding or disposal of shares or other interests in, or with respect to the exercise of their votes in relation to, the corporation.

[Act 36 of 2012 wef 31/01/2013]

(4) For the purposes of this Division, a person has an interest in any share if —

- (a) he is deemed to have an interest in that share under section 7 of the Companies Act (Cap. 50); or
- (b) he otherwise has a legal or an equitable interest in that share except for such interest as is to be disregarded under section 7 of the Companies Act.

Control of substantial shareholdings in corporation with casino licence

65.—(1) No person shall, on or after the relevant date in relation to a corporation —

- (a) become a substantial shareholder of that corporation; or
[Act 36 of 2012 wef 31/01/2013]
- (b) enter into any agreement or arrangement, whether oral or in writing and whether express or implied, to act together with any other person with respect to the acquisition, holding or disposal of, or the exercise of rights in relation to, their interests in voting shares of an aggregate of 5% or more of the total votes attached to all voting shares in that corporation,

[Act 36 of 2012 wef 31/01/2013]

without first obtaining the approval of the Minister.

[Act 36 of 2012 wef 31/01/2013]

(2) Subject to section 67(4), no person who —

- (a) immediately before the relevant date in relation to a corporation, is a substantial shareholder of that corporation shall continue to be such a shareholder unless he has, within 6 months after the relevant date or such longer period as the Minister may allow, applied to the Minister for approval to continue to be such a shareholder; or

[Act 36 of 2012 wef 31/01/2013]

- (b) at any time before the relevant date, has entered into any agreement or arrangement referred to in subsection (1)(b) shall continue to be a party to such an agreement or

arrangement unless he has, within 6 months after the relevant date or such longer period as the Minister may allow, applied to the Minister for approval to continue to be a party to such an agreement or arrangement.

[Act 36 of 2012 wef 31/01/2013]

Control of shareholdings and voting power in corporation with casino licence

66.—(1) No person shall, on or after the relevant date in relation to a corporation, become —

- (a) a 12% controller;
- (b) a 20% controller; or
- (c) an indirect controller,

of that corporation without first obtaining the approval of the Minister.

[Act 36 of 2012 wef 31/01/2013]

(2) Subject to section 67(4), no person who, immediately before the relevant date in relation to a corporation, is —

- (a) a 12% controller;
- (b) a 20% controller; or
- (c) an indirect controller,

of that corporation shall continue to be such a controller unless he has, within 6 months after the relevant date or such longer period as the Minister may allow, applied to the Minister for approval to continue to be such a controller.

[Act 36 of 2012 wef 31/01/2013]

(3) In subsections (1) and (2) —

“12% controller” means a person who, alone or together with his associates —

- (a) holds or has interests in 12% or more but less than 20% of the total number of issued shares in a corporation; or

[Act 36 of 2012 wef 31/01/2013]

- (b) is in a position to control voting power of 12% or more but less than 20% in a corporation;

[Act 36 of 2012 wef 31/01/2013]

“20% controller” means a person who, alone or together with his associates —

(a) holds or has interests in 20% or more of the total number of issued shares in a corporation; or

[Act 36 of 2012 wef 31/01/2013]

(b) is in a position to control voting power of 20% or more in a corporation;

[Act 36 of 2012 wef 31/01/2013]

“indirect controller” means any person, whether acting alone or together with any other person, and whether with or without holding shares or controlling voting power in a corporation, who is, in the opinion of the Minister, a person —

(a) in accordance with whose directions, instructions or wishes the directors of the corporation are accustomed or under an obligation, whether formal or informal, to act; or

(b) who is in a position to determine the policy of the corporation,

but does not include any person in accordance with whose directions, instructions or wishes the directors of the corporation are accustomed to act by reason only that they act on advice given by him in his professional capacity.

[Act 36 of 2012 wef 31/01/2013]

(4) For the purposes of subsection (3), a reference to the control of a percentage of the voting power in a corporation is a reference to the control, whether direct or indirect, of that percentage of the total number of votes that might be cast in a general meeting of the corporation.

[Act 36 of 2012 wef 31/01/2013]

Approval of applications

67.—(1) The Minister may, in his discretion, approve an application made by any person under section 65 or 66 if the Minister is satisfied that —

(a) the person is a suitable person to be concerned in or associated with the management and operation of a casino;

(b) having regard to the person's likely influence, the corporation will or will continue to conduct its business prudently and comply with the provisions of this Act; and
[Act 36 of 2012 wef 31/01/2013]

(c) it is in the public interest to do so.

(2) Any approval under this section may be granted to any person subject to such conditions as the Minister may determine, including but not limited to any condition —

(a) restricting the person's disposal or further acquisition of shares or voting power in the corporation; or
[Act 36 of 2012 wef 31/01/2013]

(b) restricting the person's exercise of voting power in the corporation.

[Act 36 of 2012 wef 31/01/2013]

(3) Any condition imposed under subsection (2) shall have effect notwithstanding any of the provisions of the Companies Act (Cap. 50) or anything contained in the memorandum or articles of association of the corporation.

[Act 36 of 2012 wef 31/01/2013]

(4) Where the Minister disapproves an application made by any person under section 65(2) or 66(2), the person shall, within such time as the Minister may specify, take such steps as are necessary —

(a) in the case of section 65(2), to cease to be a substantial shareholder or a party to the agreement or arrangement, as the case may be;

(b) in the case of section 66(2), to cease to be —

(i) a 12% controller;

(ii) a 20% controller; or

(iii) an indirect controller,

as the case may be.

Power to exempt

68. The Minister may, by order published in the *Gazette*, exempt —

(a) any person or class of persons; or

(b) any class or description of shares or interests in shares, from section 65 or 66, subject to such terms and conditions as may be specified in the order.

Objection to existing control of casino operator

69.—(1) The Minister may serve a written notice of objection on any person referred to in section 65 or 66 if the Minister is satisfied that —

- (a) any condition of approval imposed on the person under section 67(2) has not been complied with;
- (b) the person ceases to be a suitable person to be concerned in or associated with the management and operation of a casino;
- (c) having regard to the person's likely influence, the casino operator is no longer likely to conduct its business prudently or to comply with the provisions of this Act;
- (d) it is no longer in the public interest to allow the person to continue to be a party to the agreement or arrangement described in section 65(1)(b) or (2)(b), or to continue to be a substantial shareholder, a 12% controller, a 20% controller or an indirect controller, as the case may be;
- (e) the person has furnished false or misleading information or documents in connection with an application under section 65 or 66; or
- (f) he would not have granted his approval under section 67 had he been aware, at that time, of circumstances relevant to the person's application for such approval.

(2) Before the service of a written notice of objection, the Minister shall, unless he decides that it is not practicable or desirable to do so, cause to be given to the person concerned notice in writing of his intention to serve the written notice of objection, specifying a date by which the person may make written representations with regard to the proposed written notice of objection.

(3) Upon receipt of any written representations, the Minister shall consider them for the purpose of determining whether to issue a written notice of objection.

(4) The Minister shall, in any written notice of objection, specify a reasonable period within which the person to be served the written notice of objection shall —

- (a) take such steps as are necessary to ensure that he ceases to be a party to the agreement or arrangement described in section 65(1)(b) or (2)(b), or ceases to be a substantial shareholder, a 12% controller, a 20% controller or an indirect controller as defined in section 66(3), as the case may be; or
- (b) comply with such direction or directions as the Minister may make under section 70.

(5) Any person served with a notice of objection under this section shall comply with the notice.

Power to make directions

70.—(1) Without prejudice to section 71, if the Minister is satisfied that any person has contravened section 65, 66, 67(4) or 69(5) or has failed to comply with any condition imposed under section 67(2), or if the Minister has served a written notice of objection under section 69, the Minister may, by notice in writing —

- (a) direct the transfer or disposal of all or any of the shares in the casino operator held by the person or any of his associates (referred to in this section as the specified shares) within such time or subject to such conditions as the Minister considers appropriate;
- (b) restrict the transfer or disposal of the specified shares; or
- (c) make such other direction as the Minister considers appropriate.

(2) Any person to whom a notice is given under subsection (1) shall comply with such direction or directions as may be specified in the notice.

(3) In the case of any direction made under subsection (1)(a) or (b), until a transfer or disposal is effected in accordance with the direction or until the restriction on the transfer or disposal is removed, as the case may be, notwithstanding any of the provisions of the Companies Act (Cap. 50) or anything contained in the memorandum or articles of association of the casino operator —

- (a) no voting rights shall be exercisable in respect of the specified shares unless the Minister expressly permits such rights to be exercised;
- (b) no shares of the casino operator shall be issued or offered (whether by way of rights, bonus or otherwise) in respect of the specified shares unless the Minister expressly permits such issue or offer; and
- (c) except in a liquidation of the casino operator, no payment shall be made by the casino operator of any amount (whether by way of dividends or otherwise) in respect of the specified shares unless the Minister expressly permits such payment.

Offences, penalties and defences

71.—(1) Any person who contravenes section 65, 66(1)(a) or (2)(a) or 67(4)(a) or (b)(i) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$125,000 and, in the case of a continuing offence, to a further fine not exceeding \$12,500 for every day or part thereof during which the offence continues after conviction; or
 - (b) in any other case, to a fine not exceeding \$250,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for every day or part thereof during which the offence continues after conviction.
- (2) Any person who contravenes section 66(1)(b) or (c), (2)(b) or (c), 67(4)(b)(ii) or (iii), 69(5) or 70(2), or who fails to comply with any

condition imposed under section 67(2), shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$125,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$12,500 for every day or part thereof during which the offence continues after conviction; or
- (b) in any other case, to a fine not exceeding \$250,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for every day or part thereof during which the offence continues after conviction.

(3) Where a person is charged with an offence in respect of a contravention of section 65 or 66, it shall be a defence for the person to prove that —

- (a) he was not aware that he had contravened section 65 or 66, as the case may be; and
- (b) he has, within 14 days of becoming aware that he had contravened section 65 or 66, as the case may be, notified the Minister of the contravention and, within such time as may be determined by the Minister, taken such actions in relation to his shareholding or control of the voting power in the casino operator as the Minister may direct.

(4) Where a person is charged with an offence in respect of a contravention of section 66(1), it shall also be a defence for the person to prove that, even though he was aware of the contravention —

- (a) the contravention occurred as a result of an increase in the shareholding of, or in the voting power controlled by, any of his associates;
- (b) he has no agreement or arrangement, whether oral or in writing and whether express or implied, with that associate with respect to the acquisition, holding or disposal of shares or other interests in, or under which they act together in exercising their voting power in relation to the casino operator; and

- (c) he has, within 14 days of the date of the contravention, notified the Minister of the contravention and, within such time as may be determined by the Minister, taken such action in relation to his shareholding or control of the voting power in the casino operator as the Minister may direct.

(5) Except as provided in subsections (3) and (4), it shall not be a defence for a person charged with an offence in respect of a contravention of section 65 or 66 to prove that he did not intend to or did not knowingly contravene section 65 or 66, as the case may be.

Division 3 — Contracts

Application and interpretation of this Division

72.—(1) In this Division —

“contract” includes any kind of agreement or arrangement;

“controlled contract”, in relation to a casino operator, means —

- (a) a contract that relates wholly or partly to the supply of goods or services for the operations of the casino or to any other matter that is prescribed as a controlled matter for the purposes of this definition;
- (b) a contract above a prescribed value; or
- (c) any class of contract prescribed as a controlled contract for the purposes of this definition,

but does not include a contract that relates solely to —

- (i) the construction of the casino premises;
- (ii) any other class of matter prescribed as not being controlled matter for the purposes of this definition;
- (iii) a class of contract of a kind approved under subsection (2); or
- (iv) any other class of contract prescribed as not being a controlled contract for the purposes of this definition;

[Act 36 of 2012 wef 31/01/2013]

“notifiable contract” means a contract of a class or type prescribed as a notifiable contract for the purposes of this Division but does not include a controlled contract;

[Act 36 of 2012 wef 31/01/2013]

“supply of goods or services” includes the supply of intangible goods, assets and intellectual property rights.

[Act 36 of 2012 wef 31/01/2013]

(2) The Authority may, by notice in writing given to the casino operator, approve an agreement or arrangement with a specified person for the supply of specified goods or services as an agreement or arrangement that is not a contract to which this Division applies.

(3) The Authority may, by notice in writing given to the casino operator, exempt the casino operator from any of the requirements or provisions of this Division that are specified in the notice.

[Act 36 of 2012 wef 31/01/2013]

(4) The notice under subsection (3) may specify that it applies to contracts generally or to the classes of contracts specified in the notice.

Requirements for controlled contracts

73.—(1) A casino operator shall not enter into or be a party to, or to the variation of, a contract that is a controlled contract in relation to that casino operator unless —

(a) the casino operator has given notice in writing to the Authority of the details of the proposed contract or variation at least 28 days (or such shorter period as the Authority may allow in any particular case) before entering into or becoming a party to it, and the Authority has notified the casino operator that it has no objections to the proposed contract or variation; or

[Act 36 of 2012 wef 31/01/2013]

(b) the casino operator reports the entering into or variation of the contract in such other form and manner as the Authority has required by prior notice in writing given to the casino operator in lieu of the obligation in paragraph (a).

[Act 36 of 2012 wef 31/01/2013]

(2) If the Authority notifies the casino operator that it requires further time to conduct its investigations, the casino operator shall not enter into the contract until the Authority notifies the casino operator that it has no objections to the proposed contract or variation.

[Act 36 of 2012 wef 31/01/2013]

(3) If the Authority notifies the casino operator that it objects to the proposed contract, the casino operator shall not enter into the contract.

(4) The Authority may object to a proposed contract if, having regard to the circumstances, including the suitability of each party to the contract, it considers that the contract will affect the credibility, integrity and stability of casino operations.

(5) Any casino operator who contravenes subsection (1), (2) or (3) shall be liable to disciplinary action.

Notifiable contracts

74.—(1) A casino operator which enters into or becomes a party to, or to the variation of, a contract that is a notifiable contract in relation to that casino operator shall —

- (a) within 14 days after entering into the notifiable contract or the variation, as the case may be, give notice in writing to the Authority of that fact and brief particulars of the contract or variation, in such form and manner as may be prescribed; or
- (b) report the entering into or variation of the contract in such other form and manner as the Authority has required by prior notice in writing given to the casino operator in lieu of the obligation in paragraph (a).

(2) Any casino operator which contravenes subsection (1) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Parties to contract to provide information

75. The Authority may, by notice in writing, require any party to a controlled contract or a notifiable contract to provide such information

as the Authority may require, and section 60 shall apply to that party in the same manner as section 60 applies to a casino operator.

[Act 36 of 2012 wef 31/01/2013]

Notice to show cause why controlled contract or notifiable contract should not be terminated

76.—(1) The Authority may serve on each party to a controlled contract or a notifiable contract a notice in writing affording the party an opportunity to show cause within 14 days, or such longer period as the Authority may allow on application by any party to the contract, why the contract should not be terminated on the ground that, for reasons specified in the notice, the continuance of the contract affects the credibility, integrity and stability of casino operations.

[Act 36 of 2012 wef 31/01/2013]

(1A) The Authority may, in the event of any immediate threat to the credibility, integrity and stability of casino operations, by a notice in writing served on each party, direct that further performance of any controlled contract or notifiable contract (whether entered into before, on or after the date of commencement of section 27 of the Casino Control (Amendment) Act 2012) shall be suspended from the date the notice is served until a determination is made by the Authority as to whether the contract should be terminated.

[Act 36 of 2012 wef 31/01/2013]

(2) The person may, within the period specified in the notice in subsection (1), arrange with the Authority for the making of submissions as to why the contract should not be terminated.

(3) After considering any submissions so made, the Authority may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.

(4) If the contract is not terminated as required by the notice under subsection (3), it is deemed to be terminated by this Act upon expiry of the period specified in the notice.

(5) No compensation shall be payable by the Authority in respect of any contract which is suspended under subsection (1A), whether or not such contract is terminated under this section.

[Act 36 of 2012 wef 31/01/2013]

Effect of suspension or termination of contract

77. If a contract is suspended, terminated or deemed to be terminated in accordance with section 76 —

- (a) the suspension or termination does not affect a right acquired, or a liability incurred, before that suspension or termination by a person who was a party to the contract;
[Act 36 of 2012 wef 31/01/2013]
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that suspension or termination; and
[Act 36 of 2012 wef 31/01/2013]
- (c) the Authority does not incur any liability by reason of that suspension or termination.
[Act 36 of 2012 wef 31/01/2013]
[Act 36 of 2012 wef 31/01/2013]

No effect to be given to suspended or terminated contract

78.—(1) A party to a contract suspended, terminated or deemed to be terminated in accordance with section 76 shall not give any effect to any part of the contract during the period of suspension or upon the termination of the contract, as the case may be.

[Act 36 of 2012 wef 31/01/2013]

(2) Any casino operator who contravenes subsection (1) shall be liable to disciplinary action.

(3) Any person (other than a casino operator) who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$150,000 and, in the case of a continuing offence, to a further fine not exceeding \$15,000 for every day or part thereof during which the offence continues after conviction.

PART V
SPECIAL EMPLOYEES

Interpretation of this Part

79. In this Part, “licensee” means the holder of a special employee licence.

Special employees to be licensed

80.—(1) A person shall not exercise in or in relation to a casino any of the functions of a special employee except in accordance with the authority conferred on the person by a special employee licence.

(2) Every licensee shall exercise the functions specified in his special employee licence in accordance with the provisions of this Act and the conditions of the special employee licence.

(3) A casino operator shall not —

- (a) employ or use the services of a person to perform any function of a special employee in or in relation to a casino; or
- (b) allocate or permit or suffer to be allocated to a person the exercise of any function of a special employee in or in relation to the casino,

unless the person is authorised by a special employee licence to exercise the function concerned.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part thereof during which the offence continues after conviction.

(5) Any casino operator who contravenes subsection (3) shall be liable to disciplinary action.

Application for special employee licence

81.—(1) An application for a special employee licence shall be in a form approved by the Authority, shall be lodged with the Authority and shall be accompanied by —

- (a) the prescribed fee;
- (b) such documents as may be specified in the application form and such other document as may be required by the Authority; and
- (c) a certificate by the casino operator who employs or is proposing to employ the applicant as to the competence of the applicant to exercise the functions specified in the certificate.

(2) If the applicant is a natural person, the Authority may —

- (a) require the applicant to consent to have taken his photograph and finger prints or palm prints or both; and
- (b) send a copy of such photograph and finger prints or palm prints or both, and any supporting documents to the Commissioner of Police.

(2A) The Commissioner of Police or any police officer authorised by the Commissioner shall inquire into and report to the Authority on such matters concerning the application for a special employee licence as the Authority requests.

[30/2008 wef 17/12/2008]

(3) An application for a special employee licence may not be made by a person who is below the prescribed age or is a person within a class of persons prescribed as being ineligible to apply for a special employee licence.

(4) If a requirement under this section is not complied with, the Authority may refuse to consider the application concerned.

Direction to apply for special employee licence

82.—(1) For the purposes of this section, a person has a special relationship with a casino if, in the opinion of the Authority —

- (a) the person is associated with the casino operator or is a casino employee, and has the power to exercise a significant influence over or with respect to operations in the casino; or

- (b) the person is associated with the casino operator or is a casino employee, and the person, by reason of his remuneration or authority in relation to the operations in the casino, should be licensed as a special employee.
- (2) The Authority may by notice in writing given to a person who has a special relationship with a casino —
- (a) direct that the association or employment that constitutes the special relationship is to be regarded as the exercise by the person of the functions of a special employee; and
- (b) require the person to apply for the appropriate special employee licence within a specified period of not less than 7 days.
- (3) The association or employment specified in the notice shall, for the purposes of this Part, be regarded as the exercise by the person of the functions of a special employee as soon as —
- (a) the period allowed by the direction for the making of an application for the appropriate special employee licence expires with no application having been made; or
- (b) if the application is made within that period, the application is determined.
- (4) If this section results in a person who has a special relationship with a casino contravening section 80 —
- (a) the Authority shall notify that person and the casino operator of that fact; and
- (b) the person and the casino operator are each guilty of contravening that section if the association or employment that constitutes the contravention is not terminated within 24 hours, or such longer period as the Authority may allow, after that notice is given.
- (5) The termination of an association or employment in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement and the Authority does not incur any liability because of such a termination.

Updating of application for special employee licence

83.—(1) If a change occurs in the information provided in or in connection with an application for a special employee licence (including in any documents lodged with the application) before the application is granted or refused, the applicant shall, without delay, give the Authority written particulars of the change in the form approved by the Authority.

(2) When particulars of the change are given, those particulars are then to be considered to have formed part of the original application, for the purposes of the operation of subsection (1) in relation to any further change in the information provided.

(3) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part thereof during which the offence continues after conviction.

Authority may require further information

84.—(1) The Authority may, by notice in writing, require a person who is an applicant for a special employee licence or who, in the opinion of the Authority has some association or connection with the applicant that is relevant to the application, to do any one or more of the following:

- (a) to provide, in accordance with directions in the notice, such information as is relevant to the investigation of the application and is specified in the notice;
- (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them;
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b);

- (d) to furnish to the Authority such authorisations and consents as the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the person and his associates or relations from other persons.

[Act 36 of 2012 wef 31/01/2013]

(2) If a requirement made under this section is not complied with, the Authority may refuse to consider the application concerned.

Investigation and determination of application

85.—(1) The Authority shall investigate and consider each application for a special employee licence, taking into account any submissions made by the applicant within the time allowed, and shall make an assessment of —

- (a) the integrity, responsibility, personal background and financial stability of the applicant;
- (b) the general reputation of the applicant having regard to character, honesty and integrity;
- (c) the suitability of the applicant to perform the type of work proposed to be performed by the applicant as a licensee; and
- (d) any other matter relevant to the application.

(2) The Authority shall determine the application by either issuing a special employee licence to the applicant or refusing the application and shall notify the applicant in writing accordingly.

(3) The Authority is not required to give reasons for the decision but may give reasons if it thinks fit.

(4) The licensee shall pay to the Authority a special employee licence fee of such amount, at such times and in such manner as may be prescribed.

Conditions of special employee licence

86.—(1) A special employee licence is subject to any condition imposed by the Authority and notified to the licensee on the issue of the special employee licence or during its currency.

(2) A condition of a special employee licence may be varied or revoked by the Authority whether or not an application is made to the Authority by the licensee.

Identification

87.—(1) Subject to subsection (2), a special employee shall at all times while on duty in the casino wear identification of a kind approved by the Authority in such manner as to be visible to other persons within the casino premises.

(2) The Authority may exempt a person or class of persons from the requirements of subsection (1).

Provisional licences

88.—(1) The Authority may, pending a decision on an application for a licence, grant the applicant a provisional licence.

(2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Authority when issuing the licence.

(3) A provisional licence may be cancelled by the Authority at any time and, unless sooner surrendered or cancelled, ceases to have effect on the approval or refusal of the provisional licensee's application for a licence.

(4) This Part applies to a provisional licence in the same way as it applies to a licence to the extent that it is consistent with this section.

Duration of special employee licence

89. A special employee licence remains in force until whichever of the following happens first:

- (a) the special employee licence is cancelled;
- (b) the licensee, by notice in writing, surrenders the special employee licence to the Authority; or
- (c) the expiration of such period as is specified in the special employee licence.

Renewal of special employee licence

90.—(1) A licensee may apply to the Authority for a new special employee licence, in which case the current special employee licence continues in force until the new licence is issued or its issue is refused.

(2) An application for a new special employee licence shall be made in a form approved by the Authority and shall be accompanied by the prescribed fee.

(3) This Part (except provisions relating to the form of an application or the issue of a provisional licence) applies to and in relation to —

- (a) an application under this section for a new special employee licence;
- (b) the determination of such an application; and
- (c) any special employee licence issued as a result of such an application,

as if the application has been made by a person other than a licensee.

Variation of special employee licence

91.—(1) An application may be made to the Authority by the licensee, accompanied by the prescribed fee, for variation of a special employee licence.

(2) Except in relation to the fee to accompany the application, this Part applies in relation to such an application in the same way as it applies to an application for a special employee licence.

(3) If the application is approved, the Authority may vary the special employee licence to which the application relates (or issue a new special employee licence specifying the varied authority).

Loss, etc., of special employee licence

92. If the Authority is satisfied that a special employee licence has been lost, destroyed or damaged, the Authority may, on payment of the prescribed fee, issue a replacement special employee licence.

Cancellation, etc., of special employee licence

93.—(1) In this section —

“disciplinary action”, in relation to a licensee, means one or more of the following:

- (a) the service of a written notice on the licensee censuring him for any action specified in the notice;
- (b) variation of the special employee licence;
- (c) suspension of the special employee licence for a specified period;
- (d) cancellation of the special employee licence;
- (e) cancellation of the special employee licence and disqualification from obtaining or applying for a special employee licence under this Part for a specified period;
- (f) the imposition of a financial penalty not exceeding \$10,000 for each ground of disciplinary action;

“grounds for disciplinary action” means any of the following grounds in respect of a special employee licence:

- (a) that the special employee licence was improperly obtained in that, when it was granted, there were grounds for refusing it;
- (b) that the licensee has been convicted or found guilty of —
 - (i) an offence under this Act;
 - (ii) an offence arising out of or in connection with the employment of the licensee under this Act;
or
 - (iii) whether in Singapore or elsewhere, an offence involving dishonesty or moral turpitude;
- (c) that the licensee has contravened a provision of this Act or a condition of his special employee licence;

[Act 36 of 2012 wef 31/01/2013]

(d) that the licensee has failed to provide information that he is required by this Act to provide or has provided information knowing it to be false or misleading or reckless as to whether it is so;

[Act 36 of 2012 wef 31/01/2013]

(e) that the licensee has become bankrupt, applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his creditors or made an assignment of his remuneration for their benefit;

(f) that for any reason, the licensee is, in the opinion of the Authority, no longer a suitable person to hold a special employee licence, having regard to the matters in section 85(1).

[Act 36 of 2012 wef 31/01/2013]

(2) The Authority may inquire into whether there are grounds for disciplinary action against a licensee.

(3) If the Authority decides that disciplinary action be taken against the licensee, the Authority shall give the licensee notice of the recommendation and at least 14 days to make submissions to the Authority on the matter.

(4) The Authority shall consider any submissions made by the licensee within the time allowed and shall decide whether to take disciplinary action against the licensee.

(5) If the Authority decides that there are grounds for disciplinary action against a licensee, the Authority may take the disciplinary action by giving notice in writing of the disciplinary action to the licensee.

(6) The disciplinary action takes effect when the notice under subsection (5) is given or on a later date specified in the notice.

Suspension of licence pending disciplinary action

93A.—(1) In any case where —

(a) it appears to be necessary to the Authority to prevent any threat to the security of the public or of casino operations;

- (b) the Authority has been informed that a licensee is under investigation for, or has been charged with —
- (i) an offence under this Act;
 - (ii) an offence arising out of or in connection with the employment of the licensee under this Act; or
 - (iii) an offence involving dishonesty or moral turpitude, whether in Singapore or elsewhere; or
- (c) disciplinary proceedings under section 93 have been or will be commenced against a licensee,

the Authority may suspend the licensee concerned, pending the conclusion of any inquiry or disciplinary proceedings against the licensee under section 93, if the Authority thinks it necessary in the public interest that the licensee should immediately cease his functions in relation to any casino.

(2) Any licensee who is aggrieved by any suspension under subsection (1) may, within 10 days after he is suspended, make representations in writing to the Authority and the Authority may, upon such representations, confirm, shorten or cancel the suspension.

(3) The suspension under subsection (1) shall take effect notwithstanding that any representation under subsection (2) is made.

[Act 36 of 2012 wef 31/01/2013]

Effect, etc., of suspension

94.—(1) During any period of suspension of a special employee licence, the licensee is deemed not to be the holder of a special employee licence.

(2) Without prejudice to section 93A(2), the Authority may, at any time, terminate or reduce a period of suspension of a special employee licence.

[Act 36 of 2012 wef 31/01/2013]

Return of special employee licence on suspension or cancellation

95.—(1) If a special employee licence is suspended or cancelled, the licensee shall return the licence to the Authority immediately after the suspension or cancellation.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

Termination of employment on cancellation of special employee licence

96.—(1) If a casino operator receives written notice from the Authority that a special employee licence has been cancelled under section 93 or has otherwise ceased to be in force, the casino operator shall, within 24 hours after receiving the notice —

- (a) in the case of an associate of the casino operator, terminate the association that constitutes the exercise of the functions of a special employee; or
- (b) in the case of an employee, terminate the employment that constitutes the exercise of the functions of a special employee or cause it to be terminated.

(2) A termination of employment in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement and the Authority does not incur any liability because of such a termination.

(3) Any casino operator who fails to comply with subsection (1) shall be liable to disciplinary action.

Casino operator to provide information relating to employees

97.—(1) A casino operator —

- (a) within 7 days (or such other period as the Authority may, on the application of the casino operator, allow in any particular case) after a licensed special employee

commences to have functions in or in relation to the casino, shall notify the Authority, in a form approved by the Authority, of the commencement of the exercise of those functions;

[Act 36 of 2012 wef 31/01/2013]

- (b) not less than once each year, on a date specified by the Authority, shall submit to the Authority, in a form approved by the Authority, a list of the licensed special employees having functions in or in relation to the casino;
 - (c) not later than 7 days (or such other period as the Authority may, on the application of the casino operator, allow in any particular case) after a licensed special employee ceases to have functions in or in relation to the casino, shall notify the Authority, in a form approved by the Authority, of the cessation of the exercise of those functions; and
- [Act 36 of 2012 wef 31/01/2013]*
- (d) when requested by the Authority to do so, shall submit to the Authority a list of non-licensed employees in or in relation to the casino.

(2) Any casino operator who fails to comply with subsection (1) shall be liable to disciplinary action.

(3) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

(4) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

Special employees to provide information, etc., to Authority

97A.—(1) The Authority may, by notice in writing, require a licensee to do all or any of the following:

- (a) provide, in accordance with directions in the notice, such information relevant to the holding of the special employee licence as is specified in the notice;
- (b) produce, in accordance with directions in the notice, such records relevant to the holding of the special employee licence as are specified in the notice and to permit examination of the records and the making of copies of the records;

- (c) furnish to the Authority such authorisations and consents as the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the licensee from other persons.

(2) Any licensee who fails to comply with a notice under subsection (1) shall be liable to disciplinary action under section 93.

[Act 36 of 2012 wef 31/01/2013]

Change in situation of licensee

98.—(1) Where a change of a kind specified by the Authority in writing given to a licensee takes place in the situation existing in relation to the licensee, the licensee shall notify the Authority in writing of the change within 14 days after it takes place.

(2) Any licensee who fails to comply with subsection (1) shall be liable to disciplinary action under section 93.

PART VI

CASINO OPERATIONS

Division 1 — Casino layout, games, gaming machines, etc.

Casino layout to comply with prescribed requirements

99.—(1) A casino operator shall, in relation to its casino —

- (a) ensure that the casino layout of the casino complies with such requirements as the Authority may prescribe; and
- (b) notify the Authority before making any changes to the casino layout.

(2) Any casino operator which contravenes subsection (1) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Approval of games and rules for games

100.—(1) The Authority may —

- (a) by a notice in writing issued to a casino operator, approve the games that may be played in the casino of the casino

operator, the mode of play and the rules for those games;
and

- (b) publish the list of games, mode of play and rules for those games approved for the time being for each casino on the official website of the Authority.

[Act 36 of 2012 wef 31/01/2013]

(2) The Authority may, under subsection (1), give approvals that differ according to differences in time, place or circumstances.

(3) A casino operator shall not permit a game to be conducted or played in a casino unless —

- (a) the game has been approved by the Authority under subsection (1);

[Act 36 of 2012 wef 31/01/2013]

- (b) the game is conducted or played in accordance with the mode of play and rules of the game approved by the Authority; and

[Act 36 of 2012 wef 31/01/2013]

- (c) the game is conducted or played on behalf of the casino operator by a licensed special employee.

(4) A person shall not conduct a game in a casino or permit a game conducted by him to be played in a casino, unless —

- (a) the game has been approved by the Authority under subsection (1); and

[Act 36 of 2012 wef 31/01/2013]

- (b) the game is conducted or played in accordance with the mode of play and rules of the game approved by the Authority.

[Act 36 of 2012 wef 31/01/2013]

(5) Any casino operator who contravenes subsection (3) shall be liable to disciplinary action.

(6) Any person who contravenes subsection (4) shall be —

- (a) liable to disciplinary action, in the case of a licensed special employee; or

(b) guilty of an offence and liable on conviction to a fine not exceeding \$200,000, in any other case.

(7) It is a defence to disciplinary action or prosecution for a contravention of subsection (4) if the special employee or other person, as the case may be, establishes that the contravention was permitted by the casino operator.

(8) This section shall not apply to any game played on a gaming machine, unless it is an electronic table game of a type specified by the Authority in writing to the casino operator.

[Act 36 of 2012 wef 31/01/2013]

Directions as to games not to be played

101.—(1) The Authority may give a direction in writing to a casino operator concerning the particular games that may not be played in the casino.

(2) The Authority may amend any such direction by a further direction in writing to the casino operator.

(3) Any casino operator which fails to comply with any direction for the time being in force under this section shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Approval of gaming equipment

102.—(1) The Authority may investigate or authorise the investigation of gaming equipment for the purpose of determining whether the equipment is suitable to be approved for use in a casino and may require the cost of such an investigation to be paid by a person seeking the approval.

(2) The Authority may approve gaming equipment for use in a casino and, for that purpose, may approve particular equipment or may approve equipment of a specified class or description and may make the approval subject to conditions.

(3) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

(4) Despite the provisions of any other law, the possession of gaming equipment is lawful if —

- (a) the possession is for the purposes of an investigation under this section; or
- (b) the equipment is identifiable in a manner approved by the Authority and is in a casino with the approval of the Authority or the circumstances of its possession are such as have been approved by the Authority generally or in a particular case.

(5) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

Gaming machines in casinos

103.—(1) A casino operator shall not use, or allow to be used, any gaming machine in its casino unless —

- (a) the gaming machine has been obtained from an approved manufacturer or approved supplier approved by the Authority under section 103A;
- (b) the gaming machine is approved, or one of a class of gaming machines approved by the Authority, and complies with such technical standards and other requirements as may be prescribed;
- (c) where the gaming machines are required to be tested and certified, the testing has been carried out by an approved test service provider approved by the Authority under section 103A; and
- (d) the number of gaming machines available for gaming in the casino does not exceed such number as the Authority may determine.

(2) Any casino operator which contravenes subsection (1) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Approved manufacturers and approved suppliers of gaming machines and approved test service providers for gaming equipment

103A.—(1) Any person who intends to —

- (a) manufacture or supply any gaming machine for use in any casino; or
- (b) supply any testing services in relation to any gaming equipment,

may apply, in accordance with subsection (2), to the Authority to be an approved manufacturer, approved supplier or approved test service provider, as the case may be.

(2) An application to be —

- (a) an approved manufacturer of gaming machines;
- (b) an approved supplier of gaming machines; or
- (c) an approved test service provider for gaming equipment,

shall be made to the Authority in the form and manner prescribed, and accompanied by such fees and documents or other information as may be prescribed.

(3) The Authority may, if it is satisfied that the applicant is suitable after carrying out such investigations as may be necessary, approve the applicant as an approved manufacturer, approved supplier or approved test service provider, subject to the payment of such fee as may be prescribed and such other conditions as the Authority may impose.

(4) The Authority shall maintain an Approved List of approved manufacturers, approved suppliers and approved test service providers, which it may publish on its official website from time to time.

[Act 36 of 2012 wef 31/01/2013]

Simulated gaming

104.—(1) A casino operator may conduct gaming on a simulated basis only if all of the following conditions are satisfied:

- (a) the simulated gaming is for the purpose of training casino employees, testing gaming equipment or gaming procedures or demonstrating the conduct and playing of games;
- (b) the casino operator has notified the Authority in writing at least 7 days before the commencement of the simulated gaming;
- (c) no cash or chips are used in the course of the simulated gaming;
- (d) no winnings in money or money's worth are kept by any person as a result of any game played in the course of the simulated gaming.

[Act 36 of 2012 wef 31/01/2013]

(1A) In a case where any of the conditions in subsection (1) cannot be satisfied at any simulated gaming to be conducted by a casino operator, the casino operator shall not conduct that simulated gaming unless —

- (a) it has obtained the prior written approval of the Authority; and
- (b) the simulated gaming is conducted in accordance with such conditions as the Authority may impose in its approval.

[Act 36 of 2012 wef 31/01/2013]

(2) Despite the provisions of any other law, the possession and use of gaming equipment as authorised by subsection (1) or (1A) is lawful.

[Act 36 of 2012 wef 31/01/2013]

(3) Any casino operator who contravenes subsection (1A) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Division 2 — Gaming measures

Linked jackpot arrangement unlawful without approval

105.—(1) A person shall not, without the approval of the Authority, install or cause to be installed any linked jackpot arrangement.

(2) The Authority shall not approve any linked jackpot arrangement —

- (a) between a casino in Singapore and any place outside Singapore;
- (b) between a casino in Singapore and any place permitted to operate a fruit machine under the Private Lotteries Act 2011; or
- (c) prohibited by regulations made under this Act.

[7/2011 wef 01/04/2011]

(3) Any person who contravenes subsection (1) shall be —

- (a) liable to disciplinary action, in the case of a casino operator or a licensed special employee; or
- (b) guilty of an offence and liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 5 years or to both, in any other case.

Assistance to patrons

106.—(1) A casino operator shall —

- (a) display a notice in accordance with the directions of the Authority informing patrons where a copy of the rules for games under section 100 may be inspected;
- (b) display prominently in the casino —
 - (i) the advice or information concerning those rules, the mode of payment of winning wagers and the payout odds of each winning wager; and
 - (ii) such other advice or information to the player as the Authority directs; and

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- (c) display prominently at each gaming table or location related to the playing of a game, a sign indicating the permissible minimum and maximum wagers pertaining to the game played there.

(2) A casino operator shall —

(a) allow a patron to inspect a copy of the rules for games on request.

[Act 36 of 2012 wef 31/01/2013]

(b) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

(3) Any casino operator who fails to comply with subsection (1) or (2) shall be liable to disciplinary action.

Operation of security equipment, etc.

107.—(1) A casino operator shall ensure that all casino installations, equipment and procedures for security and safety purposes are used, operated and applied in accordance with the directions of the Authority.

(2) Any casino operator who fails to comply with subsection (1) shall be liable to disciplinary action.

Credit, etc.

108.—(1) Except to the extent that this section or regulations relating to credit allow, no casino operator, licensed international market agent, agent or employee of a licensed international market agent, agent of a casino operator or casino employee shall, in connection with any gaming in the casino —

(a) accept a wager made otherwise than by means of money or chips;

(b) lend money or any valuable thing;

(c) provide money or chips as part of a transaction involving a credit card; or

[Act 36 of 2012 wef 31/01/2013]

(d) extend any other form of credit.

[Act 36 of 2012 wef 31/01/2013]

(e) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

[Act 36 of 2012 wef 31/01/2013]

(2) A casino operator may establish for a person a deposit account to which is to be credited the amount of any deposit to the account comprising any one or more of the following:

- (a) money;
- (b) a cheque payable to the casino operator;
[Act 36 of 2012 wef 31/01/2013]
- (c) a traveller's cheque;
[Act 36 of 2012 wef 31/01/2013]
- (d) chips.
[Act 36 of 2012 wef 31/01/2013]
[Act 36 of 2012 wef 31/01/2013]

(3) The casino operator may issue to a person who establishes a deposit account and debit to the account chip purchase vouchers, cheques, chips or money, not exceeding in total value the amount standing to the credit of the account at the time of issue of the vouchers, cheques, chips or money.

[Act 36 of 2012 wef 31/01/2013]

(4) The casino operator may, in exchange for a cheque payable to the casino operator or a traveller's cheque, issue to a person chip purchase vouchers of a value equivalent to the amount of the cheque or traveller's cheque.

(5) A cheque accepted by the casino operator may, by agreement with the casino operator, be redeemed in exchange for the equivalent in value to the amount of the cheque of any one or more of the following:

- (a) money;
 - (b) cheque payable to the casino operator;
 - (c) chip purchase vouchers;
 - (d) chips.
- (6) The casino operator —
- (a) shall, within the time specified by the Authority by notice in writing given to the casino operator for the purposes of this subsection, deposit with an authorised bank a cheque accepted by the casino operator under this section; and
 - (b) shall not agree to the redemption of such a cheque for the purpose of avoiding compliance with paragraph (a).

(7) Notwithstanding anything in this section, a casino operator may provide chips on credit to a person —

- (a) who is neither a citizen of Singapore nor a permanent resident of Singapore (as defined in section 116(9));
- (b) who is a premium player; or
- (c) who is a licensed international market agent for the performance of his functions as an international market agent.

[Act 36 of 2012 wef 31/01/2013]

(7A) Notwithstanding anything in this section, a licensed international market agent may provide chips on credit to a person who is neither a citizen of Singapore nor a permanent resident of Singapore (as defined in section 116(9)).

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(7B) Where credit is provided under subsection (7) or (7A), the casino operator or licensed international market agent providing the credit shall do so in accordance with the prescribed requirements relating to credit.

[Act 36 of 2012 wef 31/01/2013]

(8) Any —

- (a) casino operator which contravenes subsection (1), (6) or (7B);
- (b) licensed special employee or licensed international market agent representative who contravenes subsection (1); or
- (c) licensed international market agent which or who contravenes subsection (1) or (7B),

shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

(8A) Every casino operator shall be liable for every act, omission, neglect or default of any agent of the casino operator or casino employee under this section, as fully and effectually as if the act, omission, neglect or default were done or committed by the casino operator.

[Act 36 of 2012 wef 31/01/2013]

(8B) Every licensed international market agent shall be liable for every act, omission, neglect or default of any agent or employee of the licensed international market agent under this section, as fully and effectually as if the act, omission, neglect or default were done or committed by the licensed international market agent.

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(8C) Nothing in subsection (8A) or (8B) shall affect any liability of the agent of the casino operator, casino employee or agent or employee of the licensed international market agent by the operation of any other law.

[Act 36 of 2012 wef 31/01/2013]

(9) Any person who —

(a) provides chips on credit to persons other than as permitted in subsection (7) or (7A) shall be deemed to be a moneylender for the purposes of the Moneylenders Act (Cap. 188); and

[Act 36 of 2012 wef 31/01/2013]

(b) lends money in accordance with this section shall be deemed not to be a moneylender for the purposes of the Moneylenders Act.

(10) In this section, “cheque” means a cheque (other than a traveller’s cheque) that —

(a) is drawn on an account of any bank for a specific amount payable on demand; and

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(b) is dated but not post-dated.

Automatic teller machines prohibited within casino premises

109.—(1) A casino operator shall not provide or allow another person to provide any automatic teller machine within the boundaries of the casino premises.

(2) Any casino operator who contravenes subsection (1) shall be liable to disciplinary action.

Prohibited casino marketing arrangements

110.—(1) No person shall organise or conduct a casino marketing arrangement which involves the participation of any citizen of Singapore or permanent resident of Singapore (as defined in section 116(9)).

(2) Any person who receives a commission or other payment from a casino operator or the person for the time being in charge of a casino, which commission or payment is solely or partly based on the turnover of play in the casino of any other person, or otherwise derived from the play of any other person, shall be presumed, until the contrary is proved, to be organising or conducting a casino marketing arrangement.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be punished —

(a) in the case of an individual —

(i) for a first offence, with a fine of not less than \$30,000 and not more than \$300,000 and with imprisonment for a term not exceeding 4 years; and

(ii) for a second or subsequent offence, with a fine of not less than \$30,000 and not more than \$300,000 and with imprisonment for a term not exceeding 7 years;
or

(b) in any other case, with a fine of not less than \$50,000 and not more than \$500,000.

(4) Any casino operator, licensed special employee, licensed international market agent or licensed international market agent representative which or who allows the organisation or conduct of, or is a party to, a casino marketing arrangement in contravention of subsection (1) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Persons required to be licensed as international market agent or international market agent representative

110A.—(1) Subject to subsection (3), no person shall perform any of the functions of an international market agent unless that person

holds a valid licence granted by the Authority to be an international market agent or an international market agent representative.

(2) The functions of an international market agent are any of the following:

- (a) organising or conducting a casino marketing arrangement (other than a casino marketing arrangement prohibited under section 110(1));
- (b) giving chips on credit to any patron participating in a casino marketing arrangement;
- (c) such other function related to a casino marketing arrangement as may be specified in the regulations made under section 110B.

(3) Regulations made under section 110B may specify any persons or class of persons who are not required to be licensed as an international market agent or an international market agent representative.

(4) If, in the opinion of the Authority —

- (a) any person, by reason of his remuneration or function in relation to any casino marketing arrangement, is performing a function of an international market agent or an international market agent representative; or
- (b) the commission or other payment received by any person forms part of a series of such commission or other payments that may reasonably be considered to have been arranged for the purpose of avoiding the requirement to be licensed as an international market agent or an international market agent representative,

the Authority may, by a notice in writing given to the person, require that person to apply for the appropriate licence within the period specified in the notice.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be punished —

(a) in the case of an individual —

- (i) for a first offence, with a fine of not less than \$30,000 and not more than \$300,000 and with imprisonment for a term not exceeding 4 years; and
 - (ii) for a second or subsequent offence, with a fine of not less than \$30,000 and not more than \$300,000 and with imprisonment for a term not exceeding 7 years;
- or

(b) in any other case, with a fine of not less than \$50,000 and not more than \$500,000.

(6) Any casino operator which allows the organisation or conduct of, or is a party to, any casino marketing arrangement with an unlicensed international market agent shall be liable to disciplinary action.

(7) The Authority may give a direction to a casino operator to cease any further business association with —

- (a) an unlicensed international market agent; or
- (b) a person who failed to comply with a notice requiring him to apply for a licence under subsection (4),

from such date as may be specified in the direction, and any casino operator which fails to comply with such direction shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Supervision and control of international market agents and international market agent representatives

110B.—(1) An application to be licensed as an international market agent or an international market agent representative shall be made in the form and manner prescribed and shall be accompanied by —

- (a) such fee as may be prescribed; and
- (b) such documents and information as may be prescribed.

(2) The Authority may grant an international market agent licence or international market agent representative licence if, and only if, it is

satisfied that the criteria specified in the regulations made under this section are met.

(3) The Authority may give a written direction to a casino operator or a licensed international market agent, or to both, that relates to the organisation or conduct of a casino marketing arrangement, including a direction as to the maximum commission or other payment which may be paid by any casino operator to a licensed international market agent for organising or conducting the casino marketing arrangement.

(4) Any casino operator or licensed international market agent which or who fails to comply with any direction under subsection (3) shall be liable to disciplinary action.

(5) The Authority may, with the approval of the Minister, make regulations for or with respect to —

- (a) regulating or prohibiting the organisation and conduct of casino marketing arrangements;
- (b) the licensing of international market agents and international market agent representatives;
- (c) the obligations of licensed international market agents in relation to patrons participating in a casino marketing arrangement; and
- (d) the obligations of casino operators in relation to international market agents and patrons participating in a casino marketing arrangement.

(6) Without prejudice to the generality of subsection (5), the regulations may —

- (a) impose restrictions on who may be eligible to organise or conduct a casino marketing arrangement;
- (b) prescribe the procedure for the application for any licence;
- (c) prescribe the fees to be charged;
- (d) require the international market agent or the casino operator concerned to give the Authority advance notice of a casino marketing arrangement and to furnish to the Authority

detailed information concerning the conduct of and the arrangements for any casino marketing arrangement;

- (e) require any contract or other agreement that relates to the organisation or conduct of a casino marketing arrangement to be in a form, and to contain provisions, approved by the Authority;
- (f) require the international market agent or the casino operator concerned to give specified information concerning a casino marketing arrangement to patrons participating in the casino marketing arrangement;
- (g) require the international market agent or the casino operator concerned to give the Authority advance notice of, and such specified information as the Authority may require about, any casino marketing arrangement, including the patrons participating in the casino marketing arrangement;
- (h) require the international market agent to establish and implement a system of internal controls in accordance with prescribed requirements;
- (i) prescribe anti-money-laundering requirements;
- (j) regulate the conduct of licensed international market agents and licensed international market agent representatives and provide for disciplinary action against them, including a financial penalty not exceeding —
 - (i) \$400,000 against any licensed international market agent; and
 - (ii) \$10,000 against any licensed international market agent representative; and
- (k) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 12 months or with both.

[Act 36 of 2012 wef 31/01/2013]

Authority may suspend or cancel international market agent licence or international market agent representative licence in public interest

110C.—(1) Notwithstanding any provision of this Act or the regulations made under section 110B, in any case where it appears to be necessary to the Authority to prevent any threat to the security of the public or of casino operations, the Authority may —

- (a) suspend the licensed international market agent or licensed international market agent representative concerned, pending the conclusion of any investigation or disciplinary proceedings against that licensed international market agent or licensed international market agent representative; or
- (b) if the Authority thinks it necessary in the public interest that the licensed international market agent or licensed international market agent representative concerned should immediately cease to perform any function in relation to any casino marketing arrangement, cancel the licence of that international market agent or international market agent representative.

(2) Any —

- (a) international market agent who is aggrieved by any suspension or cancellation of his or its international market agent licence under subsection (1); or
- (b) international market agent representative who is aggrieved by any suspension or cancellation of his international market agent representative licence under subsection (1) or by virtue of subsection (4),

may, within 10 days after the licence is suspended or cancelled, make representations in writing to the Authority and the Authority, after considering such representations, may confirm, vary or reverse its decision.

(3) The suspension or cancellation under subsection (1) and, where applicable, subsection (4) shall take effect notwithstanding that any representation under subsection (2) is pending, until the expiry of the

period of suspension or the reversal of the decision of the Authority, if any.

(4) If the licence of any international market agent is suspended or cancelled under this section, the licence of every international market agent representative employed by that international market agent shall also be suspended for the same period or cancelled, as the case may be.

[Act 36 of 2012 wef 31/01/2013]

Division 3 — Disputes between casino operator and patron

Resolution of dispute as to winnings, losses or manner in which game conducted

111.—(1) Where a casino operator and a patron of the casino are unable to resolve to the satisfaction of the patron any dispute as to alleged winnings, alleged losses or the manner in which a game is conducted, the casino operator shall —

- (a) immediately notify an inspector of the dispute; and
- (b) inform the patron of his right to request that an inspector conduct an investigation into the dispute.

[Act 36 of 2012 wef 31/01/2013]

(1A) A patron who wishes to request an inspector to conduct an investigation into the dispute shall, not later than 7 days after the date he is informed under subsection (1) of his right, make the request to an inspector in such form as the Authority may specify.

[Act 36 of 2012 wef 31/01/2013]

(1B) An inspector may refuse to consider any patron's request under subsection (1A) for investigation that is incomplete or is made after the period delimited for such requests under subsection (1A), unless the inspector is satisfied that there were good reasons for the delay or incompleteness.

[Act 36 of 2012 wef 31/01/2013]

(2) An inspector who receives a request for investigation into a dispute under subsection (1A) shall conduct such investigations as he thinks necessary and shall determine whether payment should be made.

[Act 36 of 2012 wef 31/01/2013]

(3) Failure of a casino operator to notify an inspector or inform the patron as provided in subsection (1) is grounds for disciplinary action.

Reconsideration of inspector's decision

112.—(1) Any party aggrieved by the decision of an inspector under section 111 may, in the prescribed manner and within the prescribed time, appeal to the Authority to reconsider the decision of the inspector.

(2) The appeal shall set forth the basis of the request for reconsideration.

(3) If no appeal for reconsideration is made within the time prescribed, the decision of the inspector shall be deemed final and is not subject to reconsideration by the Authority.

(4) The Authority shall appoint a committee to reconsider the decision of the inspector.

(5) The party seeking reconsideration bears the burden of showing that the inspector's decision should be reversed or modified.

(6) The committee appointed under subsection (4) shall be independent of the Authority and may regulate its own procedure.

(7) After considering the matter before it, the committee may confirm, vary or reverse the inspector's decision.

(8) The decision by the committee shall be in writing and shall be served on the casino operator and the patron concerned.

Payment of claim after decision

113.—(1) Except as otherwise allowed by the Authority, the person ordered to make payment to the other party shall do so within 30 days of —

(a) the decision of the committee under section 112; or

(b) where an appeal was made under section 114, the decision of the Authority under that section.

[Act 36 of 2012 wef 31/01/2013]

(2) Failure of a casino operator to pay within the time specified in subsection (1) is grounds for disciplinary action.

Appeal to Authority

114. A person who is aggrieved by a decision made against him by the committee under section 112 may, within 30 days of being notified of the decision of the committee, appeal to the Authority whose decision shall be final.

Division 4 — Entry to casino premises

Right of entry to casino premises

115. Except as provided by this Act, a person enters and remains on any casino premises only by the licence of the casino operator.

[Act 36 of 2012 wef 31/01/2013]

Entry levy

116.—(1) Subject to subsection (3), a casino operator shall not allow any person who is a citizen or permanent resident of Singapore to enter or remain on the casino premises at any time on any day unless the person has paid to the casino operator an entry levy of —

(a) \$100 for every consecutive period of 24 hours; or

(b) \$2,000 for a valid annual membership of the casino.

(2) All entry levies collected by a casino operator under subsection (1) shall be paid to the Singapore Totalisator Board within the prescribed time and shall be used by that Board for public, social or charitable purposes in Singapore.

(3) A casino operator shall not refund, remit or reimburse, directly or indirectly, any entry levy paid or payable by any person under subsection (1).

(4) The Minister may, after the expiration of 10 years commencing from the date on which a second site for a casino is designated by an order made under section 2(2), by order published in the *Gazette*, vary the entry levies specified in subsection (1).

(5) Subject to the condition in subsection (5A), this section shall not apply to —

(a) any casino employee;

[Act 36 of 2012 wef 31/01/2013]

(b) any inspector, police officer, officer of the Central Narcotics Bureau or Corrupt Practices Investigation Bureau, civil defence officer, officer of the Inland Revenue Authority of Singapore or employee of the Authority acting in the discharge of his duties;

[Act 36 of 2012 wef 31/01/2013]

(ba) any member, secretary or officer of the evaluation panel appointed under section 45A acting in the discharge of his duties;

[Act 36 of 2012 wef 31/01/2013]

(bb) any member, secretary or officer of the Council acting in the discharge of his duties; and

[Act 36 of 2012 wef 31/01/2013]

(c) such other person or class of persons as may be prescribed.

[Act 36 of 2012 wef 31/01/2013]

(5A) Any person who enters and remains on any casino premises without paying an entry levy by virtue of subsection (5) does so on the condition that he shall not participate in any game whilst he is on the casino premises, and if he contravenes such condition, he shall be guilty of an offence and shall be liable on conviction to be punished as if the offence charged were an offence under subsection (6).

[Act 36 of 2012 wef 31/01/2013]

(6) Subject to subsection (5), any citizen or permanent resident of Singapore who enters any casino premises without paying the entry levy specified in subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, and shall also be liable for the amount of the entry levy specified in subsection (1)(a).

(6A) Subject to subsection (5), any citizen or permanent resident of Singapore who attempts to enter any casino premises without paying the entry levy specified in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[Act 36 of 2012 wef 31/01/2013]

(6B) If any citizen or permanent resident of Singapore, other than an individual under subsection (5), upon the expiry of the period in respect of which he has paid an entry levy specified in subsection (1)(a) or (b) —

- (a) remains on the casino premises for any further period thereafter (referred to in this section as the over-stay period); and
- (b) fails to pay the entry levy required under subsection (1) in respect of the over-stay period before he leaves the casino premises,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, and shall also be liable for the amount of the entry levy specified in subsection (1)(a) in respect of the over-stay period.

[Act 36 of 2012 wef 31/01/2013]

(7) Any casino operator who contravenes subsection (1), (2) or (3) shall be liable to disciplinary action.

(8) Section 147 shall apply in relation to late payment of the entry levy as it applies to the casino tax, and the reference to casino tax in that section shall be read as a reference to the entry levy.

(9) In this Part, “permanent resident of Singapore” means a person who is granted an entry permit under section 10 of the Immigration Act (Cap. 133) or a re-entry permit under section 11 of that Act, which allows him to remain in Singapore indefinitely without restriction.

Supplementary provisions relating to entry levy

117.—(1) The entry levy payable under section 116(1) shall be levied, paid and collected by such method as may be prescribed.

(2) The Chief Executive may require a casino operator to lodge with the Authority such security as the Chief Executive may consider appropriate for the payment of entry levies.

(3) Entry levies shall be recoverable from a casino operator or from any person liable to pay the entry levy as a civil debt due to the Singapore Totalisator Board.

[Act 36 of 2012 wef 31/01/2013]

(4) It shall be lawful for the Chief Executive, if it is proved to his satisfaction that any money has been overpaid as entry levy under this Act, to direct the refund of the money so overpaid, such refund to be paid from entry levies collected under section 116(1).

(5) No refund under subsection (4) shall be allowed unless a claim in respect thereof is made within 6 months of the overpayment.

(6) Where for any reason the entry levy payable under section 116(1) has not been paid, or has been short paid, or the whole or any part of the entry levy, after having been paid, has, owing to any cause, been erroneously refunded, the person liable to pay such levy, or the person to whom the refund has been erroneously made, as the case may be, shall pay the entry levy not paid or short paid, or the amount erroneously refunded to him, on demand being made by the Chief Executive, without prejudice to any other remedy for the recovery of the amount unpaid or erroneously refunded.

[Act 36 of 2012 wef 31/01/2013]

(7) For the purposes of this section and section 116, every casino operator shall be liable for every act, omission, neglect or default of any agent of the casino operator or casino employee, as fully and effectually as if the act, omission, neglect or default were done or committed by the casino operator.

(8) Nothing in subsection (7) shall affect any liability of the agent of the casino operator or casino employee by the operation of any other law.

[Act 36 of 2012 wef 31/01/2013]

Entry of inspector to casino premises

118.—(1) An inspector may, at any time, enter and remain on any casino premises for the purposes of exercising his functions as an inspector under this Act, including but not limited to —

- (a) observing any of the operations of the casino;
- (b) ascertaining whether the operations of the casino are being properly conducted, supervised and managed;
- (c) ascertaining whether the provisions of this Act are being complied with; and
- (d) in any other respect, exercising his functions under this Act.

(2) An inspector who enters premises under this section is not authorised to remain on the premises if, on the request of the occupier

of the premises, the inspector does not show his identification card to the occupier.

Entry of police officer, etc., to casino premises

119. Any police officer, officer of the Central Narcotics Bureau or Corrupt Practices Investigation Bureau or civil defence officer may enter any casino premises, including any part to which the public does not have access, and may remain there for the purpose of discharging his duty as a police officer, officer of the Central Narcotics Bureau or Corrupt Practices Investigation Bureau or civil defence officer, as the case may be.

Exclusion orders by casino operator

120.—(1) A casino operator may give a written exclusion order under this section to a person, whether on the voluntary application of the person or otherwise, prohibiting the person from entering or remaining on the casino premises.

(2) A voluntary application under subsection (1) shall be in writing and signed by the applicant in the presence of a person authorised by the casino operator to witness such an application.

(3) As soon as practicable after a casino operator gives an exclusion order under subsection (1) or revokes the order, the casino operator shall notify the Authority and the Council of that order or the revocation of that order, as the case may be.

Exclusion orders by Authority

121.—(1) The Authority may, by an exclusion order given to a person orally or in writing, prohibit the person from entering or remaining on any casino premises in such circumstances as the order may specify.

[Act 36 of 2012 wef 31/01/2013]

(2) An oral exclusion order lapses after 14 days.

(3) As soon as practicable after the Authority gives an exclusion order under this section, the Authority shall notify each casino operator of that order.

Exclusion orders by Commissioner of Police

122.—(1) The Commissioner of Police may, by a written exclusion order given to a person, prohibit the person from entering or remaining on any casino premises in such circumstances as the order may specify.

[Act 36 of 2012 wef 31/01/2013]

(2) As soon as practicable after making an exclusion order, the Commissioner of Police shall notify each casino operator and the Authority of that order.

(3) A person who has been given an exclusion order under this section may appeal to the Minister whose decision shall be final.

Duration of exclusion orders

123.—(1) An exclusion order made under section 121 or 122 remains in force in respect of a person unless and until it lapses or is revoked by the person who gave the order or by the Minister, on appeal.

[Act 36 of 2012 wef 31/01/2013]

(2) When an exclusion order is revoked by the Commissioner of Police or the Minister, the Commissioner of Police shall notify each casino operator and the Authority of the revocation.

(3) When an exclusion order is revoked by the Authority or the Minister, the Authority shall give notice of the revocation to each casino operator as soon as practicable after it occurs.

List of persons excluded by casino operator

124. The Authority may, from time to time, require a casino operator to furnish a list of persons excluded from the casino premises by the casino operator.

Excluded person not to enter casino premises

125.—(1) An excluded person shall not enter or remain, or take part in any gaming, on any casino premises.

(2) Any person who is —

- (a) subject to an exclusion order made under section 121, 122 or 165(1), or excluded under section 165A(2); or
- (b) excluded under section 165D by reason of his having made the maximum number of visits to any casino for the month as specified by a visit limit made against him under section 165(1),

and who contravenes subsection (1) shall be guilty of an offence.

[Act 36 of 2012 wef 31/01/2013]

Casino operator to bar excluded persons from casino premises

126.—(1) A casino operator shall not, without reasonable excuse, permit an excluded person to enter or remain on the casino premises.

[Act 36 of 2012 wef 31/01/2013]

(2) A casino operator shall close every deposit account of a person with the casino operator —

- (a) to whom the casino operator has given an exclusion order under section 120;
- (b) upon being notified under section 121(3) or 122(2) that the person has been given an exclusion order under section 121 or 122, as the case may be; or
- (c) upon being given an order under section 163(2)(d) in respect of the person.

[Act 36 of 2012 wef 31/01/2013]

(3) A casino operator which fails to comply with subsection (1) or (2) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Removal of excluded persons from casino premises

127.—(1) This section applies to the following persons on any casino premises:

- (a) the person for the time being in charge of the casino;
- (b) an agent of the casino operator;
- (c) a casino employee.

(2) A person to whom this section applies who knows that an excluded person is about to enter or is on the casino premises shall —

- (a) notify an inspector as soon as practicable; and
- (b) using no more force than is reasonably necessary —
 - (i) prevent the excluded person from entering the casino premises; or
 - (ii) remove such a person from the casino premises or cause such a person to be removed from the casino premises.

(3) Any person who fails to comply with subsection (2) shall be —

- (a) liable to disciplinary action, in the case of a casino operator or a licensed special employee; or
- (b) guilty of an offence, in any other case.

Forfeiture of winnings

128.—(1) This section applies to any person who is —

- (a) subject to an exclusion order under section 120, 121 or 122;
[Act 36 of 2012 wef 31/01/2013]
- (aa) subject to a family exclusion order, provisional family exclusion order or exclusion order under Part X or excluded under section 165A; or
[Act 36 of 2012 wef 31/01/2013]
- (b) a minor (as defined in section 130).

(2) If a person to whom this section applies enters or remains on any casino premises in contravention of this Act, all winnings (including linked jackpots) paid or payable to the person in respect of gaming on gaming machines or playing any game approved under section 100 in the casino are forfeited to the Consolidated Fund.

(3) If winnings referred to in subsection (2) comprise or include a non-monetary prize, the casino operator shall pay the value of that prize to the Consolidated Fund.

(4) In determining the value of a non-monetary prize for the purposes of subsection (3), any amount of goods and services tax

payable in respect of the supply to which the prize relates is to be taken into account.

(5) The amount of winnings to be forfeited under this section shall be investigated and determined by an inspector or an authorised person whose decision shall be final.

[Act 36 of 2012 wef 31/01/2013]

(6) Where an inspector or authorised person investigating the amount of winnings under subsection (5) reasonably believes that the winnings of a person to whom this section applies are in that person's clothing or personal effects, the inspector or authorised person may —

- (a) search the clothing, baggage or other personal effects of that person, and seize any money or chips found on that person or in his clothing, baggage or personal effects, as the case may be; and
- (b) apply any money or chips so found towards the payment of the amount of winnings determined under subsection (5) to be forfeited, and the surplus, if any, to be returned to that person.

[Act 36 of 2012 wef 31/01/2013]

(7) Nothing in subsection (6) shall authorise any inspector or authorised person to remove, or require a person to remove, any of the person's clothing, and a search of a person's clothing being worn by the person may only be done by an inspector or authorised person of the same sex as the person.

[Act 36 of 2012 wef 31/01/2013]

Division 5 — Prohibited acts within casino premises

Conduct within casino premises

129.—(1) A casino operator shall take all appropriate steps to ensure that the following acts are not committed by its employees, patrons or other persons within the casino premises:

- (a) soliciting for the purpose of prostitution or for any other immoral purpose;
- (b) unlicensed moneylending or related activities;

- (c) drunken, disorderly or riotous behaviour;
[Act 36 of 2012 wef 31/01/2013]
- (d) illegal betting or gaming activities;
[Act 36 of 2012 wef 31/01/2013]
- (e) activities related to the organisation or conduct of casino marketing arrangements by persons who are neither licensed international market agents nor licensed international market agent representatives.
[Act 36 of 2012 wef 31/01/2013]

(2) Any casino operator who contravenes subsection (1) shall be liable to disciplinary action.

PART VII

MINORS

Interpretation of this Part

130. In this Part —

“acceptable proof of age” for a person means —

- (a) documentary evidence that might reasonably be accepted as applying to the person and as proving that the person is at least 21 years of age; or
- (b) evidence that the Authority has declared by notice in writing given to a casino operator to be acceptable evidence in relation to the operation of the casino that a person is at least 21 years of age;

“minor” means a person who is below the age of 21 years.

Part applies only during hours of operation of casino

131. This Part applies to casino premises only during the hours of operation of the casino.

Minors not to enter casino premises

132.—(1) A minor shall not enter or remain, or take part in any gaming, on any casino premises.

(2) Any minor who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[Act 36 of 2012 wef 31/01/2013]

Casino operator to bar minors from casino premises

133.—(1) A casino operator shall not, without reasonable excuse, permit a minor to enter or remain on the casino premises.

(2) If a minor is on the casino premises, the casino operator shall immediately notify an inspector.

(3) Any casino operator who contravenes subsection (1) or (2) shall be liable to disciplinary action.

(4) It is lawful for the person for the time being in charge of a casino, an agent of the casino operator or a casino employee to remove the minor or cause the minor to be removed from the casino premises, using no more force than is reasonably necessary.

(5) It is a defence to disciplinary action for a contravention of subsection (1) or (2) if it is proved that —

- (a) the minor was 16 years of age or above; and
- (b) before the minor entered the casino premises or while the minor was on the casino premises there was produced to the casino operator or to his agent or employee acceptable proof of age for the minor.

Entry of minors to be prevented

134.—(1) If a casino operator or a casino employee is aware that a person who may reasonably be suspected of being a minor is attempting to enter the casino premises, the casino operator or casino employee shall refuse the person entry to the casino premises.

(2) The casino operator or casino employee is not required to refuse the person entry if there is produced to the casino operator or casino employee acceptable proof of age for the person.

- (3) Any person who contravenes subsection (1) shall be —
- (a) liable to disciplinary action, in the case of a casino operator or a licensed special employee; or
 - (b) guilty of an offence, in any other case.

Proof of age may be required

135.—(1) The person for the time being in charge of a casino, an agent of the casino operator, a casino employee, an inspector or a police officer may if he has reasonable cause to suspect that a person on the casino premises is a minor —

- (a) require the person on the casino premises to state his correct age, name and address; and
 - (b) if it is suspected on reasonable grounds that the age, name or address given in response to the requirement is false, require the person to produce evidence of its correctness.
- (2) A person who —
- (a) fails to comply with a requirement under subsection (1)(a); or
 - (b) without reasonable cause, fails to comply with a requirement under subsection (1)(b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[Act 36 of 2012 wef 31/01/2013]

- (3) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

Minor using false evidence of age

136. A minor who uses any evidence purporting to be evidence of his age in order to obtain entry to or remain on any casino premises, being evidence which is false in relation to the minor, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[Act 36 of 2012 wef 31/01/2013]

Notices to be displayed

137.—(1) The Authority may, by written direction given to a casino operator, require a notice or notices to be displayed within the casino premises with respect to the exclusion from the casino premises of persons below the age of 21 years.

(2) The direction may impose requirements as to the form, position and matter to be displayed on any such notice.

(3) A casino operator is liable to disciplinary action if such a direction is not complied with in relation to the casino.

PART VIII**CASINO INTERNAL CONTROLS****Approved system of controls to be implemented**

138.—(1) A casino operator shall establish and implement a system of internal controls for the casino operations which satisfies the prescribed internal controls requirements.

[Act 36 of 2012 wef 31/01/2013]

(2) The Authority may require a casino operator to submit any part of the casino operator's system of internal controls for approval by the Authority.

[Act 36 of 2012 wef 31/01/2013]

(3) Any approved internal controls shall remain in force until amended or substituted with the approval of the Authority.

[Act 36 of 2012 wef 31/01/2013]

(4) The casino operator shall ensure that the system of internal controls or part thereof approved for the time being under this section for the casino is implemented.

[Act 36 of 2012 wef 31/01/2013]

(5) Any casino operator who fails to comply with subsection (1) or (4) shall be liable to disciplinary action.

139. *[Repealed by Act 36 of 2012 wef 31/01/2013]*

Banking

140.—(1) Subject to subsection (1A), a casino operator shall —

- (a) keep and maintain separate accounts, as approved by the Authority, at an authorised bank for use for all banking transactions arising under this Act in relation to the casino operator; and
- (b) from time to time provide the Authority, as required, and in a form approved by the Authority, with a written authority addressed to the authorised bank referred to in paragraph (a) authorising the authorised bank to comply with any requirements of an inspector exercising the powers conferred by this section.

[Act 36 of 2012 wef 31/01/2013]

(1A) The Authority may, on the application of a casino operator, allow specific banking transactions to be carried out at another bank, subject to such conditions as the Authority may impose.

[Act 36 of 2012 wef 31/01/2013]

(2) An inspector may, by notice in writing, require the manager or other principal officer of an authorised bank referred to in subsection (1) to provide the inspector with a statement of an account referred to in that subsection and such other particulars relating to the account as may be specified in the notice.

(3) A person to whom a notice is given under subsection (2) shall comply with the notice.

(4) An inspector may not exercise the powers conferred by this section without the prior written approval of the Authority.

(5) Any casino operator who fails to comply with subsection (1) or any of the conditions imposed under subsection (1A) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Accounts to be kept

141.—(1) A casino operator shall keep such accounting records as correctly record and explain the transactions and financial position of the operations of the casino.

(2) The accounting records shall be kept in such a manner as will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

(3) Any casino operator who fails to comply with subsection (1) or (2) shall be liable to disciplinary action.

Statement of accounts

142.—(1) A casino operator shall, as soon as practicable after the end of its financial year, prepare financial statements and accounts, including —

- (a) trading accounts, where applicable, for the financial year;
- (b) a profit and loss statement or statement of comprehensive income (or its equivalent) for the financial year; and
[Act 36 of 2012 wef 31/01/2013]
- (c) a statement of its financial position (or its equivalent) as at the end of the financial year that gives a true and fair view of the financial operations of the casino operator in relation to the casino.

[Act 36 of 2012 wef 31/01/2013]

(2) Any casino operator who fails to comply with subsection (1) shall be liable to disciplinary action.

Keeping of records

143.—(1) A casino operator shall ensure that all records relating to the operations of the casino are —

- (a) kept at a location and in a manner approved by the Authority;
- (b) retained for not less than 5 years after the completion of the transactions to which they relate, or such shorter period as the Authority may, on the application of the casino operator in any particular case, allow; and
[Act 36 of 2012 wef 31/01/2013]
- (c) available for inspection by an inspector at any time during that period.

[Act 36 of 2012 wef 31/01/2013]

(2) The Authority may, by instrument in writing, grant an exemption to a casino operator from all or specified requirements of this section in respect of all or specified, or specified classes of documents and may grant such an exemption subject to conditions.

(3) Any casino operator who fails to comply with subsection (1) shall be liable to disciplinary action.

Audit

144.—(1) A casino operator shall, as soon as practicable after the end of its financial year, cause the books, accounts and financial statements of the casino operator in relation to the casino to be audited by a person approved by the Authority to audit the accounting records of the casino operator.

(2) An auditor shall not be approved by the Authority as an auditor for a casino operator unless he is able to comply with such conditions in relation to the discharge of his duties as may be determined by the Authority.

(3) The Authority may impose such additional duties on an auditor in relation to his audit of a casino operator as the Authority considers necessary, the costs of which shall be borne by the casino operator.

(4) The casino operator shall cause the auditor's report, the financial statements referred to in section 142(1)(b) and (c) and any additional information or report requested by the Authority to be lodged with the Authority within 4 months after the end of the financial year to which the report, financial statements and additional information or report, if any, relate.

[Act 36 of 2012 wef 31/01/2013]

(5) Any casino operator who fails to comply with subsection (1) or (4) shall be liable to disciplinary action.

Special audit

144A.—(1) The Authority may, at any time by a notice in writing —

- (a) require a casino operator to appoint a special auditor to review or investigate the casino operator's affairs and report his findings to the Authority; and

(b) specify the terms of reference for the special audit referred to in paragraph (a) and the time within which it must be completed.

(2) A casino operator to whom a notice under subsection (1) is directed shall engage, at its own expense, a public accountant approved by the Authority to be the special auditor to conduct the special audit in accordance with the terms of reference and within the time specified in the notice.

(3) The special auditor engaged under subsection (2) shall submit his report, all relevant supporting documents and such other information or report as the Authority may require in relation to the special audit, to the Authority not later than 60 days after the conclusion of the special audit or within such other period as the Authority may specify in any particular case.

(4) Any casino operator which fails to comply with subsection (2) shall be liable to disciplinary action.

(5) In this section, “public accountant” means a person who is registered or deemed to be registered under the Accountants Act (Cap. 2) as a public accountant.

[Act 36 of 2012 wef 31/01/2013]

Submission of reports

145.—(1) A casino operator shall submit to the Authority reports relating to the operations of the casino.

(2) The reports are to be submitted at the times, and are to contain the information, that is specified by notice in writing given to the casino operator by the Authority from time to time.

(3) Any casino operator who fails to comply with subsection (1) or (2) shall be liable to disciplinary action.

PART IX
CASINO TAX

Payment of casino tax

146.—(1) A casino operator shall pay to the Comptroller a casino tax every month during which the casino operator holds a casino licence.

(2) The amount of casino tax payable under subsection (1) shall be —

- (a) 5% of the gross gaming revenue for the month from premium players; and
- (b) 15% of the gross gaming revenue for the month from any other player.

(3) The rates of tax specified in subsection (2) shall not be increased for a period of 15 years commencing from the date on which a second site for a casino is designated by an order made under section 2(2).

(4) The Minister may make regulations —

- (a) prescribing the time and manner of payment of the casino tax;
- (b) prescribing the returns, declarations, statements or forms to be submitted by a casino operator, and the time and manner of such submissions;
- (c) prescribing the records to be kept by a casino operator to determine the gross gaming revenue (from premium players or otherwise) for each month;
- (ca) prescribing the treatment of losses, including the carrying forward or set-off of losses, in respect of gross gaming revenue;

[22/2009 wef 22/10/2009]

- (cb) prescribing the requirements for an audit of a casino operator relating to the casino tax payable by the casino

operator, whether by an internal auditor or an external auditor or both;

[22/2009 wef 22/10/2009]

[Act 36 of 2012 wef 31/01/2013]

(cc) prescribing the obligations of a casino operator for the purposes of classifying or verifying the gross gaming revenue from premium players; and

[Act 36 of 2012 wef 31/01/2013]

(d) generally to give effect to the provisions of this Part.

(5) Regulations made under this section may provide —

(a) that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both; and

(b) that if any return required under this Part (including regulations made under this Part) is not made by a casino operator within the prescribed accounting period, the casino operator shall be liable to a penalty not exceeding \$1,000 for each day that it continues not to submit the return, up to a total penalty not exceeding \$10,000.

[22/2009 wef 22/10/2009]

(6) In this Part —

“Board of Review” means the Board of Review appointed under section 78 of the Income Tax Act (Cap. 134);

[22/2009 wef 22/10/2009]

[Deleted by Act 36 of 2012 wef 31/01/2013]

“gross gaming revenue”, in relation to a casino operator, means the amount determined by the formula

$$A - B,$$

where A is the aggregate of the amount of net wins received on all games conducted by the casino operator or conducted within the casino premises of the casino operator; and

B is the amount of goods and services tax chargeable by the casino operator under the Goods and Services Tax Act

(Cap. 117A) in respect of all gaming supplies made by the casino operator;

[22/2009 wef 22/10/2009]

“Minister” means the Minister for Finance;

“net win”, in relation to a casino operator, means —

(a) in respect of any game or type of game where the casino operator is a party to a wager, the difference between the amount of bets received by the casino operator on the game and the amount paid out by the casino operator as winnings on the game, derived by such method or formula as may be prescribed in respect of that game or type of game; and

[Act 36 of 2012 wef 31/01/2013]

(b) in respect of any game conducted within the casino premises where the casino operator is not a party to a wager, the amount determined by the aggregate value of all consideration in money or money’s worth received by the casino operator for conducting, or allowing the conduct of, the game;

[22/2009 wef 22/10/2009]

“winnings” includes any non-monetary prize.

[22/2009 wef 22/10/2009]

Responsibility of Comptroller

146A.—(1) The Comptroller shall be responsible generally for the carrying out of the provisions of this Part and for the collection of casino tax and shall pay into the Consolidated Fund all amounts collected in respect thereof, including any penalty under section 147 or 149A or any regulations made under this Part.

[Act 36 of 2012 wef 31/01/2013]

(2) The Comptroller may, in writing, authorise any officer of the Inland Revenue Authority of Singapore to perform or assist in the performance of any duty imposed on, or to exercise any power conferred upon, the Comptroller under this Part.

[Act 36 of 2012 wef 31/01/2013]

Power of Comptroller to assess tax due

146B.—(1) Where —

- (a) a casino operator has failed to make any returns required under this Part or any regulations made under this Part for a prescribed accounting period, or to keep any documents and afford the facilities to verify such returns; or
- (b) it appears to the Comptroller that such returns are incomplete or incorrect,

the Comptroller may to the best of his judgment assess the amount of casino tax due from that casino operator for that period and notify the casino operator of the amount assessed.

(2) In any case where —

- (a) an amount has been repaid to any casino operator as being a repayment of casino tax, which ought not to have been repaid; or
- (b) an amount has been paid or credited to any casino operator as being due to it, which ought not to have been paid or credited to it,

the Comptroller may assess that amount as being casino tax due from the casino operator for the prescribed accounting period in which the amount was repaid, paid or credited, as the case may be, and accordingly notify the casino operator of the assessment.

(3) An assessment under subsection (1) or (2) of an amount of casino tax due for any prescribed accounting period shall not be made more than 5 years from the end of that period.

(4) Notwithstanding subsection (3), where, in the opinion of the Comptroller, any form of fraud or wilful default has been committed by or on behalf of any person in connection with or in relation to casino tax, the Comptroller may, for the purpose of making good any loss of casino tax or payment or refund of casino tax attributable to fraud or wilful default, make an assessment at any time.

(5) In any case where —

- (a) as a result of a casino operator's failure to make a return for a prescribed accounting period, the Comptroller has made an assessment under subsection (1) for that period;
- (b) the casino tax assessed has been paid but no proper return has been made for the period to which the assessment related; and
- (c) as a result of a failure to make a return for a later prescribed accounting period, being a failure by the casino operator referred to in paragraph (a), the Comptroller finds it necessary to make another assessment under subsection (1) for the later period,

then, if the Comptroller thinks fit, having regard to the failure referred to in paragraph (a), he may specify in the assessment referred to in paragraph (c) an amount of casino tax greater than that which he would otherwise have considered to be appropriate.

(6) Where it appears to the Comptroller that the amount which ought to have been assessed in an assessment under this section exceeds the amount which was so assessed, the Comptroller may —

- (a) under the same provision as that under which the assessment was made; and
- (b) within the period during which that assessment could have been made,

make a supplementary assessment of the amount of the excess and shall notify the casino operator accordingly.

(7) Where an amount has been assessed and notified to any casino operator under subsection (1), (2) or (6), it shall, subject to the provisions of this Act as to review and appeals, be deemed to be an amount of casino tax due from the casino operator and may be recovered accordingly, unless, or except to the extent that, the assessment has subsequently been withdrawn or reduced.

(8) The Comptroller may at any time make all such alterations in or additions to an assessment made under this section as he thinks

necessary to ensure the correctness thereof and notify the casino operator accordingly.

(9) Where the Comptroller raises an assessment under subsection (1) upon the failure of a casino operator to make any returns, and, subsequent to such assessment, the casino operator makes a return, the Comptroller may, in his discretion, take into account the return and revise his assessment as he deems fit.

(10) A certificate purporting to be under the hand of the Comptroller —

- (a) that any return required by or under this Part has not been made or had not been made at any date;
- (b) that any return made under this Part has been made by the person named therein;
- (c) that any casino tax shown as due in any return or assessment made under this Part has not been paid; or
- (d) that any penalty is due from the person named therein,

shall be sufficient evidence of that fact until the contrary is proved.

[22/2009 wef 22/10/2009]

Revisions and objections

146C.—(1) If any casino operator has made an error in a return of its gross gaming revenue for any accounting period, the casino operator may apply to the Comptroller within a period of 5 years from the date the return was made, by notice in writing, to review and revise any assessment of casino tax made in respect of that period for which the return was made.

[Act 36 of 2012 wef 31/01/2013]

(2) If any casino operator disputes an assessment of casino tax made upon it under section 146B, the casino operator may apply to the Comptroller, by notice of objection in writing, to review and revise the assessment made.

(3) A notice of objection under subsection (2) shall state precisely the grounds of the casino operator's objections to the assessment and shall be made —

- (a) within 30 days from the date of the service of the notice of assessment; or
 - (b) if the Comptroller is satisfied that there is reasonable cause for the delay, within such longer period as the Comptroller may allow in the circumstances.
- (4) On receipt of a notice under subsection (1) or (2) from a casino operator, the Comptroller may —
- (a) require the casino operator to furnish such particulars as the Comptroller may consider necessary with respect to the gross gaming revenue of the casino operator and to produce all books or other documents in the casino operator's custody or under its control relating to such revenue; and
 - (b) summon any person whom he thinks is able to give evidence respecting the assessment to attend before him and may examine that person on oath or otherwise.
[Act 36 of 2012 wef 31/01/2013]
- (5) If any casino operator who has given a notice under subsection (1) or (2) —
- (a) agrees with the Comptroller as to the amount at which the casino operator is liable to be assessed, the assessment shall be revised accordingly, and notice of the revised assessment shall be served upon that casino operator; or
[Act 36 of 2012 wef 31/01/2013]
 - (b) fails to agree with the Comptroller as to the amount at which the casino operator is liable to be assessed, the Comptroller —
 - (i) shall, if any casino tax is payable, give a notice of refusal to revise the assessment as desired by the casino operator; and
[Act 36 of 2012 wef 31/01/2013]
 - (ii) may revise the assessment to such amount as the Comptroller may determine according to the best of his judgment,
[Act 36 of 2012 wef 31/01/2013]

and the Comptroller shall serve upon that casino operator the notice of the revised assessment of the casino tax payable, together with the notice of refusal.

[22/2009 wef 22/10/2009]

[Act 36 of 2012 wef 31/01/2013]

[Act 36 of 2012 wef 31/01/2013]

Right of appeal

146D.—(1) Any casino operator aggrieved by a refusal of the Comptroller to revise an assessment under section 146C(5)(b)(i) or by an assessment of casino tax made upon it under section 146C(5)(b)(ii) may appeal against such decision or assessment to the Board of Review and the appeal shall be lodged with and heard by the Board of Review in the same manner as an appeal against an assessment of tax under the Income Tax Act (Cap. 134).

[Act 36 of 2012 wef 31/01/2013]

(2) No appeal shall lie against a decision of the Board of Review except an appeal to the High Court from the decision on any question of law or of mixed law and fact.

(3) Sections 79 to 84 of the Income Tax Act shall apply in relation to an appeal under subsection (1) or (2) as if it were an appeal in relation to an assessment of tax under that Act.

[22/2009 wef 22/10/2009]

Time within which payment is to be made

146E.—(1) Any amount of casino tax assessed to be payable under section 146B shall, notwithstanding any objection or appeal against the assessment, be payable in the time and manner stated in the notice of assessment issued by the Comptroller under that section.

(2) The Comptroller may, in his discretion and subject to such terms and conditions as he may impose, including the imposition of interest, extend the time limit within which payment is to be made.

[22/2009 wef 22/10/2009]

Penalty for late payment

147.—(1) If any casino tax that is due and payable is not paid by a casino operator by the prescribed time, a penalty equal to 5% of the

amount of casino tax payable shall be added thereto and be due and payable.

(2) If the amount of casino tax outstanding is not paid by a casino operator within one calendar month of the imposition of the penalty as provided by subsection (1), an additional penalty of 5% of the casino tax outstanding shall be payable for each completed month that the casino tax remains unpaid, but the total additional penalty shall not exceed 50% of the amount of casino tax outstanding.

(3) Any penalty imposed under this section shall be recoverable as if it were casino tax due and payable under this Part.

(4) The Comptroller may for any good cause remit the whole or part of the penalty payable under subsection (1) or (2).

[22/2009 wef 22/10/2009]

Recovery of tax and penalty

148.—(1) Casino tax and any penalty due and payable under this Part shall be recoverable as a debt due to the Government and the Comptroller may, in his own name, sue for such tax and penalty by way of a specially endorsed writ of summons.

(1A) The Comptroller shall be entitled to all costs allowed by law against a casino operator liable in any proceedings under subsection (1).

[22/2009 wef 22/10/2009]

(1B) The Comptroller may appear personally or by counsel in any suit instituted under subsection (1).

[22/2009 wef 22/10/2009]

(2) In any proceedings referred to in subsection (1), the production of a certificate signed by the Comptroller stating the amount of any casino tax due by a casino operator shall be sufficient evidence of the amount so due and sufficient authority for the court to give judgment for that amount.

Remission of tax

148A. The Minister may, in his discretion, remit, wholly or in part, the casino tax payable by any casino operator if he is satisfied that it is just and equitable to do so.

[22/2009 wef 22/10/2009]

Repayment of tax

149.—(1) If it is proved to the satisfaction of the Comptroller that a casino operator has paid casino tax in excess of the amount payable under this Part, that casino operator shall be entitled to have the amount so paid in excess refunded.

(2) Every claim for repayment under this section shall be made within 5 years from the payment of the casino tax claimed to be paid in excess.

[Act 36 of 2012 wef 31/01/2013]

Penalty for incorrect return

149A. Any person who —

- (a) makes an incorrect return by omitting or understating any gross gaming revenue or casino tax of which a casino operator is required by this Act to make a return; or
- (b) gives any incorrect information in relation to any matter affecting a casino operator's liability to casino tax,

shall be guilty of an offence and shall be liable on conviction —

- (i) to a penalty equal to double the amount of casino tax which has been underpaid in consequence of such incorrect return or incorrect information, or which would have been so underpaid if the return or information had been accepted as correct; and
- (ii) to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 2 years or to both.

[22/2009 wef 22/10/2009]

Evasion of tax

150.—(1) Any person who wilfully with intent to evade or to assist any other person to evade casino tax —

- (a) makes any false statement, declaration or entry in any return made under this Part or the regulations;
- (b) gives any false answer, whether verbally or in writing, to any question or request for information asked or made in accordance with this Part;
- (c) prepares or maintains or authorises the preparation or maintenance of any false record or falsifies or authorises the falsification of any record; or
- (d) makes use of any fraud, art or contrivance or authorises the use of any such fraud, art or contrivance,

shall be guilty of an offence for which, on conviction, he shall pay a penalty of 4 times the amount of casino tax which has been underpaid in consequence of the offence, or which would have been so underpaid if the offence had not been detected, and shall also be liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.

(2) Where an individual has been convicted for 2 or more offences under this section, the imprisonment he shall be liable to shall not be less than 6 months.

(3) Where in any proceedings under this section it is proved that any false statement or entry is made in any record maintained by or on behalf of any person, that person shall be presumed, until the contrary is proved, to have made that false statement or entry with intent to evade casino tax.

Power to appoint agent for recovery of tax

150A.—(1) The Comptroller may by notice in writing, if he thinks it necessary, declare any person to be the agent of a casino operator.

(2) The person declared to be the agent of a casino operator under subsection (1) shall be the agent of the casino operator for the purposes of this Part and may be required to pay any casino tax or penalty due from any moneys which, at the date of the receipt of the notice or at any time during the period of 90 days thereafter, may be held by him for or due by him to the casino operator whose agent he has been declared to be.

(3) In default of payment under subsection (2), the casino tax shall be recoverable from the agent in the manner provided under section 148.

(4) For the purposes of this section, the Comptroller may require any person to give him information as to any moneys, funds or other assets which may be held by him for, or of any moneys due by him to, any casino operator.

(5) Where any person declared by the Comptroller to be the agent of a casino operator under subsection (1) is aggrieved by such declaration he may, by notice in writing to the Comptroller within 14 days, or within such further time as the Comptroller in his discretion may allow, object to the declaration.

(6) The Comptroller shall examine the objection and may cancel, vary or confirm the declaration.

(7) Where the objector is aggrieved by the Comptroller's decision upon his objection, he may appeal against such decision to the Board of Review and the provisions of section 146D shall apply with the necessary modifications.

(8) Where an agent makes any payment of moneys to the Comptroller under this section —

- (a) the agent shall be deemed to have been acting under the authority of the casino operator by whom the casino tax is payable (referred to in this section as the defaulting taxpayer);
- (b) the agent is hereby indemnified in respect of the payment to the Comptroller;
- (c) the amount of casino tax due from the defaulting taxpayer shall be reduced by the amount paid by the agent to the Comptroller; and
- (d) the amount of the reduction shall, to the extent of that amount, be deemed to have been paid to the defaulting taxpayer in accordance with any law, contract or scheme governing the payment of moneys held by the agent for or due from the agent to the defaulting taxpayer.

[22/2009 wef 22/10/2009]

Power of Comptroller to obtain information

151.—(1) The Comptroller may exercise his powers under sections 65, 65A and 65B of the Income Tax Act (Cap. 134) generally for the purpose of this Part.

(2) Any person who fails or neglects without reasonable excuse to comply with any notice issued by the Comptroller under section 65 or 65A of the Income Tax Act or any requirement of the Comptroller under section 65B of that Act for the purpose of this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) [*Deleted by Act 36 of 2012 wef 31/01/2013*]

Official secrecy for tax-related information

151A.—(1) Every person having any official duty or being employed in the administration of this Part shall regard and deal with all documents, information, returns and assessments relating to the casino tax payable by any casino operator, as secret and confidential, and may be required by the Comptroller to make or subscribe a declaration to that effect in the form determined by the Comptroller.

(2) Every person, being authorised or employed in carrying out the provisions of this Part and having possession or control over any document, information, return or assessment relating to casino tax under this Part, who at any time otherwise than for the purposes of this Part or with the express authority of the President —

- (a) communicates or attempts to communicate such information or anything contained in such documents, returns or assessments to any person; or
- (b) suffers or permits any person to have access to any such information or to anything contained in such documents, returns or assessments,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) No person who is authorised or employed in carrying out the provisions of this Part shall be required to produce in any court any document, return or assessment, or to divulge or communicate to any court any matter or thing coming under his notice in the performance of his duties under this Part, except as may be necessary —

- (a) for the purpose of carrying into effect the provisions of this Part; or
- (b) in order to institute a prosecution, or in the course of a prosecution, for any offence committed in relation to casino tax under this Part.

(4) Notwithstanding anything in this section, the Comptroller shall permit the Minister for Finance, the Auditor-General or any officer duly authorised in that behalf by the Minister for Finance or the Auditor-General to have such access to any records or documents as may be necessary for the performance of his official duties.

(5) Notwithstanding anything in this section, the Comptroller may transmit or communicate to any of the following persons, or permit access to, any document, information, return or assessment referred to in subsection (1) which may be required by any of them in the performance of their official duties:

- (a) the Comptroller of Property Tax appointed under the Property Tax Act (Cap. 254);
- (b) the Comptroller of Goods and Services Tax appointed under the Goods and Services Tax Act (Cap. 117A);
- (c) the Chief Assessor appointed under the Property Tax Act;
- (d) the Commissioner of Stamp Duties appointed under the Stamp Duties Act (Cap. 312).

(6) Notwithstanding anything in this section, the Comptroller may, for the purpose of enabling the Chief Statistician to perform his duties under the Statistics Act (Cap. 317), furnish and permit the Chief Statistician access to any information and records as may be required under this Part or by regulations made under section 146(4).

(7) Notwithstanding anything in this section, the Comptroller may lay a complaint of professional misconduct against any person in his

professional dealings with the Comptroller to the appropriate authority empowered to take disciplinary action against the person and may, in connection with the complaint, furnish any relevant documents or information.

(8) Notwithstanding anything in this section or section 6 of the Income Tax Act (Cap. 134), the Comptroller or any officer of the Inland Revenue Authority of Singapore may —

- (a) furnish to any officer of the Authority any information obtained by the Comptroller in the performance of his duties under this Part, where such information may be required by the officer of the Authority in the performance of his duties; and
- (b) upon the request of the Authority, permit any officer of the Authority to have access to, including taking copies of, such records or documents relating to casino tax in the possession of the Comptroller as the Comptroller may allow,

where the Comptroller is satisfied that such information or access is necessary for the performance of the duties of the officer of the Authority.

(9) Notwithstanding subsections (1) and (2) and without prejudice to subsections (4) to (8), the Comptroller may disclose information relating to the casino tax payable by a casino operator to any of the following with the express consent of the casino operator to whom the information relates:

- (a) any public officer or officer of a statutory board for the performance of his official duties in administering or facilitating the administration of any written law or public scheme;
- (b) any other person who is engaged by the Government or a statutory board to facilitate the administration of such written law or public scheme, if the Comptroller has obtained a written undertaking from the other person that he shall be bound by the same obligations as to secrecy

imposed by subsections (1), (2) and (3) with the necessary modifications.

(10) Notwithstanding anything in this section, the Comptroller may furnish to the Government or any statutory board, for any statistical or research purpose, any information relating to any person in a manner that does not identify, and is not reasonably capable of being used to identify, that person.

[Act 36 of 2012 wef 31/01/2013]

Composition of offences by Comptroller

152.—(1) The Comptroller may compound any offence under section 150 by collecting from a person reasonably suspected of having committed the offence a sum not exceeding 4 times the amount of casino tax underpaid in consequence of the offence, or which would have been so underpaid if the offence had not been detected.

(1A) The Comptroller may compound any offence under section 149A by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the penalty under paragraph (i) of that section.

[22/2009 wef 22/10/2009]

(2) The Comptroller may compound any offence under section 151 or the regulations made under section 146 by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$5,000.

PART X

NATIONAL COUNCIL ON PROBLEM GAMBLING

Division 1 — Interpretation

Interpretation of this Part

153.—(1) In this Part, unless the context otherwise requires —

“application” means an application for a family exclusion order or an application for a visit limit by a family member, as the case may be;

[Act 36 of 2012 wef 31/01/2013]

“chairman” means the chairman of the Council;

“Committee” means any Committee of Assessors for the time being constituted under section 157(1);

“exclusion order” means an exclusion order made under section 165, and includes an exclusion order made in the respondent’s absence under section 165C;

[Act 36 of 2012 wef 31/01/2013]

“family exclusion order” means a family exclusion order made under section 162, and includes a family exclusion order made in the respondent’s absence under section 165C;

[Act 36 of 2012 wef 31/01/2013]

“family member”, in relation to a respondent, means —

- (a) a spouse of the respondent;
- (b) a child of the respondent, including an adopted child and a step-child;
- (c) a parent of the respondent, including an adoptive parent and a step-parent; and
- (d) a sibling of the respondent, including an adoptive sibling, a step-sibling and a half-sibling;

“list of excluded persons” means the list of excluded persons established and maintained under section 168, as varied or updated from time to time;

[Act 36 of 2012 wef 31/01/2013]

“Minister” means the Minister for Community Development, Youth and Sports;

“panel” means the panel of assessors appointed under section 157(2);

“provisional family exclusion order” means a provisional family exclusion order made under section 164;

[Act 36 of 2012 wef 31/01/2013]

“respondent” means a person against whom a family exclusion order, visit limit or exclusion order is sought or made;

[Act 36 of 2012 wef 31/01/2013]

“self-exclusion” means an exclusion of a person from any casino premises under section 165A(1)(c) upon a voluntary application of that person;

[Act 36 of 2012 wef 31/01/2013]

“visit limit”, in relation to an individual, means an order made by the Council or by a Committee specifying a maximum number of visits in aggregate which the individual may make to any casino each month, and includes any visit limit made in the respondent’s absence under section 165C.

[Act 36 of 2012 wef 31/01/2013]

[Act 36 of 2012 wef 31/01/2013]

(2) In this Part, any continuous period of 24 hours commencing from the time a person enters any casino premises shall constitute a single visit by the person to that casino, regardless of the number of times the person leaves and re-enters the casino premises during that 24-hour period.

[Act 36 of 2012 wef 31/01/2013]

Division 2 — Establishment and functions of National Council on Problem Gambling

Establishment of Council

154.—(1) There shall be a National Council on Problem Gambling comprising a chairman and not less than 7 and not more than 19 other members to be appointed by the Minister.

(2) The chairman and every member of the Council shall be appointed for a period not exceeding 2 years and shall be eligible for reappointment.

(3) The Minister may, at any time, revoke the appointment of the chairman or any member of the Council and may appoint any person to fill any vacancy which may arise in the Council for any reason whatsoever.

Functions of Council

155.—(1) The functions of the Council shall be —

- (a) to do all the things it is authorised or required to do under this Part; and
- (b) to appoint a panel of assessors to decide on applications for the exclusion of persons from casino premises.

(2) The Council may appoint a secretary to the Council and such other officers as may be required to enable the Council to carry out its functions under this Part.

(3) Every summons and notice issued under the hand of the secretary to the Council to any person shall be deemed to be issued by the Council.

(4) The Council may, subject to the provisions of this Part, regulate its own procedure.

(5) The Council shall not transact any business unless a quorum of not less than half of its members, including the chairman or member presiding, is present.

(6) The chairman, if present, shall preside at all meetings of the Council.

(7) Where the office of chairman is vacant or the chairman for any reason is unable to attend a meeting, such other member as the members present shall elect shall preside at the meeting.

(8) The Council may appoint from amongst its own members such number of committees as it thinks fit, and may, subject to such conditions or restrictions as it may impose, delegate to any such committee any of the functions or powers of the Council under this Part, except —

- (a) the power of delegation conferred by this subsection;
- (b) the power to decide an appeal under section 165(6); and
- (c) the power to make any subsidiary legislation under section 170.

[Act 36 of 2012 wef 31/01/2013]

(9) Any function or power delegated under subsection (8) to any committee may be performed or exercised by the committee to whom it has been delegated in the name and on behalf of the Council.

[Act 36 of 2012 wef 31/01/2013]

(10) No delegation under subsection (8) shall prevent the performance or exercise of any function or power by the Council.

[Act 36 of 2012 wef 31/01/2013]

Validity of Council's actions

156.—(1) The Council may, subject to section 155(5), transact its business notwithstanding any vacancy among its members.

(2) The proceedings or any decision of the Council shall be valid notwithstanding any defect in the appointment of its members or that some person who was not entitled to do so took part in its proceedings.

Division 3 — Family exclusion orders, visit limits and other exclusion orders

Committee of Assessors for making exclusion orders

157.—(1) For the purpose of hearing and determining an application for a family exclusion order under section 158 or of making an exclusion order under section 165, the chairman of the Council shall, from time to time, constitute a Committee of Assessors consisting of —

(a) a chairman, being a member of the Council; and

(b) 2 other members selected from the panel of assessors appointed under subsection (2).

(2) For the purpose of enabling a Committee to be constituted under subsection (1), there shall be a panel of assessors, the members of which shall be appointed by the Council.

(3) The panel shall consist of such number of persons as the Council may determine.

(4) A person appointed to the panel shall, unless his appointment is revoked by the Council under subsection (6) or he resigns, be a member of the panel for a period of 2 years or for such shorter period

as the Council may in any case determine, but shall be eligible for reappointment.

(5) Where a person ceases to be a member of the panel, the Council shall, as soon as is reasonably practicable, take steps to fill the vacancy in the Committee of which he is a member, but the existence of any vacancy in the Committee shall not invalidate the acts of the Committee.

(6) The Council may at any time revoke the appointment of a member of the panel.

(7) There shall be paid to the members of the panel such salaries, fees and allowances as the Council may determine.

Committee to hear and determine applications for family exclusion orders

158.—(1) A Committee shall hear and determine in accordance with this Part all applications for family exclusion orders referred to the Committee under section 159(2).

(2) Sittings of a Committee shall be held at such places and times as the chairman of the Committee may determine.

(3) No party to any proceedings before a Committee may be represented by an advocate and solicitor except that the person making the application on behalf of an applicant under section 160 or 161 may represent the applicant before a Committee although he may be an advocate and solicitor.

(4) A Committee shall have the power to —

- (a) summon any person whom it may consider able to give evidence to attend at the hearing of an application, and examine such person as a witness;
- (b) require any person to furnish such information or produce such document, record or article in the possession or under control of that person as the Committee considers relevant for the purposes of the proceedings; and
- (c) inspect, keep or make copies of such record, document or article.

(5) Every person examined as a witness by or before a Committee or required to furnish any information or produce any document, record or article by a Committee shall, notwithstanding any written law or rule of law relating to the confidentiality of medical information or any rule of practice relating to client confidentiality, be legally bound to state the truth and to produce such records, documents or articles as the Committee may require for the purposes of carrying out its functions and duties under this Part.

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(6) In proceedings under this Part, a Committee is to decide questions of fact on the balance of probabilities.

(7) A Committee shall not be bound by the strict rules of evidence and shall determine the conduct of its proceedings.

(8) At any meeting of a Committee under this Part —

(a) all 3 members of the Committee shall be personally present to constitute a quorum; and

(b) any question arising at the meeting of the Committee shall be determined by a majority of votes of the members present and, in the case of an equality of votes, the chairman of the Committee shall have a casting vote.

Application for family exclusion order

159.—(1) An application for a family exclusion order against a respondent may be made by —

(a) a family member of the respondent adversely affected by the respondent's gambling; or

(b) a person referred to in section 160 or 161 on behalf of a family member referred to in paragraph (a).

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(2) An application shall be made to the Council in writing in the form approved by the Council, and the Council shall refer the application to a Committee.

(3) Upon receiving an application under subsection (1), the Council, or the secretary or an officer of the Council on behalf of the Council —

- (a) may require the respondent named in the application, any family member of the respondent or any casino operator to furnish such information or produce such document or record in the possession or under the control of the respondent, family member or casino operator, as the case may be, as the Council considers relevant to the application; and
- (b) may inspect, keep or make copies of such document or record.

[Act 36 of 2012 wef 31/01/2013]

Application by or on behalf of person below 21 years

160. An application that could otherwise be made by a person under this Part may, if the person is below the age of 21 years, be made —

- (a) by the person, with the permission of the Council, if the person is at least 16 years of age; or
- (b) on behalf of the person by —
 - (i) a parent or guardian of the person; or
 - (ii) with the permission of the Council, any other family member or other relative of the person.

Application on behalf of incapacitated applicant

161. Where a person is unable to make an application (whether by reason of physical or mental infirmity or for any other reason), the application may be made on his behalf —

- (a) with the permission of the Council, by any family member or other relative of the person; or
- (b) by any person appointed by the Minister.

Grounds for making family exclusion order

162.—(1) On an application referred to a Committee under section 159(2), the Committee may make a family exclusion order against a respondent if —

- (a) there is a reasonable apprehension that the respondent may cause serious harm to family members because of his gambling;
- (b) the Committee is satisfied that the making of the order is appropriate in the circumstances;
- (c) subject to section 165C, the respondent has been given an opportunity to object to the application; and

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- (d) the Committee is satisfied that it would be in the best interests of the respondent and his family members to make the order.

(2) For the purposes of this Part, a respondent is to be regarded as having caused serious harm to family members because of his gambling if the respondent —

- (a) has engaged in gambling activities irresponsibly having regard to the needs and welfare of the respondent's family members; and
- (b) has done so repeatedly over a period of not less than 3 months or in a particularly irresponsible manner over a lesser period.

(3) A Committee may decide that there is a reasonable apprehension that a respondent may cause serious harm to family members because of his gambling if the Committee is satisfied that —

- (a) the respondent has caused such harm prior to the complaint, according to the test set out in subsection (2); and
- (b) there is reason to believe that the respondent's irresponsible gambling behaviour will continue or recur.

(4) A Committee may, in determining whether there is a reasonable apprehension that a respondent may cause serious harm to family members because of his gambling, take into account events that have taken place outside Singapore.

(5) If a respondent disputes some or all of the grounds on which a family exclusion order is sought or made but consents to the order, a

Committee may make or confirm the order without receiving any further submissions or evidence as to the grounds.

(6) A Committee may, at any stage, dismiss an application if the Committee is satisfied that the application is frivolous, vexatious, without substance or has no reasonable prospect of success.

(7) A Committee shall report to the Council its decision on every application referred to the Committee accordingly and briefly state the reasons for its decision.

Terms of family exclusion order

163.—(1) A family exclusion order —

- (a) shall specify the period during which it is in force; and
- (b) may apply for the benefit of all of the respondent's family members or specified family members.

(2) Without limiting the matters that may be the subject of a family exclusion order, an order may do one or more of the following:

- (a) refer the respondent to participate in a program of counselling, rehabilitation or special education or any combination of these;
- (b) bar the respondent from entering or remaining, or taking part in any gaming on any casino premises;
- (c) require the respondent to close any deposit account in a casino;
- (d) require a casino operator to close any deposit account of the respondent with the casino.

Provisional family exclusion order

164.—(1) Where, upon an application for a family exclusion order under section 159, a Committee is satisfied that the respondent has caused serious harm to family members having regard to section 162(2) and further harm to family members is imminent, the Committee may make a provisional family exclusion order, notwithstanding that —

- (a) a hearing has not been held under section 158 to determine the application for the family exclusion order; or
- (b) a summons has not been served on the respondent to appear at the hearing under section 158.

(2) A provisional family exclusion order shall take effect on the date on which the provisional family exclusion order is served on the respondent or such later date as the Committee may specify therein, but shall cease to have effect on whichever of the following dates occurs first:

- (a) the date of the conclusion of the hearing under section 158 to which the respondent is summoned or, if the hearing is adjourned, the conclusion of the adjourned hearing;
- (b) the 28th day after the date of the making of the provisional family exclusion order, or such later date as the Committee may determine in any particular case.

(3) The Committee which makes or extends a provisional family exclusion order under this section need not comprise the same members as the Committee which hears the application for the family exclusion order under section 158.

Committee may make exclusion order in certain circumstances

165.—(1) A Committee may, on its own motion, by written order make an exclusion order against a person if it comes to the attention of the Committee that the person has a poor credit record.

(3) Before a Committee makes an exclusion order against any person under subsection (1), the Committee shall, by a notice in writing, give the person a reasonable opportunity to object to the proposed order.

[Act 36 of 2012 wef 31/01/2013]

(4) An exclusion order made under subsection (1) shall bar the person named in the order from entering or remaining on any casino premises for as long as the circumstances in subsection (1) exist in relation to that person or for such other period as may be specified in the order.

(5) A Committee may, at any time, revoke an exclusion order made under subsection (1) against a person if, having regard to all the circumstances of the case, the Committee is of the opinion that an exclusion order would no longer be in the best interests of the person and his family members.

(6) A person who is aggrieved by an exclusion order made against him by a Committee under subsection (1) may, within 30 days of being notified of the decision of the Committee, appeal to the Council whose decision shall be final.

Persons to be excluded by law or self-excluded from casino

165A.—(1) The following persons shall be excluded from entering or remaining, or taking part in any gaming, on any casino premises:

- (a) a person who is on such social assistance programme or subsidy scheme funded by the Government or any statutory body as the Minister may, by order published in the *Gazette*, prescribe;
- (b) an undischarged bankrupt;
- (c) a person who has made a voluntary application in the prescribed form and manner to the Council to be excluded from entering or remaining, or taking part in any gaming, on any casino premises.

(1A) The Minister may, by order published in the *Gazette*, exempt any person or class of persons referred to in subsection (1)(a) or (b) from subsection (2), subject to such conditions as may be specified in the order.

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(2) A person referred to in subsection (1)(a) or (b) shall be excluded from entering or remaining, or taking part in any gaming, on any casino premises for so long as the circumstances in subsection (1)(a) or (b) exist in relation to that person.

(3) A person referred to in subsection (1)(c) shall be subject to the self-exclusion which he has applied for (whenever made) until such time that the Council, upon the person's application, revokes the self-exclusion.

[Act 36 of 2012 wef 31/01/2013]

(4) The Council may, as a condition of revoking the self-exclusion of a person (whenever made), require the person to —

- (a) participate in a programme of counselling, rehabilitation or special education; or
- (b) undergo an assessment of harm from gambling, including a clinical assessment if necessary, by a suitably qualified person appointed by the Council for this purpose,

or any combination of these.

[Act 36 of 2012 wef 31/01/2013]

(5) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

(6) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

(7) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

(8) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

(9) *[Deleted by Act 36 of 2012 wef 31/01/2013]*

Voluntary application for visit limit

165B.—(1) A person may make a voluntary application for a visit limit against himself in the prescribed form and manner to the Council.

(2) A visit limit under subsection (1) shall specify the maximum number of visits in aggregate that the person may make to any casino in each month.

(3) A person shall be subject to the visit limit which he has applied for under subsection (1) until such time that the Council, upon the person's application, revokes the visit limit.

(4) The Council may, as a condition of revoking a visit limit against a person, require the person to —

- (a) participate in a programme of counselling, rehabilitation or special education; or
- (b) undergo an assessment of harm from gambling, including a clinical assessment if necessary, by a suitably qualified person appointed by the Council for this purpose,

or any combination of these.

[Act 36 of 2012 wef 31/01/2013]

Making family exclusion order, visit limit or exclusion order in respondent's absence

165C.—(1) A family exclusion order, a visit limit or an exclusion order under section 162, 163A or 165(1) may be made by a Committee in the absence of the respondent if —

- (a) the respondent was served with the summons to appear at the hearing of the application under section 158 and failed, without reasonable excuse, to appear at the time and place appointed for the hearing, or has indicated that he does not wish to attend the hearing;
- (b) the respondent was served with a notice to object under section 165(3) and failed to respond by the time and date specified in the notice, or has indicated that he does not wish to respond; or
- (c) no service can be effected after reasonable efforts have been made to locate the respondent who cannot be found or is outside Singapore,

and the Committee is satisfied that there are grounds for making the family exclusion order, visit limit or exclusion order under section 162, 163A or 165(1), as the case may be.

(2) Any family exclusion order, visit limit or exclusion order made by virtue of this section shall take effect on the date of the conclusion of the hearing under section 158 or the date specified in the notice under section 165(3), as the case may be, or such later date as the Committee may specify, and continues in force until whichever of the following occurs first:

- (a) the family exclusion order, visit limit or exclusion order is set aside by a Committee on the application of the respondent under subsection (3);
- (b) the family exclusion order, visit limit or exclusion order expires;

(c) the family exclusion order, visit limit or exclusion order is revoked under section 166.

(3) An application to set aside any family exclusion order, visit limit or exclusion order made by virtue of this section may be made by the respondent within the prescribed time and in the prescribed manner.

(4) A Committee may determine an application to set aside any family exclusion order, visit limit or exclusion order by confirming, varying or setting aside the order or visit limit.

(5) The Committee at the hearing to set aside any family exclusion order, visit limit or exclusion order need not comprise the same members as the Committee which made the order or visit limit.

(6) This section shall apply to any respondent against whom an application for a family exclusion order is made, whether made before, on or after the date of commencement of section 88 of the Casino Control (Amendment) Act 2012.

[Act 36 of 2012 wef 31/01/2013]

Effect of visit limit

165D. A respondent who has, in any month, made the maximum number of visits to any casino specified in a visit limit under section 163A, 165(1) or 165B against him —

- (a) shall be excluded from entering into or remaining on, or taking part in any gaming on, any casino premises for the remainder of the month; and
- (b) shall cease to be so excluded upon the commencement of the first day of the following month.

[Act 36 of 2012 wef 31/01/2013]

Variation or revocation of family exclusion order, visit limit or exclusion order by Council

166.—(1) The Council may confirm, vary or revoke —

- (a) a family exclusion order or a visit limit made under section 163A on an application by —
 - (i) a family member for whose benefit the family exclusion order or visit limit was made; or

(ii) the respondent; or

(b) an exclusion order or a visit limit made under section 165(1) on an application by the respondent.

[Act 36 of 2012 wef 31/01/2013]

(2) An application for variation or revocation of an order or a visit limit under subsection (1) may be made by the respondent only with the permission of the Council and permission is only to be granted if the Council is satisfied that there has been a substantial change in the relevant circumstances since the order or visit limit was made or last varied.

[Act 36 of 2012 wef 31/01/2013]

(2A) For the purposes of determining whether there has been a substantial change in the relevant circumstances, the Council may —

(a) require the respondent to undergo an assessment of harm caused by gambling, including a clinical assessment if necessary, by a suitably qualified person appointed by the Council for this purpose;

(b) require any person to furnish such information or produce such document or record in the possession or under the control of that person as the Council considers relevant to its determination; and

(c) inspect, keep or make copies of such document or record.

[Act 36 of 2012 wef 31/01/2013]

(3) The Council shall, before confirming, varying or revoking an order or a visit limit under this section, allow the respondent and, in the case of a family exclusion order, a family member for whose benefit the order was made, a reasonable opportunity to be heard on the matter.

[Act 36 of 2012 wef 31/01/2013]

(4) The decision of the Council under this section shall be final.

Service of family exclusion order, visit limit or exclusion order

167.—(1) Except in a case where an order or a visit limit has been made by virtue of section 165C(1)(c), any family exclusion order, provisional family exclusion order, visit limit made under section 163A or 165(1) or exclusion order must be served on the

respondent and is not binding on the person named in the order or visit limit until it has been so served.

[Act 36 of 2012 wef 31/01/2013]

(2) If a family exclusion order, a provisional family exclusion order, a visit limit or an exclusion order is confirmed in an amended form or is varied at any time, the order or visit limit in its amended or varied form must be served on the respondent and until so served —

(a) the variation is not binding on the respondent; and

(b) the order or visit limit as in force prior to the variation continues to be binding on the respondent.

[Act 36 of 2012 wef 31/01/2013]

[Act 36 of 2012 wef 31/01/2013]

(3) As soon as practicable after a family exclusion order or a visit limit under section 163A is made, varied or revoked, the Council shall notify the applicant of the family exclusion order or visit limit of the making of the family exclusion order or visit limit, or the variation or revocation thereof, as the case may be.

[Act 36 of 2012 wef 31/01/2013]

List of excluded persons

168.—(1) The Council shall establish, maintain and regularly update a list of excluded persons which sets out the names and particulars of every person (referred to collectively in this section as excluded persons under this Part) who, for the time being is —

(a) excluded from any casino premises by a family exclusion order, a provisional family exclusion order or an exclusion order, or subject to exclusion or self-exclusion under section 165A; or

(b) excluded under section 165D from any casino premises by reason of having made the maximum number of visits to any casino specified by a visit limit made against him for the month.

(2) For the purposes of maintaining the list of excluded persons referred to in subsection (1)(b), the Council may, by notice in writing, require a casino operator to furnish any information or produce any document or record in the possession or under the control of the casino

operator relating to the number of visits made by any person to the casino.

(3) The Council shall furnish the list of excluded persons to —

- (a) the Authority;
- (b) the Commissioner of Police; and
- (c) every casino operator.

(4) Upon —

- (a) the cessation, revocation or setting aside of any family exclusion order, provisional family exclusion order, exclusion order or visit limit made against any person whose name is on the list of excluded persons;
- (b) the cessation of any exclusion or self-exclusion under section 165A, or revocation of any visit limit under section 165B, against any person whose name is on the list of excluded persons; or
- (c) the cessation of any exclusion under section 165D(b),

the Council shall —

- (i) remove the name and particulars of the person from the list of excluded persons; and
- (ii) notify the persons referred to in subsection (3)(a), (b) and (c) of the removal.

(5) Without prejudice to subsection (4), the Council may, from time to time, vary or update the list of excluded persons —

- (a) to correct any clerical or other error in the names or particulars therein;
- (b) to add the names and particulars of new persons to the list; or
- (c) to update any of the names or particulars therein in order that they remain sufficient to identify any excluded person,

and the Council shall notify the persons referred to in subsection (3)(a), (b) and (c) of those variations and updates.

(6) It shall be a defence to any disciplinary action against a casino operator for a contravention of section 126(1) by permitting an excluded person under this Part to enter or remain on the casino premises if it is proved that —

- (a) before the person entered the casino premises or while the person was on the casino premises, there was produced to the casino operator or to its agent or employee proof of the person's identity; and
- (b) at that time, the person's name and particulars were not on the list of excluded persons furnished by the Council to the casino operator.

(7) It shall be lawful for the person for the time being in charge of a casino, an agent of the casino operator or a casino employee to refuse entry to, or remove or cause to be removed from the casino premises using no more force than is reasonably necessary, any person whose name and particulars are at that time on the list of excluded persons furnished or notified by the Council to the casino operator.

Secrecy of proceedings of Committee

169.—(1) Except as provided under section 168 and this section, the proceedings of a Committee shall be secret.

(2) No member of a Committee shall disclose or divulge to any person, other than —

- (a) the Minister;
- (b) any member or officer of the Council; or
- (c) any officer of the Authority,

any matter which has arisen at any proceedings of the Committee unless he is expressly authorised to do so by the Minister or the respondent to whom the information relates has consented to the disclosure.

[Act 36 of 2012 wef 31/01/2013]

Rules

170.—(1) The Council may, with the approval of the Minister, make such rules as may be necessary or expedient to give effect to the

provisions and purposes of this Part and for the due administration thereof.

(2) Without prejudice to the generality of subsection (1), the Council may, with the approval of the Minister, make rules to prescribe —

- (a) the procedure for the conduct of any proceedings by the Council;
- (b) the procedure for the conduct of any proceedings by a Committee;
- (c) the forms necessary for the administration of this Part; and
- (d) any fees for an application and other charges for the purposes of this Part.

PART XA

CASINO ADVERTISING AND RESPONSIBLE GAMBLING

[Act 36 of 2012 wef 31/01/2013]

Casino advertising and promotions

170A.—(1) Subject to subsection (2), no person shall carry out any advertising or promotional activities relating to a casino except with the approval of the Authority and in accordance with regulations made for such purpose under section 200.

(2) Regulations made for the purposes of this section may —

- (a) specify the types of advertising and promotional activities for which approval is required; and
- (b) specify the persons or class of persons who shall be required to comply with this section.

(3) Any casino operator, licensed special employee, licensed international market agent or licensed international market agent representative which or who, being required to comply with subsection (1), fails to do so shall be liable to disciplinary action.

(4) Any person (other than a person referred to in subsection (3)) who, being required to comply with subsection (1), fails to do so shall

be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[Act 36 of 2012 wef 31/01/2013]

Responsible gambling requirements

170B.—(1) A casino operator shall, at all times while the casino is in operation, establish and implement a responsible gambling programme approved by the Authority which meets the responsible gambling requirements prescribed by regulations made under section 200.

(2) A casino operator which contravenes subsection (1) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

Audit on advertising or responsible gambling

170C.—(1) The Authority may, at any time, appoint a special auditor to undertake an audit of a casino operator's advertising and promotional activities or responsible gambling practices.

(2) The Authority may, instead of appointing a special auditor under subsection (1), by a notice in writing issued to a casino operator —

- (a) require the casino operator to appoint a person approved by the Authority as a special auditor to undertake the audit of the casino operator's advertising and promotional activities or responsible gambling practices; and
- (b) specify the terms of reference for the audit referred to in paragraph (a) and the time within which it must be completed.

(3) A casino operator to whom a notice in subsection (2) is directed shall, at its own expense, engage a person approved by the Authority as a special auditor to conduct the audit in accordance with the terms of reference and within the time specified in the notice.

(4) Where a casino operator fails to comply with subsection (3), the Authority may appoint a special auditor to undertake the audit and recover the cost of the audit from the casino operator.

(5) A casino operator shall provide all reasonable assistance to a special auditor appointed or engaged under this section.

(6) The special auditor who is appointed or engaged to undertake the audit of a casino operator's advertising and promotional activities or responsible gambling practices shall submit his report, all relevant supporting documents and such other information or report as the Authority may specify in relation to the audit, to the Authority not later than 60 days after the conclusion of the audit or within such other period as the Authority may specify in any particular case.

(7) A casino operator which fails to comply with subsection (3) shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

PART XI

GENERAL OFFENCES

Possession, use, etc., of certain things prohibited

171.—(1) A person shall not use any device for the purpose of enabling the person or some other person to count or otherwise record cards dealt in the course of gaming in the casino.

(1A) A person shall not, whether in a casino or elsewhere —

- (a) use as genuine chips that he knows or has reason to believe to be counterfeit chips;
- (b) have in his possession chips that he knows or has reason to believe to be counterfeit chips, intending that the same may be used as genuine; or
- (c) sell, buy or otherwise deal in chips that he knows or has reason to believe to be counterfeit chips, intending that the same may be used as genuine.

[Act 36 of 2012 wef 31/01/2013]

(2) A person shall not, in any casino or within any designated site, use or have in his possession or under his control —

- (a) any device, machine, implement or other material —
- (i) for the purpose of counterfeiting chips, or knowing or having reason to believe that the same is intended to be used for that purpose; or
 - (ii) that he knows or has reason to believe is or has been specially designed or adapted for the making of counterfeit chips;
- [Act 36 of 2012 wef 31/01/2013]
- (b) cards, dice or coins that he knows or has reason to believe have been marked, loaded or tampered with;
- (c) any equipment, device or thing that permits or facilitates cheating or stealing; or
- (d) such other thing as may be prescribed.

[Act 36 of 2012 wef 31/01/2013]

(2A) A person shall not, in any place outside a designated site, have in his possession or under his control any of the things in subsection (2)(a) to (d) —

- (a) knowing or having reason to believe that the device, machine, implement or material is or has been specially designed or adapted for the making of counterfeit chips; and
- (b) with the intention that he or someone else will use the device, machine, implement or material to make counterfeit chips.

[Act 36 of 2012 wef 31/01/2013]

(3) Any person who contravenes subsection (1), (1A), (2) or (2A) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both; or
- (b) in the case of a corporation, to a fine not exceeding \$300,000.

[Act 36 of 2012 wef 31/01/2013]

(4) Subsection (1A) or (2) does not prohibit the possession in a casino of any thing referred to in that subsection by a person in charge

of the casino, an agent of the casino operator, a casino employee, an inspector, or a police officer, if that thing has been seized by any of those persons from another person for use as evidence in proceedings for an offence.

[Act 36 of 2012 wef 31/01/2013]

Unlawful interference with gaming equipment

172.—(1) A person shall not, whether in a casino or elsewhere —

- (a) be in possession of any device made or adapted, or intended by the person to be used, for improperly interfering with gaming equipment;
- (b) do any act or thing calculated, or likely, to improperly interfere with gaming equipment; or
- (c) insert, or cause to be inserted, in a gaming machine any thing other than Singapore currency or a gaming token of the denomination or type displayed on the gaming machine as a gaming token to be used in order to operate or gain credit on the gaming machine.

[Act 36 of 2012 wef 31/01/2013]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both; or
- (b) in the case of a corporation, to a fine not exceeding \$300,000.

(3) If a police officer or an inspector believes on reasonable grounds that a person has committed an offence under subsection (1), the police officer or inspector may search the person for any device or thing that the police officer or inspector suspects was used in the commission of the offence.

(4) Nothing in subsection (3) shall authorise any police officer or inspector to remove, or require a person to remove, any of the person's clothing, and a search of a person's clothing being worn by the person

may only be done by a police officer or an inspector of the same sex as the person.

[Act 36 of 2012 wef 31/01/2013]

Cheating at play

172A.—(1) A person shall not, in relation to the playing of any game in a casino, obtain or attempt to obtain any money or advantage for himself or any other person —

- (a) by a fraudulent trick, device, sleight of hand or representation;
- (b) by a fraudulent scheme or practice;
- (c) by the fraudulent use of gaming equipment or any other thing; or
- (d) by placing a bet in a game after the result of the game is known.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

(3) Any person who colludes with another person to do any act in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to be punished with the punishment provided for the offence under subsection (2).

(4) If a police officer or an inspector believes on reasonable grounds that a person has committed, or colluded in the commission of, an offence of contravening subsection (1), the police officer or inspector may search the person for any device, gaming equipment, implement or material that the police officer or inspector suspects was used in the commission of the offence.

(5) Nothing in subsection (4) shall authorise any police officer or inspector to remove, or require a person to remove, any of the person's clothing, and a search of a person's clothing being worn by the person may only be done by a police officer or an inspector of the same sex as the person.

[Act 36 of 2012 wef 31/01/2013]

Possession of chips outside designated site

173.—(1) A person shall not, except in a casino or on premises within any designated site, have in his possession chips of the aggregate value of \$10,000 or more, or such other amount as may be prescribed in substitution thereof.

[Act 36 of 2012 wef 31/01/2013]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 5 years or to both.

Forgery and counterfeiting

174.—(1) No person shall —

(a) forge or counterfeit chips, a chip purchase voucher, a match play coupon, a licence under this Act or a special employee's form of identification; or

[Act 36 of 2012 wef 31/01/2013]

(b) use as genuine a forged or counterfeit chip purchase voucher, match play coupon, licence under this Act or special employee's form of identification, knowing or having reason to believe the same to be forged or counterfeit.

[Act 36 of 2012 wef 31/01/2013]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of an individual, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both; or

(b) in the case of a corporation, to a fine not exceeding \$300,000.

Impersonation

175.—(1) No person shall impersonate —

(a) the holder of a special employee licence; or

(b) an inspector.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 3 years or to both.

Entering casino on false pretences

175A. Any person who enters any casino by pretending to be some other person, or by using another person's identification document, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

[Act 36 of 2012 wef 31/01/2013]

Commissioner of Police and authorised police officer may obtain information

175B.—(1) The Commissioner of Police, or a police officer not below the rank of superintendent authorised by the Commissioner, may, if he is of the opinion that it is necessary to respond to a security threat, a threat to law and order or a threat of criminal infiltration, by a notice in writing, require a casino operator or a special employee to provide him with such information as may be specified in the notice concerning the casino operations or any person in or connected with the casino.

(2) A certificate purporting to be under the hand of the Commissioner of Police, or a police officer not below the rank of superintendent authorised by the Commissioner, that the information specified in the notice is necessary under subsection (1) shall be sufficient evidence of that fact.

(3) Any person to whom a notice under subsection (1) is given who, without reasonable excuse, fails to provide the specified information within the time specified in the notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

[Act 36 of 2012 wef 31/01/2013]

Refusal to provide information, etc.

176.—(1) Any person who —

- (a) fails, without reasonable excuse, to produce for inspection any machinery, equipment, record or thing in the possession or under the control of the person when required to do so by an inspector or a police officer in the performance of his functions under this Act; or

[Act 36 of 2012 wef 31/01/2013]

- (b) fails, without reasonable excuse, to attend before an inspector or a police officer and answer questions or supply information when required to do so by the inspector or police officer in the performance of his functions under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) If a person is charged with an offence under subsection (1) in respect of a requirement to produce a document, it shall be a defence for him to prove that —

- (a) the document was not in his possession or under his control; and
- (b) it was not reasonably practicable for him to comply with the requirement.

(3) If a person is charged with an offence under subsection (1) in respect of a requirement —

- (a) to provide information;
- (b) to provide an explanation of a document; or
- (c) to state where a document is to be found,

it shall be a defence for him to prove that he had a reasonable excuse for failing to comply with the requirement.

Destroying or falsifying documents

177. Any person who, having been required to produce a document to the Authority, an inspector or an authorised person under this Act —

- (a) intentionally or recklessly destroys or otherwise disposes of it, falsifies it or conceals it; or
- (b) causes or permits its destruction, disposal, falsification or concealment,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

False or misleading information

178.—(1) Any person who provides information to the Authority, a police officer, an inspector or any authorised person in connection with any application to the Authority or any function or duty of the Authority, police officer, inspector or authorised person under this Act shall be guilty of an offence if —

- (a) the information is false or misleading in a material particular; and
- (b) he knows that it is false or misleading in a material particular or is reckless as to whether it is so.

(2) A person who —

- (a) provides any information to another person, knowing the information to be false or misleading in a material particular; or
- (b) recklessly provides any information to another person which is false or misleading in a material particular,

knowing that the information is to be used for the purpose of providing information to the Authority, a police officer, an inspector or any authorised person in connection with any application to the Authority or any function or duty of the Authority, police officer, inspector or authorised person under this Act, shall be guilty of an offence.

(3) Any person guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

Obstructing officer of Authority, etc.

179. Any person who refuses to give access to, or obstructs, hinders or delays —

- (a) any member, officer, employee or agent of the Authority authorised to act for or assist the Authority;
- (b) any inspector or person assisting an inspector; or
- (c) any authorised person,

in the discharge of his duties under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

PART XII

ENFORCEMENT POWERS AND PROCEEDINGS

Detention of suspected person

180.—(1) A person who is —

- (a) for the time being in charge of a casino;
- (b) an agent of the casino operator; or
- (c) a casino employee,

and who suspects on reasonable grounds that a person within the casino premises is committing, attempting to commit or has committed any offence under Part XI or under a prescribed provision of this Act may detain the suspected person in a suitable place on or near the casino premises until the arrival at the place of detention of a police officer or an inspector.

(2) A person may not be detained under this section unless —

- (a) no more force is used than may be reasonably necessary;

- (b) the person detained is informed of the reasons for the detention; and
- (c) the person effecting the detention immediately notifies a police officer or an inspector of the detention and the reasons for the detention.

Powers of enforcement

181.—(1) In addition to the powers conferred on him by this Act or any other written law, an inspector or authorised person may, for the purposes of investigating any offence or contravention of a provision of this Act which may result in disciplinary action, do all or any of the following:

- (a) require any person whom he reasonably believes to have committed that offence or contravention to furnish evidence of the person's identity;
[Act 36 of 2012 wef 31/01/2013]
- (b) require any person to furnish any information or produce any record, document or copy thereof in the possession of that person, and may, without fee or reward, inspect, copy or make extracts from such record or document;
[Act 36 of 2012 wef 31/01/2013]
- (c) require, by order in writing, the attendance before the inspector or authorised person of any person within the limits of Singapore who, from any information given or otherwise obtained by the inspector or authorised person, appears to be acquainted with the circumstances of the case;
[Act 36 of 2012 wef 31/01/2013]
- (d) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act —
 - (i) whether before or after that person or anyone else is charged with an offence, or disciplinary proceedings are commenced, in connection with the matter; and

- (ii) whether or not that person is to be called as a witness in any inquiry, trial or disciplinary proceedings in connection with the matter.

[Act 36 of 2012 wef 31/01/2013]

[Act 36 of 2012 wef 31/01/2013]

(1A) Any person examined under this section shall be bound to state truly what he knows of the facts and circumstances concerning matters under this Act, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture.

[Act 36 of 2012 wef 31/01/2013]

(1B) A statement made by any person examined under this section shall —

- (a) be reduced to writing;
- (b) be read over to him;
- (c) if he does not understand English, be interpreted for him in a language that he understands; and
- (d) after correction, if necessary, be signed by him.

[Act 36 of 2012 wef 31/01/2013]

(1C) If any person fails to attend as required by an order under subsection (1)(c), the inspector or authorised person may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order.

[Act 36 of 2012 wef 31/01/2013]

(2) Any person who —

- (a) wilfully mis-states or without lawful excuse refuses to give any information or produce any record, document or copy thereof required of him by an inspector or authorised person under subsection (1); or

[Act 36 of 2012 wef 31/01/2013]

- (b) fails to comply with a lawful demand of an inspector or authorised person in the discharge by such inspector or authorised person of his duties under this Act or any other written law,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

Powers of arrest

182.—(1) Any inspector or authorised person may arrest without warrant any person whom he reasonably believes has committed an arrestable offence under this Act.

[Act 36 of 2012 wef 31/01/2013]

(2) Any inspector or authorised person who is not a police officer may exercise all or any of the powers in relation to investigations into an arrestable offence conferred on a police officer by the Criminal Procedure Code (Cap. 68) in any case relating to the commission of an arrestable offence under this Act or in any case where an arrestable offence is disclosed under any written law in the course of an investigation under this Act.

[Act 36 of 2012 wef 31/01/2013]

(2A) For the purposes of subsection (2), when an inspector or authorised person who is not a police officer is exercising the powers of a police officer under that subsection, he shall be deemed to be an officer not below the rank of inspector of police.

[15/2010 wef 02/01/2011]

(3) For the purposes of this section, offences punishable with imprisonment for 3 years or upwards and an offence under section 179 shall be deemed to be arrestable offences within the meaning of the Criminal Procedure Code.

[Act 36 of 2012 wef 31/01/2013]

Arrest on refusal to give name and residence

183.—(1) An inspector or authorised person may arrest any person who is accused of committing, or who commits in the view or presence of the inspector or authorised person, a non-arrestable offence if, on the demand of the inspector or authorised person, he refuses to give his name and residential address.

(2) An inspector or authorised person may arrest such a person who gives a residential address outside Singapore, or a name or residential

address which the inspector or authorised person has reason to believe is false.

(3) Any person arrested under this section must be brought to a police station as soon as reasonably practicable and may, if required by a police officer of or above the rank of sergeant, be released upon signing a bond, with or without surety, to appear before a Magistrate.

(4) If the person refuses or is unable to sign the bond as required, he must, within 24 hours of the arrest (excluding the time necessary for the journey to a Magistrate's Court), be brought before a Magistrate's Court.

(5) The person who is brought before a Magistrate's Court under subsection (4) may —

- (a) be ordered to be detained in custody until he can be tried; or
- (b) if so required by the Magistrate, be released upon signing a bond, with or without surety, to appear before a Magistrate's Court.

[Act 36 of 2012 wef 31/01/2013]

Power to enter premises

183A.—(1) An inspector or authorised person may enter at any reasonable time without notice any premises of a holder of a licence or approval granted under this Act for the purpose of investigating any offence or contravention of a provision of this Act which may result in disciplinary action, and may do all or any of the following:

- (a) search the premises and take possession of any thing found therein and reasonably believed to be connected to the commission of the offence or the contravention;
- (b) require the production of records and documents relating or reasonably believed to relate to the commission of the offence or the contravention, wherever and by whomsoever kept, and take and retain extracts or copies thereof;
- (c) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the inspector or authorised person to ascertain whether the equipment, or a disk, tape or other storage device that can

be used or associated with the equipment, contains information that is relevant to the investigation;

- (d) if such information is found in exercise of the power in paragraph (c) —
- (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or
 - (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

(2) Where an inspector or authorised person has reasonable grounds to suspect that there is, on any premises (including premises other than those referred to in subsection (1)), any record, document or information the production of which has been required under subsection (1) or section 181(1)(b), and —

- (a) which has not been produced in compliance with that requirement; or
- (b) which the inspector or authorised person has reasonable grounds to believe will not be produced in compliance with that requirement,

the inspector or authorised person may apply to a Magistrate for the issue of a warrant to search the premises for such record, document or information.

(3) Whenever it appears to a Magistrate, upon an application made under subsection (2), and after such enquiry as he may think necessary, that there are reasonable grounds for suspecting that there is, on particular premises, any record, document or information the production of which has been required under subsection (1) or section 181(1)(b), and —

- (a) which has not been produced in compliance with that requirement; or
- (b) which the Magistrate has reasonable grounds to suspect will not be produced in compliance with that requirement,

the Magistrate may issue a warrant authorising the inspector or authorised person or any person named therein, with or without assistance —

- (i) to enter and search the premises and to break open and search anything, whether a fixture or not, in the premises; and
- (ii) to take possession of, or secure against interference, any record or document, or equipment, disk, tape or other storage device containing information, that appears to be a record or document, or to contain information, the production of which was so required.

[Act 36 of 2012 wef 31/01/2013]

Request for review by Authority or appeal to Minister

184.—(1) Except as otherwise provided in this section, any decision of the Authority under this Act is final and is not subject to appeal or review.

(1A) Any person aggrieved by any decision of the Authority (other than a decision under section 93A, 110C or 114) may, within 28 days after being notified of the decision or such other period as may be prescribed in lieu thereof, make a request to the Authority to review the decision.

[Act 36 of 2012 wef 31/01/2013]

(1B) A request for review under subsection (1A) shall —

- (a) be in writing; and
- (b) specify the grounds on which it is made.

[Act 36 of 2012 wef 31/01/2013]

(1C) Any person who has made a request for review under subsection (1A) shall provide such information as may be required by the Authority in such manner and within such period as may be specified by the Authority.

[Act 36 of 2012 wef 31/01/2013]

(1D) The Authority may determine any request for review by confirming, varying or reversing its decision.

[Act 36 of 2012 wef 31/01/2013]

- (2) A person aggrieved by any decision of the Authority —
- (a) to cancel or suspend, or to refuse to grant, any licence or other authorisation;
 - (b) to amend, or to refuse to amend, the conditions of any licence;
 - (c) to issue, or to refuse to revoke, any exclusion order under section 121; or
 - (d) to require the termination of a contract under section 76,

may, within 28 days after being notified of the Authority's decision, or such other period as may be prescribed in lieu thereof, appeal to the Minister whose decision shall be final.

[Act 36 of 2012 wef 31/01/2013]

- (3) An appeal shall —
- (a) be in writing; and
 - (b) specify the grounds on which it is made.

(3A) Any person who has made an appeal to the Minister under subsection (2) shall provide such information as may be required by the Minister in such manner and within such period as may be specified by the Minister.

[Act 36 of 2012 wef 31/01/2013]

- (3B) The Minister may reject the appeal of an appellant —
- (a) who fails to comply with subsection (3) or (3A); or
 - (b) who has not first made a request for review of the same decision by the Authority under subsection (1A), or under section 93A(2) or 110C(2), as the case may be.

[Act 36 of 2012 wef 31/01/2013]

- (4) After consideration of an appeal, the Minister may —
- (a) reject the appeal and confirm the decision; or
 - (b) allow the appeal (in whole or part) and substitute a new decision or vary the decision,

and the appellant shall be notified in writing of the Minister's decision in respect of his appeal accordingly.

(5) Nothing in this section prejudices the right of the Authority to make a further decision in respect of that person for a reason considered sufficient by the Authority.

(6) A review of or an appeal against a decision does not affect the operation of the decision or prevent the taking of action to implement the decision, and unless otherwise provided by the Authority or the Minister, the decision under review or appealed against shall be complied with until the determination of the review or appeal, as the case may be.

[Act 36 of 2012 wef 31/01/2013]

(7) The Minister may make regulations to provide for the manner in which an appeal to the Minister may be made and the procedure to be adopted in any such appeal.

[Act 36 of 2012 wef 31/01/2013]

No right to compensation for cancellation, etc.

185. Subject to section 4, no right to compensation enforceable against the Authority arises in relation to the cancellation, suspension or variation of the terms of any licence or approval, or an amendment of the conditions of any licence or approval, under this Act.

[Act 36 of 2012 wef 31/01/2013]

[Act 36 of 2012 wef 31/01/2013]

Grant of licence or approval a revocable privilege

185A. For the avoidance of doubt, any licence or approval granted under this Act is a revocable privilege.

[Act 36 of 2012 wef 31/01/2013]

Investigations of suitability

185B.—(1) Where the Authority is required to be satisfied that any applicant for a licence or an approval, or any other person connected to the application, is suitable or qualified for the purposes of the licence or approval, the burden of proving that suitability or qualification shall be on the applicant and each other person connected to the application, as the case may be.

(2) For the purposes of meeting any costs arising out of investigations in connection with the suitability of any person to be

granted or to continue to hold a licence or an approval, the Authority may, by notice in writing, require the applicant for or the holder of any licence or approval granted under this Act to furnish to the Authority a deposit or pre-payment of such amount as the Authority may determine.

[Act 36 of 2012 wef 31/01/2013]

Security deposit

185C. The Authority may, by notice in writing, require the holder of any licence or approval granted under this Act to furnish to the Authority a performance bond, deposit or some other form of security of such amount as the Authority may determine for the purpose of meeting any financial penalty arising out of any disciplinary proceedings commenced or likely to commence against the holder of the licence or approval.

[Act 36 of 2012 wef 31/01/2013]

Enforceable undertakings

185D.—(1) The Authority may accept a written undertaking given by a holder of any licence or approval granted by the Authority under this Act (referred to in this section as a licensed or approved person), in connection with any matter within the powers and functions of the Authority under this Act.

(2) Without limiting the matters to which the written undertaking may relate, the undertaking may include any of the following:

- (a) an undertaking to take specified action within a specified time;
- (b) an undertaking to refrain from taking specified action;
- (c) an undertaking to compensate a specified person a specified amount within a specified time.

(3) A licensed or approved person may vary or withdraw any written undertaking given by that person only with the permission of the Authority in writing.

(4) If the Authority is satisfied that any licensed or approved person has failed to comply with any term of the written undertaking given by

that person, the Authority may apply to a court for an order under subsection (5).

(5) If the court is satisfied that any licensed or approved person has failed to comply with any term of the written undertaking given by that person, the court may make an order directing the licensed or approved person to comply with the term or terms of the undertaking, or any other order that the court considers appropriate for the purposes of this Act.

[Act 36 of 2012 wef 31/01/2013]

Information gathering for law enforcement purposes

186.—(1) For the purpose of carrying out its duties and functions under this Act or obtaining information that may be of assistance to a law enforcement agency, the Authority may direct a casino operator in writing to provide the Authority with information obtained by the casino operator concerning the operations of the casino.

(2) Such direction may relate to particular information or to information generally and may relate to particular or general information concerning a specified person.

(3) The direction shall specify —

- (a) the kind of information that the casino operator is required to provide; and
- (b) the manner in which the information is to be provided.

(4) Any casino operator which fails to comply with a direction under this section shall be liable to disciplinary action.

[Act 36 of 2012 wef 31/01/2013]

(5) The Authority may make information obtained by the Authority under this section available to any law enforcement agency.

(6) In this section, “law enforcement agency” means —

- (a) the Singapore Police Force;
- (b) the Central Narcotics Bureau;
- (c) the Corrupt Practices Investigation Bureau; or
- (d) any other authority or person responsible for the enforcement of any written law.

(7) The provisions of this section are in addition to, and not in derogation of, any other written law conferring powers on any law enforcement agency to obtain information.

Protection of informers

187.—(1) Except as provided in subsection (3), no witness in any civil or criminal proceedings shall be obliged —

- (a) to disclose the name and address of any informer who has given information with respect to an offence under this Act;
or
- (b) to answer any question if the answer thereto would lead, or would tend to lead, to the discovery of the name or address of any informer.

(2) If any record, document or paper which is in evidence or liable to inspection in any civil or criminal proceedings contains any entry in which any informer is named or described or which may lead to his discovery, the court shall cause those entries to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery.

[Act 36 of 2012 wef 31/01/2013]

(3) If —

- (a) in any proceedings before a court for an offence under this Act, the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true;
or
- (b) in any other proceedings, the court is of the opinion that justice cannot be fully done between the parties thereto without the disclosure of the name of an informer,

the court may permit inquiry and require full disclosure concerning the informer.

Evidence

188.—(1) In proceedings under this Act, an assertion —

(a) that, at a specified time or during a specified period, a specified person was the Minister administering any part of this Act;

[Act 36 of 2012 wef 31/01/2013]

(b) that, at a specified time or during a specified period, a specified person held, or is acting in, a specified office;

(c) that a signature purporting to be the signature of a Minister, an inspector, a police officer or an authorised person is the signature it purports to be;

(d) that, at a specified time or during a specified period, a specified person was, or was not, the holder of a specified licence, permit, approval or other authorisation under this Act; or

(e) that, at a specified time, a person attained a specified age or that, at a specified time or during a specified period, a specified person was below or above a specified age,

is evidence of the fact or facts asserted.

(2) In proceedings under this Act —

(a) a document purporting to be a copy of a direction, notice, order, requirement or decision given or made under this Act is evidence of a direction, notice, order, requirement or decision of which it purports to be a copy;

(b) a document purporting to be a copy of a licence, permit, approval or other authorisation under this Act is evidence of the licence, permit, approval or authorisation of which it purports to be a copy; and

(c) evidence that a person accepted service of a document is evidence of the authority of the person to accept service of the document.

PART XIII

MISCELLANEOUS

Offences by bodies corporate, etc.

189.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer of the body corporate; or

(b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, Chief Executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) Regulations may provide for the application of any provision of this section, with such modifications as the Authority considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Preservation of secrecy

190.—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no person who is or has been —

- (a) a member, an officer, an employee or an agent of the Authority;
- (b) a person on secondment or attachment to the Authority;
- (c) a person authorised, appointed, employed or directed by the Authority to exercise the Authority’s powers, perform the Authority’s functions or discharge the Authority’s duties or

to assist the Authority in the exercise of its powers, the performance of its functions or the discharge of its duties under this Act or any other written law;

- (d) an inspector or a person authorised, appointed or employed to assist an inspector in connection with any function or duty of the inspector under this Act;

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- (e) a member of any committee appointed by the Authority under section 12(1) or 112(4);

[Act 36 of 2012 wef 31/01/2013]

- (f) a member, a secretary or an officer of the evaluation panel appointed under section 45A; or

[Act 36 of 2012 wef 31/01/2013]

- (g) a member, a secretary or an officer of the Council,

[Act 36 of 2012 wef 31/01/2013]

shall disclose any information relating to the affairs of the Authority or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

(1A) Notwithstanding subsection (1), any person referred to in paragraphs (a) to (e) of that subsection may —

- (a) furnish to the Comptroller or an officer of the Inland Revenue Authority of Singapore authorised by the Comptroller any information relating to casino tax which may be required by the Comptroller or officer in the performance of his duties; and

[Act 36 of 2012 wef 31/01/2013]

- (b) permit the Comptroller or an officer of the Inland Revenue Authority of Singapore authorised by the Comptroller to have access to, including taking copies of, such records or documents relating to casino tax in the possession of the Authority as the Chief Executive may allow,

[Act 36 of 2012 wef 31/01/2013]

where the Chief Executive is satisfied that such information or access is necessary for the performance of the duties of the Comptroller or officer.

[22/2009 wef 22/10/2009]

[Act 36 of 2012 wef 31/01/2013]

(1B) Notwithstanding subsection (1), any person referred to in that subsection may furnish any information, report or document obtained in the performance of his duties or in the exercise of his functions under this Act to any individual or statutory body set out in the Second Schedule for the purpose of enabling the performance or discharge by that individual or statutory body of his or its public functions or duties.

[Act 36 of 2012 wef 31/01/2013]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.

Co-operation between Authority and foreign casino regulatory bodies

191.—(1) The Authority may, with the approval of the Minister, enter into arrangements with any foreign casino regulatory body whereby each party to the arrangements may —

- (a) furnish to the other party information in its possession if the information is required by that other party for the purpose of performance by it of any of its functions; and
- (b) provide such other assistance to the other party as will facilitate the performance by that other party of any of its functions.

(2) The Authority shall not furnish any information to a foreign casino regulatory body pursuant to such arrangements unless it requires of, and obtains from, that body an undertaking in writing by it that it will comply with terms specified in that requirement, including terms that correspond to the provisions of any other written law concerning the disclosure of that information by the Authority.

(3) The Authority may give an undertaking to a foreign casino regulatory body that it will comply with terms specified in a requirement made of the Authority by the body to give such an undertaking where —

- (a) those terms correspond to the provisions of any law in force in the country or territory in which the body is established, being provisions which concern the disclosure by the body of the information referred to in paragraph (b); and

- (b) compliance with the requirement is a condition imposed by the body for furnishing information in its possession to the Authority pursuant to the arrangements referred to in subsection (1).

(4) In this section, “foreign casino regulatory body” means a person in whom there are vested functions under the law of another country or territory with respect to the enforcement or the administration of provisions of law of that country or territory concerning casinos.

Protection from liability

192. No liability shall be incurred by —

- (a) any member, officer, employee or agent of the Authority;
- (aa) any member, secretary or officer of the evaluation panel appointed under section 45A;
[Act 36 of 2012 wef 31/01/2013]
- (b) any member of the Council, any person authorised, appointed or employed to assist the Council or any member of any Committee of Assessors constituted under section 157(1);
- (c) any person who is on secondment or attachment to the Authority;
- (d) any person authorised, appointed, employed or directed by the Authority to exercise the Authority’s powers, perform the Authority’s functions or discharge the Authority’s duties or to assist the Authority in the exercise of its powers, the performance of its functions or the discharge of its duties under this Act or any other written law;
[Act 36 of 2012 wef 31/01/2013]
- (e) any inspector or any person authorised, appointed or employed to assist an inspector in connection with any function or duty of the inspector under this Act; or
[Act 36 of 2012 wef 31/01/2013]
- (f) any member of a committee appointed by the Authority under section 12(1) or 112(4),
[Act 36 of 2012 wef 31/01/2013]

for anything done (including any statement made) or omitted to be done in good faith in the course of or in connection with —

- (i) the exercise or purported exercise of any power under this Act or any other written law;
- (ii) the performance or purported performance of any function or the discharge or purported discharge of any duty under this Act or any other written law; or
- (iii) the compliance or purported compliance with this Act or any other written law.

[Act 36 of 2012 wef 31/01/2013]

Public servants

193. All members, officers and employees of the Authority, all inspectors, all members of the evaluation panel appointed under section 45A, all members of committees appointed by the Authority under section 12(1) or 112(4) and all members of the Council and any Committee of Assessors constituted under section 157(1) shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

[Act 36 of 2012 wef 31/01/2013]

Jurisdiction of court

194. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

General penalty

195.—(1) Any casino operator guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$100,000.

(2) Any person (other than a casino operator) guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) Unless otherwise expressly provided, where a corporation (other than a casino operator) is convicted of an offence under this Act, the penalty that the court may impose is a fine not exceeding 2 times the maximum amount that, but for this subsection, the court could impose as a fine for that offence.

Composition of offences

196.—(1) The Authority may, in its discretion, compound any offence under this Act (except an offence under Part IX) which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) \$5,000,

whichever is the lower.

[Act 36 of 2012 wef 31/01/2013]

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Authority may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

(4) All sums collected under this section shall be paid to the Authority.

Fines and financial penalties to be paid to Authority

197.—(1) All fines imposed under this Act (other than a fine imposed under Part IX or any regulations made thereunder) shall be paid to the Authority.

(2) Any financial penalty payable by any person under this Act (other than a penalty payable under Part IX or any regulations made thereunder) shall be paid to the Authority and recoverable by the Authority as a debt due to the Authority from that person; and the person's liability to pay shall not be affected by his licence ceasing, for any reason, to be in force.

Amendment of Second Schedule

197A.—(1) The Minister may, from time to time, by order published in the *Gazette*, amend, add to or vary the Second Schedule.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provision as may be necessary or expedient.

(3) Any order made under subsection (1) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[Act 36 of 2012 wef 31/01/2013]

General exemption

198. The Authority may, with the approval of the Minister, by order, exempt any person or premises or any class of persons or premises from all or any of the provisions of this Act, subject to such terms or conditions as may be specified in the order.

Service of summonses and notices, etc.

199.—(1) Any summons, notice, order or document required or authorised by this Act to be given to or served on any person, and any summons issued by a court against any person in connection with any offence under this Act may be served on the person —

- (a) by delivering it to the person or to some adult member or employee of his family or household at his last known place of residence;
- (b) by leaving it at his usual or last known place of residence or place of business in an envelope addressed to the person;
- (c) by sending it by registered post addressed to the person at his usual or last known place of residence or place of business; or
- (d) in the case of an incorporated company, a partnership or a body of persons —
 - (i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or

- (ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the time when the notice, order, document or summons, as the case may be, would in the ordinary course of post be delivered and, in proving service of the notice, order, document or summons, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

(3) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises or any summons issued by a court against any such owner or occupier in connection with any offence under this Act may be served by delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice, order, document or summons to some conspicuous part of the premises.

(4) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises or any summons issued by a court against any such owner or occupier in connection with any offence under this Act shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

Regulations

200.—(1) The Authority may, with the approval of the Minister, make regulations for any purpose for which regulations are required to be made under this Act and generally for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Authority may, with the approval of the Minister, make regulations for or with respect to all or any of the following matters:

- (a) the manner of appointment, conduct and discipline and the terms and conditions of service of inspectors and other employees of the Authority;
- (b) the establishment of funds for the payment of gratuities and other benefits to employees of the Authority;
- (c) the fees to be charged in respect of anything done or any services rendered by the Authority under or by virtue of this Act;
- (d) the installations, devices and equipment to be provided on casino premises for gaming, surveillance, communications and other purposes and the maintenance of the installations, devices and equipment;
- (e) the hours of operation of a casino and any temporary cessation of operation;
- (f) the facilities and amenities to be provided for patrons of, and inspectors on duty in, a casino and the maintenance of those amenities;
- (g) the provision to players of gaming machines in a casino of information relevant to gaming on gaming machines;
- (h) the adjudicating of disputes between a casino operator and its patrons;
- (i) the provision and security of drop boxes and other places for the depositing of money;
- (j) with respect to casino advertising and promotions —
 - (i) regulating or prohibiting advertising and promotional activities relating to a casino, including regulating the content of any advertisement or promotion;
 - (ii) applications for the approval of advertisements or promotional activities relating to a casino, including the fees, if any; and

- (iii) the obligations of casino operators in relation to persons who carry out advertising or promotional activities relating to a casino;
[Act 36 of 2012 wef 31/01/2013]
- (ja) applications for the approval of any part of a responsible gambling programme;
[Act 36 of 2012 wef 31/01/2013]
- (jb) the responsible gambling requirements referred to in section 170B, which may include, but are not limited to —
 - (i) the establishment by a casino operator of a system to enable a patron of its casino to set limits on his gambling expenditure or period of continuous gambling;
 - (ii) the establishment by a casino operator of a system to determine and impose a maximum number of visits which a patron may make to its casino in each month;
 - (iii) patron education;
 - (iv) provision of problem gambling assistance, intervention or facilities;
 - (v) training of casino employees in relation to responsible gambling;
 - (vi) keeping of records related to responsible gambling activities; and
 - (vii) regular review of responsible gambling measures;
[Act 36 of 2012 wef 31/01/2013]
- (k) the submission of reports by casino operators;
- (l) regulating the activities of persons who are on the casino premises in the course of their employment or prohibiting any of those activities;
[Act 36 of 2012 wef 31/01/2013]
- (m) the testing of operations, or of proposed operations, in a casino;
- (n) regulating the conduct of gaming and provision of credit for gaming in a casino;

- (o) the manufacture, supply or operation of gaming equipment for use in a casino, and the provision of testing services for such gaming equipment;
[Act 36 of 2012 wef 31/01/2013]
- (p) the movement, acquisition, storage, servicing, rectification or destruction of gaming equipment used or for use in a casino;
- (q) the form of controlled contracts within the meaning of section 72, the approval of the Authority in relation to specified classes of those contracts and the requirements for disclosure to the Authority of any such contracts;
- (r) the establishment of a system of awarding demerit points for the purpose of disciplinary actions against casino operators, licensed special employees of a casino, licensed international market agents or licensed international market agent representatives;
[Act 36 of 2012 wef 31/01/2013]
- (s) the procedure for any representations to be made against, or any request for a review of, a decision by the Authority;
[Act 36 of 2012 wef 31/01/2013]
- (sa) the procedure for disciplinary proceedings against any person licensed or approved by the Authority under this Act;
[Act 36 of 2012 wef 31/01/2013]
- (sb) regulating agents of casino operators, including any licensing or approval thereof;
[Act 36 of 2012 wef 31/01/2013]
- (sc) the furnishing of any deposit, pre-payment, performance bond or other form of security required by the Authority under this Act, and the procedure for drawing on, forfeiting or returning any such deposit, pre-payment, performance bond or other form of security;
[Act 36 of 2012 wef 31/01/2013]
- (sd) the enforcement of any written undertaking given under section 185D;
[Act 36 of 2012 wef 31/01/2013]

- (se) the system of internal controls for casino operations;
[Act 36 of 2012 wef 31/01/2013]
 - (sf) the setting up of and requirements for a compliance function by casino operators;
[Act 36 of 2012 wef 31/01/2013]
 - (t) anti-money-laundering requirements;
 - (u) additional duties of auditors of casino operators;
 - (v) any other matter or thing required or permitted to be prescribed or necessary to be prescribed to give effect to this Act.
- (3) Regulations made under this Act —
- (a) may provide that any contravention of any provision of the regulations shall be an offence punishable with —
 - (i) in the case of a casino operator, a fine not exceeding \$100,000; or
 - (ii) in any other case, a fine not exceeding \$10,000 or imprisonment for a term not exceeding 12 months or both;
 - (b) may be of general or of specially limited application;
 - (c) may differ according to differences in time, place or circumstance; and
 - (d) may provide for such transitional, savings and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.

Adoption of codes, standards of performance or specifications

200A.—(1) Any regulations made under section 200 may adopt, wholly or partially or as amended by the regulations or by reference, any code, standard of performance or specification which relates to gaming equipment, surveillance systems, internal controls, casino advertising or promotions, responsible gambling or to any other matter related to casino operations that is relevant for the purposes of this Act, and which —

- (a) is issued by the Authority under section 200B; or

(b) is issued by any standards organisation or person other than the Authority (whether within or outside Singapore) and approved by the Authority under section 200B.

(2) In any proceedings under this Act, a copy of any code, standard of performance or specification adopted under subsection (1) which is certified by the Authority as a true copy thereof shall be prima facie evidence of that code, standard of performance or specification.

[Act 36 of 2012 wef 31/01/2013]

Codes, standards of performance or specifications issued or approved by Authority

200B.—(1) The Authority may, from time to time —

- (a) issue one or more codes, standards of performance or specifications applicable to casino operations;
- (b) approve as a code, standard of performance or specification applicable to casino operators any document prepared by a person other than the Authority if the Authority considers the document as suitable for this purpose; or
- (c) amend, add to or revoke any code, standard of performance or specification issued under paragraph (a) or approved under paragraph (b).

(2) If any provision in any code, standard of performance or specification is inconsistent with any provision of this Act, such provision, to the extent of the inconsistency —

- (a) shall have effect subject to the provisions of this Act; and
- (b) having regard to the provisions of this Act, shall not have effect.

(3) Where any code, standard of performance or specification is issued, approved, amended or revoked by the Authority under subsection (1), the Authority shall —

- (a) notify each casino operator and any other person licensed or approved by the Authority who may be affected by the issuance, approval, amendment or revocation;

- (b) specify in the notice referred to in paragraph (a) the date that the issuance, approval, amendment or revocation is to take effect; and
 - (c) ensure that, so long as the code, standard of performance or specification remains in force, copies of that code, standard of performance or specification are made available to the casino operators and any other person required to comply with the code, standard of performance or specification.
- (4) Any code, standard of performance or specification issued or approved under this section —
- (a) may be of general or specific application; and
 - (b) may specify that different provisions thereof apply to different circumstances or provide for different cases or classes of cases.
- (5) The Authority may, either generally or for such time as the Authority may specify, waive the application of any code, standard of performance or specification, or part thereof, issued or approved under this section to any casino operator or other person.

[Act 36 of 2012 wef 31/01/2013]

Guidelines on compliance

200C.—(1) The Authority may, from time to time and with a view to enabling any person to order his affairs in compliance with the provisions of this Act, issue such guidelines as it considers appropriate for providing guidance —

- (a) in furtherance of its regulatory objectives; or
- (b) on any matter relating to casino operations.

(2) Any person who fails to comply with any of the provisions of a guideline issued under this section that applies to him shall not of itself render that person liable to criminal proceedings but any such failure may, in any proceedings whether civil or criminal, be relied upon by any party to the proceedings as tending to establish or to negate any liability which is in question in the proceedings.

(3) For the avoidance of doubt, any guideline issued under this section shall not have legislative effect.

[Act 36 of 2012 wef 31/01/2013]

Related amendments to Civil Law Act

201. Section 5 of the Civil Law Act (Cap. 43) is amended by inserting, immediately after subsection (3), the following subsections:

“(3A) Subsections (1) and (2) shall not apply to —

- (a) a contract for gaming that is conducted under the control or supervision of a person or an organisation that is exempted under section 24 of the Common Gaming Houses Act (Cap. 49) from the provisions of that Act in respect of such gaming;
- (b) a contract for betting that is held, promoted, organised, administered or operated by a person or an organisation that is exempted under section 22 of the Betting Act (Cap. 21) from the provisions of that Act in respect of such betting, only if the betting takes place under the control or supervision of that person or organisation;
- (c) a contract for betting that takes place on a totalisator conducted by or on behalf of the Singapore Totalisator Board or a turf club in accordance with an approved scheme; and
- (d) a contract to participate in a private lottery promoted or conducted by the holder of a permit granted under section 4 of the Private Lotteries Act (Cap. 250).

(3B) In the case of a person or an organisation exempted under section 24 of the Common Gaming Houses Act in respect of any gaming conducted for or on behalf of another person or organisation, subsection (3A)(a) applies only if the contract is for gaming conducted by that person or organisation for or on behalf of that other person or organisation.

(3C) Subsection (3A)(a) shall not apply to any gaming conducted in premises owned or used by a private body exempted under the Common Gaming Houses Act.

(3D) In the case of a person or an organisation exempted under section 22 of the Betting Act in respect of any betting held, promoted, organised, administered or operated for or on behalf of another person or organisation, subsection (3A)(b) applies only if the contract is for betting held, promoted, organised, administered or operated by that person or organisation for or on behalf of that other person or organisation.

(3E) In subsection (3A) —

“contract” excludes a contract for or which involves —

- (a) the lending of any money or other valuable thing for such gaming or wagering;
- (b) the extension of any form of credit for such gaming or wagering; or
- (c) the giving of security in respect of the act referred to in paragraph (a) or (b);

“private body” has the same meaning as in any notification made under the Common Gaming Houses Act (Cap. 49) which exempts gaming conducted in premises owned or used by a private body;

“private lottery” has the same meaning as in the Private Lotteries Act (Cap. 250);

“totalisator”, “Singapore Totalisator Board”, “turf club” and “approved scheme” have the same meanings as in the Singapore Totalisator Board Act (Cap. 305A).”.

Related amendments to Income Tax Act

202. The Income Tax Act (Cap. 134) is amended —

- (a) by inserting, immediately after subsection (7) of section 12, the following subsections:

“(8) There shall be deemed to be derived from Singapore any commission or other payment paid to a junket promoter for arranging a junket with a casino operator in Singapore which is —

- (a) borne, directly or indirectly, by a person resident in Singapore or a permanent establishment in Singapore except in respect of any business carried on outside Singapore through a permanent establishment outside Singapore; or
- (b) deductible against any income accruing in or derived from Singapore.

(9) In this section, “casino operator”, “junket” and “junket promoter” have the same meanings as in the Casino Control Act (Cap. 33A).”;

- (b) by inserting, immediately after section 45G, the following section:

“Application of section 45 to commission or other payment of junket promoter

45H.—(1) Subject to subsection (2), section 45 shall apply in relation to the payment of any commission or other payment by any person to a junket promoter not known to him to be resident in Singapore for arranging a junket with a casino operator in Singapore as section 45 applies to any interest paid by a person to another person not known to him to be resident in Singapore and, for the purpose of such application, any reference in that section to interest shall be construed as a reference to such commission or payment.

(2) For the purpose of this section, the deduction of tax under section 45 shall be at the rate of 3%.

(3) In this section, “casino operator”, “junket” and “junket promoter” have the same meanings as in the Casino Control Act (Cap. 33A).”; and

- (c) by deleting the words “or 45E(1)(a)” in section 46(1)(a) and substituting the words “, 45E(1)(a) or 45H”.

FIRST SCHEDULE

Section 7(2)

CONSTITUTION AND PROCEEDINGS OF AUTHORITY

Appointment of Chairman and other members

- 1.—(1) The Chairman and other members shall be appointed by the Minister.
- (2) The Minister may appoint the Chief Executive to be a member of the Authority.

Tenure of office of members

2. A member shall hold office on such conditions and for such term, as the Minister may determine.

Deputy Chairman

- 3.—(1) The Minister may appoint any member to be the Deputy Chairman of the Authority.
- (2) At any time when the Chairman is absent or otherwise incapable of acting and no temporary Chairman has been appointed, the Deputy Chairman may exercise any of the functions of the Chairman.

Temporary Chairman

4. The Minister may appoint any member to be a temporary Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman.

Temporary members

5. The Minister may appoint any person to be a temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

Revocation of appointment

6. The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman or any member without assigning any reason.

FIRST SCHEDULE — *continued***Resignation**

7. Any member may resign from his appointment at any time by giving notice in writing to the Minister.

Chairman may delegate functions

8. The Chairman may, by instrument in writing, authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Vacation of office

9. The office of a member shall be vacated if the member —

- (a) has been absent, without leave of the Authority, from 3 consecutive meetings of the Authority; or
- (b) becomes in any manner disqualified from membership of the Authority.

Filling of vacancies

10. If a member resigns, dies or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, the Minister may appoint another person for the unexpired period of the term of office of the member in whose place he is appointed.

Disqualification from membership

11. No person shall be appointed or shall continue to hold office as a member if he —

- (a) is mentally disordered and incapable of managing himself or his affairs;
[21/2008 wef 01/03/2010]
- (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
- (c) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

Disclosure of interest by members

12.—(1) A member who is in any way, directly or indirectly, interested in —

- (a) a transaction or project of the Authority; or
- (b) a transaction or project involving a casino operator or an associate of a casino operator,

FIRST SCHEDULE — *continued*

shall disclose the nature of his interest at the first meeting of the Authority at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Authority and, after the disclosure, that member shall not take part in any deliberation of the Authority with respect to that transaction or project.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under sub-paragraph (2) he cannot vote or has withdrawn from the meeting.

Salaries, fees and allowances payable to members

13. There shall be paid to the Chairman and other members, out of the funds of the Authority, such salaries, fees and allowances as the Minister may from time to time determine.

Meetings and proceedings of Authority

14.—(1) The Chairman shall summon meetings as often as may be required.

(2) The quorum at every meeting of the Authority shall be one-third of the total number of members or 3 members, whichever is the higher.

(3) A decision at a meeting of the Authority shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairman or member presiding shall have a casting vote in addition to his original vote.

(4) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Authority.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the members present may elect shall preside at that meeting.

(6) Where not less than 4 members of the Authority request the Chairman by notice in writing signed by them to convene a meeting of the Authority for any purpose specified in the notice, the Chairman shall, within 7 days from the receipt of the notice, convene a meeting for that purpose.

(7) The Authority may act notwithstanding any vacancy in its membership.

(8) Subject to the provisions of this Act, the Authority may make rules to regulate its own procedure generally, and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

FIRST SCHEDULE — *continued***Validity of acts**

15. The acts of a member shall be valid notwithstanding any defect in his appointment or qualifications.

[Act 36 of 2012 wef 31/01/2013]

SECOND SCHEDULE

Sections 190(1B) and 197A(1)

PERSONS TO WHOM INFORMATION
MAY BE DISCLOSED

1. The Authority and any officer or employee of the Authority.
2. The Minister charged with the responsibility for casino regulation, and officers from that Ministry authorised by that Minister.
3. The Minister charged with the responsibility for tourism development and promotion, and officers from that Ministry authorised by that Minister.
4. The Minister charged with the responsibility for manpower planning and policy, and officers from that Ministry authorised by that Minister.
5. The Minister charged with the responsibility for prevention and rehabilitation in relation to problem gambling, and officers from that Ministry authorised by that Minister.
6. The National Council on Problem Gambling, and any secretary or officer of that Council.

[Act 36 of 2012 wef 31/01/2013]

LEGISLATIVE SOURCE KEY

CASINO CONTROL ACT (CHAPTER 33A)

Unless otherwise stated, the abbreviations used in the references to other Acts and statutory provisions are references to the following Acts and statutory provisions. The references are provided for convenience of users and are not part of the Act:

Vic. CCA 1991	:	Australian, Victoria, Casino Control Act 1991 (Act No. 47 of 1991)
Vic. Gam. RA 2003	:	Australian, Victoria, Gambling Regulation Act 2003 (Act No. 114 of 2003)
NSW CCA 1992	:	Australia, New South Wales, Casino Control Act 1992 (Act 15 of 1992)
SA Problem Gambling 2004	:	Australia, South Australia, Problem Gambling Family Protection Orders Act 2004 (Act No. 10 of 2004)
Nevada Revised Statutes	:	United States, Nevada, Nevada Gambling Control Act (Chapter 463)
Banking Act	:	Singapore, Banking Act (Chapter 19, 2003 Revised Edition)
Competition Act	:	Singapore, Competition Act 2004 (Act 46 of 2004)
EDA	:	Singapore, Entertainments Duty Act (Chapter 94, 1985 Revised Edition)
Land Acquisition Act	:	Singapore, Land Acquisition Act (Chapter 152, 1985 Revised Edition)
Maint. Parents Act	:	Singapore, Maintenance of Parents Act (Chapter 167B, 1996 Revised Edition)
Maint. Religious Harmony Act	:	Singapore, Maintenance of Religious Harmony Act (Cap. 167A, 2001 Revised Edition)
Misuse of Drugs Act	:	Singapore, Misuse of Drugs Act (Chapter 185, 2001 Revised Edition)
Telcom. Act	:	Singapore, Telecommunications Act (Cap. 323, 2000 Revised Edition)

PEM(DR)R : Singapore, Public Entertainments and Meetings
(Demerit Points) Rules (Chapter 257, 2002
Revised Edition, R2)

LEGISLATIVE HISTORY
CASINO CONTROL ACT
(CHAPTER 33A)

This Legislative History is provided for the convenience of users of the Casino Control Act. It is not part of this Act.

1. Act 10 of 2006 — Casino Control Act 2006

Date of First Reading : 16 January 2006
(Bill No. 3/2006 published on
17 March 2006)

Date of Second and Third Readings : 14 February 2006

Date of commencement : 1 June 2006

2. 2007 Revised Edition — Casino Control Act
(G.N. No. S 120/2008 — Rectification Order)

Date of operation : 31 October 2007

3. Act 30 of 2008 — Statutes (Miscellaneous Amendments) (No. 2) Act 2008

Date of First Reading : 15 September 2008
(Bill No. 27/2008 published on
15 September 2008)

Date of Second and Third Readings : 17 November 2008

Date of commencement : 17 December 2008

4. Act 22 of 2009 — Casino Control (Amendment) Act 2009

Date of First Reading : 18 August 2009
(Bill No. 14/2009)

Date of Second and Third Readings : 15th September 2009

Date of commencement : 15 October 2009

5. Act 22 of 2009 — Casino Control (Amendment) Act 2009

Date of First Reading : 18 August 2009
(Bill No. 14/2009)

Date of Second and Third Readings : 15th September 2009

Date of commencement : 22 October 2009

6. Act 25 of 2009 — Quorums of Statutory Boards (Miscellaneous Amendments) Act 2009

Date of First Reading	: 14 September 2009 (Bill No. 19/2009)
Date of Second and Third Reading	: 19th October 2009
Date of commencement	: 15 January 2010

7. Act 4 of 2010 — Statutes (Miscellaneous Amendments) Act 2010

Date of First Reading	: 23 November 2009 (Bill No. 26/2009)
Date of Second and Third Readings	: 12th January 2010
Date of commencement	: 5 February 2010

8. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008
(Consequential amendments made to Act by)

Date of First Reading	: 21 July 2008 (Bill No. 11/2008 published on 22 July 2008)
Date of Second and Third Readings	: 15 September 2008
Date of commencement	: 1 March 2010

9. Act 15 of 2010 — Criminal Procedure Code 2010

Date of First Reading	: 26th April 2010 (Bill No. 11/2010)
Date of Second and Third Readings	: 19th May 2010
Date of commencement	: 2nd January 2011

10. Act 7 of 2011 — Private Lotteries Act 2011
(Consequential amendments made to Act by)

Date of First Reading	: 10 January 2011 (Bill No. 2/2011 published on 10 January 2011)
Date of Second and Third Readings	: 14 February 2011
Date of commencement	: 1 April 2011

11. Act 36 of 2012 — Casino Control (Amendment) Act 2012

Date of First Reading	: 15 October 2012 (Bill No. 28/2012 published on 15 October 2012)
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Date of Second and Third Readings : 16 November 2012

Date of commencement : 31 January 2013