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CASINO CONTROL ACT (CHAPTER 33A)

CASINO CONTROL (PROBLEM GAMBLING — EXCLUSION ORDERS) RULES 2008

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In exercise of the powers conferred by section 170 of the Casino Control Act, the National Council on Problem Gambling, with the approval of the Minister for Community Development, Youth and Sports, hereby makes the following Rules:

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Casino Control (Problem Gambling — Exclusion Orders) Rules 2008 and shall come into operation on 15th December 2008.

Definitions

- 2.—(1) In these Rules, unless the context otherwise requires —
- “register” means the register of excluded persons under rule 3;
- “secretary” means the secretary to the Council appointed under section 155(2) of the Act.

[S 564/2009 wef 20/11/2009]

- (2) In these Rules, a reference to “the excluded person”, in relation to an appeal to the Council against an exclusion order or an application to the Council for variation or revocation of an exclusion order or a family exclusion order, means the excluded person to whom the appeal or application relates.

[S 564/2009 wef 20/11/2009]

Register of excluded persons

3. The secretary shall keep and maintain a register, in electronic or other form, of —

- (a) persons against whom a family exclusion order, a provisional family exclusion order or an exclusion order has been made; and

[S 564/2009 wef 20/11/2009]

[S 58/2013 wef 31/01/2013]

- (b) persons excluded under section 165A of the Act.

Records to be maintained

4. The secretary shall keep and maintain —

- (a) records of every application for a family exclusion order made to the Council;

[S 564/2009 wef 20/11/2009]

- (aa) records of every voluntary application under section 165A(1)(c) of the Act to be excluded from entering or remaining or taking part in any gaming on any casino premises (referred to in these Rules as an application for self-exclusion);

[S 564/2009 wef 20/11/2009]

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- (ab) records of every application to the Council for revocation of self-exclusion by any person;
[S 58/2013 wef 31/01/2013]
- (ac) records of information leading to an exclusion order being made by a Committee;
- (ad) records of every application to set aside any family exclusion order or exclusion order under section 165C(3) of the Act;
[S 58/2013 wef 31/01/2013]
- (b) all records of proceedings made under rule 8;
- (c) records of every appeal against an exclusion order, and every application for variation or revocation of a family exclusion order or an exclusion order; and
- (d) such other records as the chairman may direct.

No disclosure of register or records except to certain persons

5. No person shall disclose particulars or information in the register maintained under rule 3 or records maintained under rule 4, except to —

- (a) the Minister;
- (b) any member or officer of the Council;
- (c) any officer of the Authority; or
- (d) any other person, with the express authorisation of the Minister.

PART II

PROCEDURE FOR FAMILY EXCLUSION ORDERS

Application for family exclusion order

6. An application for a family exclusion order made under section 159, 160 or 161 of the Act by or on behalf of a family member of the respondent may be made in such form as the Council may determine.

Conduct of proceedings by Committee

7.—(1) Where a Committee is constituted to hear and determine an application under section 158 of the Act, a hearing date shall be fixed within 28 days after the date of the application and, unless adjourned, the proceedings shall be conducted in the following manner:

- (a) the chairman of the Committee shall give a brief statement of the facts of the application;
- (b) the Committee shall hear the evidence of —
 - (i) the applicant or the person acting on his behalf under section 160 or 161 of the Act;
 - (ii) the respondent; and
 - (iii) such other person as the Committee may think necessary to determine the application;
- (c) where an applicant, a respondent or a witness summoned to attend fails to do so, or states that he does not wish to be present at the proceedings, the chairman of the Committee shall make a note of that fact in the record of proceedings; and
- (d) the applicant and the respondent may, with the permission of the chairman of the Committee, produce one or more witnesses to give evidence on matters relating to the application.

[S 58/2013 wef 31/01/2013]

(2) A Committee may from time to time, without requiring the attendance of any party, adjourn a hearing to a later date if the Committee is satisfied that the summons to the respondent to attend the hearing has not been served or that there is other adequate reason for the adjournment.

[S 58/2013 wef 31/01/2013]

(3) The date fixed for an adjourned hearing must be within 28 days after the date on which the adjournment is ordered unless the Committee is satisfied that —

- (a) a later date is required to enable the summons to be served;
- or

(b) there is other adequate reason for fixing a later date.

[S 58/2013 wef 31/01/2013]

(4) If a hearing is adjourned, the Committee at the adjourned hearing need not comprise the same members as the Committee which ordered the adjournment.

[S 58/2013 wef 31/01/2013]

Record of proceedings of Committee

8.—(1) The record of the proceedings of a Committee shall include —

- (a) the name and particulars of every person who attended, or who was summoned and failed to attend, the proceedings;
- (b) a summary of the evidence presented by or on behalf of the applicant and the respondent in sufficient detail to enable the Council to comprehend the course of the proceedings;
- (c) the reason for any adjournment;
- (d) any other information relevant to the decision of the Committee;
- (e) the decision reached by the Committee and the reasons for its decision; and
- (f) the terms of the family exclusion order made, if any, and any provisional family exclusion order made.

[S 58/2013 wef 31/01/2013]

(2) The record of proceedings shall be signed by the chairman of the Committee and all the other members of the Committee and submitted to the Council.

Application for setting aside of family exclusion order made in respondent's absence

8A.—(1) An application to set aside a family exclusion order under section 165C(3) of the Act may be made by the respondent in such form as the Council may determine, not later than 30 days after the respondent is notified of the family exclusion order made against him in his absence.

(2) An application under paragraph (1) must be submitted to the Council by the respondent in person at the office of the Council during such hours as the office is open for business or at such other locations as the Council may determine.

(3) Every application under paragraph (1) shall set out the grounds of the application in a clear and concise manner, and may be accompanied by —

- (a) an explanation for the respondent's absence at the hearing of the application for the family exclusion order; and
- (b) any evidence or information which the respondent considers necessary in support of his application to set aside the family exclusion order.

(4) Upon the submission of any application under paragraph (1) in respect of a family exclusion order, any application for the variation or revocation of that family exclusion order made under regulation 9 shall be stayed pending the determination of the application under paragraph (1).

(5) The Committee, in any proceedings to set aside the family exclusion order, may exercise the powers under section 158(4) of the Act in the same manner as if the proceedings were for a determination of a family exclusion order under that section.

[S 58/2013 wef 31/01/2013]

Application for variation or revocation of family exclusion order

9.—(1) An application for the variation or revocation of a family exclusion order may be made by a family member for whose benefit the order was made or by the excluded person to the Council under section 166(1)(a) of the Act in such form as the Council may determine.

[S 58/2013 wef 31/01/2013]

(2) An application under paragraph (1) may not be made before a minimum period of 12 months has elapsed since the family exclusion order was made or last varied.

(3) Every application under paragraph (1) shall set out the grounds of the application in a clear and concise manner, and may be accompanied by —

- (a) any evidence that there is no longer a reasonable apprehension that the excluded person may cause serious harm to his family members because of his gambling; and
- (b) such relevant testimonials, references and other information as the applicant considers necessary in support of his application.

(4) The Council may refuse to consider any application that fails to comply with this rule.

Permission of Council for application for variation or revocation of family exclusion order

10.—(1) For the purposes of determining whether permission for an application for variation or revocation of a family exclusion order is to be granted under section 166(2) of the Act, the Council may, in addition to considering the matters referred to in section 166(2A) of the Act, do one or both of the following:

- (a) appoint an officer of the Council to conduct an interview with the excluded person and any family member for whose benefit the order was made, and to report his findings to the Council;
- (b) require the excluded person to participate in a programme of counselling, rehabilitation or special education.

[S 58/2013 wef 31/01/2013]

(2) The excluded person and his family members shall not be entitled to any copy of a report made under paragraph (1)(a).

[S 58/2013 wef 31/01/2013]

Consideration of application for variation or revocation of family exclusion order

11.—(1) Where permission has been granted for the application for variation or revocation of a family exclusion order, the Council shall call for the record of proceedings and the grounds of decision relating to that family exclusion order.

(2) Before making any decision on the application, the Council shall give a notice to —

(a) the excluded person, if the application for variation or revocation was made by a family member; or

(b) the family member or members for whose benefit the family exclusion order was made, if the application for variation or revocation was made by the excluded person,

inviting the excluded person or any family member, as the case may be, to make any written representation in relation to the application within such time as the notice may specify.

(3) The Council may, in the course of considering the application for variation or revocation —

(a) seek advice on any matter arising out of the application; or

(b) require the excluded person or any other person to answer any query or furnish any document which the Council considers relevant for the purpose of the application.

(4) After considering all the circumstances of the application, the Council may confirm, vary or revoke the family exclusion order.

PART III

PROCEDURE FOR EXCLUSION ORDERS

[S 564/2009 wef 20/11/2009]

Notice to object to exclusion order

12. Where a Committee intends to make an exclusion order against any person, a notice shall be served on that person allowing him an opportunity to object to the proposed exclusion order within 14 days after the date of service of the notice, in such form as the Council may determine.

[S 564/2009 wef 20/11/2009]

Application for setting aside of exclusion order made in respondent's absence

12A.—(1) An application to set aside an exclusion order under section 165C(3) of the Act may be made by the respondent in such form as the Council may determine, not later than 7 days after the respondent is notified of the exclusion order made against him in his absence.

(2) An application under paragraph (1) must be submitted to the Council by the respondent in person at the office of the Council during such hours as the office is open for business or at such other locations as the Council may determine.

(3) Every application under paragraph (1) shall set out the grounds of the application in a clear and concise manner, and may be accompanied by —

- (a) an explanation for the respondent's failure to respond to a notice to object to the proposed exclusion order; and
- (b) any evidence or information which the respondent considers necessary in support of his application to set aside the exclusion order.

(4) Upon the submission of any application under paragraph (1) in respect of an exclusion order, any appeal against that exclusion order under regulation 13 or application for the variation or revocation of the exclusion order made under regulation 17 shall be stayed pending the determination of the application under paragraph (1).

(5) The Committee, in any proceedings to set aside the exclusion order, may exercise the powers under section 165(2A) of the Act in the same manner as if the proceedings were for a determination of an exclusion order under that section.

[S 58/2013 wef 31/01/2013]

Appeal to Council against exclusion order

13.—(1) An appeal against an exclusion order may be made by the excluded person to the Council under section 165(6) of the Act by a notice of appeal in such form as the Council may determine, within 30 days after being notified of the decision of the Committee.

[S 564/2009 wef 20/11/2009]

(2) Every notice of appeal shall set out the grounds of the appeal in a clear and concise manner and may be accompanied by —

- (a) any evidence that the appellant does not fall within the circumstances described in section 165(1) of the Act for the making of the exclusion order; and
- (b) such relevant testimonials, references and other information as the appellant considers necessary in support of his appeal.

(3) The Council may refuse to consider any appeal that fails to comply with this rule.

Consideration of appeal relating to exclusion order

14.—(1) On receipt of a notice of appeal relating to an exclusion order, the Council shall review the exclusion order as soon as practicable.

[S 564/2009 wef 20/11/2009]

(2) The Council may, in the course of considering the appeal —

- (a) seek advice on any matter arising out of the appeal;
- (b) require the excluded person or any other person to answer any query or furnish any document which the Council considers relevant for the purpose of the appeal; or
- (c) allow the excluded person reasonable opportunity to make any further written representation.

(3) After considering all the circumstances, the Council may confirm, vary or revoke the exclusion order.

[S 564/2009 wef 20/11/2009]

15. *[Deleted by S 58/2013 wef 31/01/2013]*

16. *[Deleted by S 58/2013 wef 31/01/2013]*

Application for variation or revocation of exclusion order

17.—(1) An application for the variation or revocation of an exclusion order may be made by the excluded person to the Council

under section 166(1) of the Act in such form as the Council may determine.

[S 564/2009 wef 20/11/2009]

[S 58/2013 wef 31/01/2013]

(2) An application under paragraph (1) may not be made —

- (a) where an appeal has been made against the same exclusion order, until the appeal has been determined by the Council; and

[S 564/2009 wef 20/11/2009]

[S 58/2013 wef 31/01/2013]

- (b) in the case of an application for revocation, whilst the excluded person still falls within the circumstances described in section 165(1) of the Act.

[S 564/2009 wef 20/11/2009]

[S 58/2013 wef 31/01/2013]

(3) Every application under paragraph (1) shall set out the grounds of the application in a clear and concise manner, and may be accompanied by any document in support of it, including —

- (a) any evidence that the excluded person does not fall within the circumstances described in section 165(1) of the Act for the making of the exclusion order; or

- (b) such relevant testimonials, references and other information as the excluded person considers necessary in support of his application.

[S 58/2013 wef 31/01/2013]

(4) The Council may refuse to consider any application that fails to comply with this rule.

Permission of Council for application for variation or revocation of exclusion order

18.—(1) For the purposes of determining whether permission for an application for variation or revocation of an exclusion order is to be granted under section 166(2) of the Act, the Council may, in addition to considering the matters referred to in section 166(2A) of the Act, do one or both of the following:

- (a) appoint an officer of the Council to conduct an interview with the excluded person, and to report his findings to the Council;
- (b) require the excluded person to participate in a programme of counselling, rehabilitation or special education.

[S 58/2013 wef 31/01/2013]

(2) The excluded person shall not be entitled to the report of the officer made under paragraph (1)(a).

[S 58/2013 wef 31/01/2013]

Consideration of application for variation or revocation of exclusion order

19.—(1) Where permission has been granted for the application for variation or revocation of an exclusion order, the Council may, in the course of considering the application for variation or revocation —

- (a) seek advice on any matter arising out of the application;
- (b) require the excluded person or any other person to answer any query or furnish any document which the Council considers relevant for the purpose of the application; or
- (c) allow the excluded person reasonable opportunity to make any further written representation.

[S 564/2009 wef 20/11/2009]

[S 58/2013 wef 31/01/2013]

(2) After considering all the circumstances, the Council may confirm, vary or revoke the exclusion order.

[S 564/2009 wef 20/11/2009]

PART IV

PROCEDURE FOR SELF-EXCLUSION

[S 564/2009 wef 20/11/2009]

Application for self-exclusion

20.—(1) An application for self-exclusion under section 165A(1)(c) of the Act may be made using the appropriate form set out on the Council's Internet website <http://www.ncpg.org.sg>

for this purpose or the form provided by the Council and obtainable from its office during such hours as the office is open for business or at such other locations as the Council may determine.

[S 564/2009 wef 20/11/2009]

[S 683/2010 wef 15/11/2010]

(2) For the purposes of section 165A(1)(c) of the Act, an application for self-exclusion may be made to the Council —

- (a) using the electronic system provided by the Council for this purpose, by completing and submitting the form on the Council's Internet website referred to in paragraph (1), in accordance with the instructions specified in the form or in the electronic system; or
- (b) by completing and submitting the form provided by the Council, by hand or by registered post to the office of the Council during such hours as the office is open for business or at such other locations as the Council may allow.

[S 564/2009 wef 20/11/2009]

[S 683/2010 wef 15/11/2010]

Application to revoke self-exclusion

21. An application under section 165A(3) of the Act to revoke self-exclusion —

- (a) may be made using such form as the Council may provide in hard copy or electronic form; and
- (b) shall be submitted to the Council in person at the office of the Council during such hours as the office is open for business or at such other locations as the Council may determine.

[S 564/2009 wef 20/11/2009]

[S 58/2013 wef 31/01/2013]

22. *[Deleted by S 564/2009 wef 20/11/2009]*

23. *[Deleted by S 564/2009 wef 20/11/2009]*

PART V
GENERAL

Consideration of matters by Council outside meetings

24.—(1) The Council may, if it thinks fit, transact any business, including considering any appeal or application, by the circulation of papers among all of the members of the Council.

(2) A resolution or decision in writing, approved in writing, by a simple majority of the members of the Council for the time being entitled to take part in the decision in respect thereof shall be taken to be a decision of the Council and shall be as valid and effectual as if it had been made at a meeting of the Council duly convened and held.

(3) Separate copies of a resolution may be distributed for signing by the members of the Council if the wording of the resolution and approval is identical in each copy.

(4) The resolution of the Council shall be approved when the last member thereof required for the majority signs.

(5) Papers may be circulated among members of the Council for the purposes of this rule by facsimile or electronic transmission of the information in the papers concerned or by such other method as the Council may determine.

[S 564/2009 wef 20/11/2009]

Made this 4th day of December 2008.

LIM HOCK SAN
*Chairman,
National Council on Problem
Gambling,
Singapore.*

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