

GOVERNMENT OF ZAMBIA

ACT

No. 13 of 1992

Date of Assent: 1st April, 1992

An Act to provide for the granting and revocation of casino licences and temporary casino licences, to authorise the playing of games and the sale of intoxicating liquor in licensed premises; to specify the conditions which may be attached to a casino licence to exempt the holder of a casino licence from certain provisions of the Liquor Licensing Act; to provide for the appointment of casino inspectors; to repeal the Casino and Gaming Machines (Prohibition) Acts, respectively and to provide for matters connected with and incidental to the foregoing.

[1st April, 1992]

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Casino Act, 1992.

Short title

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

Interpretation

“betting” means wagering or staking any money or valuable thing by or on behalf of any person, or expressly or impliedly undertaking, promising or agreeing to wager or stake by or on behalf of any person, any money or valuable thing on any horse race, or other race, fight, game, sport, lottery or exercise or any other event or contingency; and “bet” and “to bet” shall be construed accordingly;

“card game” means any game of cards specified in a casino licence;

“casino” means any premises kept and managed for the purpose of gaming;

“casino licence” means a licence issued under section three or four;

"casino inspector" means any person appointed as an inspector under section eight;

"gaming" means the playing of a game of chance for winnings in money or moneys worth, and the word "game" shall be construed accordingly;

"game of chance" shall not include any athletic game or sport;

"gaming machine" means a machine for playing a game of chance, being a game which requires no action by any player other than the actuation or manipulation of the machine;

"gross revenue" means the total income derived or received from gaming at a casino and includes credit extended to customers, any hiring charge or commission paid on gaming machines and the entry fee to the casino less only the total of all sums paid out as losses by the licensee in respect of games played under a casino licence;

"intoxicating liquor" has the meaning assigned to it in the Liquor Licensing Act;

"licensed premises" means any premises in respect of which a casino licence is in force;

"licence" means the holder of a valid casino licence or temporary casino licence;

"quarter-year" means one quarter of a calendar year;

"temporary casino licence" means a licence issued under section four;

"winnings" include any amount deducted for the benefit of the licensee from any stake or bank in any game not being an amount deducted from the receipts of any slot machine.

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Issue of
casino
licence

3. (1) No person shall operate a casino without a valid casino licence issued under this Act.

(2) Any person who wishes to operate a casino shall apply to the Minister who may, subject to the other provision of this Act and to the payment of such fees as may be prescribed, and on such terms and conditions as he may consider necessary, issue a casino licence to any person.

(3) A casino licence shall remain in force for such period, not exceeding five years, as is specified in the casino licence.

(4) A casino licence shall authorise—

(a) the playing in or on such part of the licensed premises as is specified in the casino licence of such games, tables and gaming machines as are specified in it;

(b) subject to the provisions of the Hotels Act, the carrying on and maintenance of a hotel on the licensed premises;

Act No. 27
of 1987

- (c) the sale on the licensed premises to any person at any time of the day and night of intoxicating liquor for consumption on the licensed premises; and
- (d) the carrying on by the licensee in the licensed premises of any trade or business specified in the casino licence.

(5) A casino licence shall specify the number of tables authorised under the casino licence for the playing of any game and the number of gaming machines authorised under the casino licence.

(6) No licensee shall operate or allow to be operated, any tables for the playing of any game or gaming machines in excess of the number authorised under the casino licence.

(7) Any person who—

- (a) keeps or allows to be kept on any premises a gaming machine for the purpose of gaming without a casino licence; or

(b) contravenes any of the provisions of this section;

shall be guilty of an offence and shall be liable to a fine not exceeding five thousand kwacha or to imprisonment for a period not exceeding two years or to both.

(8) When any person is convicted of an offence under subsection (7) the court which convicts that person shall, in addition to any penalty imposed under subsection (7), order the forfeiture to the Government of the tables or gaming machines which were the subject matter of the offence.

4. (1) The Minister may, on application, issue a temporary casino licence to any person, subject to the payment of such fees as may be prescribed and on such terms and conditions as the Minister may consider necessary.

Issue of
temporary
casino
licence

(2) A temporary casino licence shall remain in force for such period, not exceeding thirty days, as is specified in it.

(3) A temporary casino licence shall authorise—

- (a) the playing in or on the licensed premises as is specified in the licence of any game specified in the licence, but shall not include gaming machines;
- (b) the sale on the licensed premises to any person at any time, during the playing of such games, of intoxicating liquor for consumption on the licensed premises; and
- (c) the carrying on by the licensee in the licensed premises of any trade or business specified in the licence.

5. (1) The Minister shall not grant a casino licence under section *three* to any person unless—

Conditions
under which
a licence
shall be
granted

- (a) the premises in respect of which the application for a casino licence is made are structurally adopted for use as a casino;
- (b) proper provision has been made for the sanitation of the casino; and

- (c) proper provision has been made for surveillance cameras to be fitted for the monitoring of the game and other activities in the gaming premises.

(2) The licensee, throughout the currency of the casino licence, shall carry on and maintain, on the licensed premises a hotel of such size and standard as may be specified in the casino licence.

(3) The Minister may prescribe other conditions to a casino licence—

- (a) relating to the method of operation of any game;
- (b) relating to the operation of any hotel carried on and maintained on the licensed premises;
- (c) for the purposes of ensuring that the operation of the licensed premises does not detract from the natural beauty and amenities of any place near the licensed premises;
- (d) for the purposes of ensuring that the operation of the licensed premises accords with decency, dignity, good taste and honesty;
- (e) requiring the keeping of such books, forms, accounts and records relating to casino operations in such form as he may prescribe; and
- (f) relating to any other matters which he may consider necessary or incidental to a casino licence.

Revocation
of casino
licence

6. (1) The Minister may, revoke a casino licence where—

- (a) the licensee or any employee of the licensee has been convicted of an offence under this Act or of an offence relating to the sale of intoxicating liquor on the licensed premises;
- (b) the licensee has contravened or failed to comply with any of the conditions of the casino licence;
- (c) the licensee has failed to carry on and to maintain a hotel in accordance with the conditions of the casino licence; or
- (d) the licensee has failed to pay the licence fees payable for the licence and for the games in operation.

(2) The Minister shall not revoke a casino licence under paragraph (a) of subsection (1) unless—

- (a) the licensee has been informed in writing of the grounds upon which it is proposed to revoke the casino licence and shall give the licensee an opportunity of making representations, in writing, in relation to the proposed revocation;
- (b) he is satisfied that the offence is of such a serious nature or was committed in circumstances of such seriousness as in his opinion warrants such revocation; or

- (c) that the licensee or any employee of the licensee has on a previous occasion been convicted of an offence under this Act.

7. (1) A casino licence shall be transferable only with the consent of the Minister, which consent may be given or withheld in the absolute discretion of the Minister.

Transfer
and
verification
of a
casino
licence

(2) The Minister may, on the application of the licensee, at any time, during the currency of a casino licence, vary any condition of the casino licence.

Provided that where the conditions to be varied relate to the fees for the games listed in the licence, the Minister shall before having such conditions varied, direct an inspection of the games to be carried out.

8. (1) In order to ensure compliance with the provisions of this Act, or any condition imposed under this Act, the Minister shall appoint such number of inspectors as he may consider necessary.

Casino
inspectors

(2) Every inspector shall be provided with a certificate of appointment which shall be *prima facie* evidence of the inspector appointment as such.

(3) An inspector shall on demand by any person affected by the exercise of an inspector's powers under this Act, produce for inspection the certificate referred to in subsection (2).

9. (1) In the performance of his duties an inspector shall have power—

Powers of
Inspectors

- (a) at any time to enter and inspect the licensed premises;
- (b) to inspect all equipment and supplies in or about the licensed premises;
- (c) on demand to have access to and inspect, examine and audit all papers, books and records of the licensee representing the gross revenue produced by the games played under the casino licence;
- (d) to seize and remove from the licensed premises any equipment or supplies for the purpose of examination and inspection;
- (e) be present at and supervise the counting at the close of business of the casino on any day of the money received by the casino in gaming during that day; and
- (f) be present at and supervise the calculation of the gross winnings made on any day.

10. (1) Any person who on any licensed premises—

- (a) plays any game with or permits the playing of any game by any young person;
- (b) allows any young person to enter any part of the licensed premises where any game is played, whether for the purpose of gaming or otherwise;

Gaming by
minors
prohibited

- (c) employs in the organisation or for the management of any game any young person;

shall be guilty of an offence and liable on conviction, to a fine not exceeding *twenty* thousand kwacha or to imprisonment for a period not exceeding two years, or to both.

(2) In this section "young person" means any person under the age of eighteen years.

(3) It shall not be a defence for any licensee or employee of the licensee charged with an offence under subsection (1) that he did not know of the presence of any young person or that such young person was present without his consent, unless he shows, to the satisfaction of the court that he took all reasonable steps to ensure that no young person was admitted to such licensed premises.

Submission
of
statement
of
account,
etc.

11. (1) The Minister may at any time, and shall at least once in every twelve months, require a licensee to submit to him—

- (a) a properly audited statement of accounts stating the gross winnings of the casino on each day, or during such other period as he may require;
- (b) a declaration that the fees payable in respect of the gross winnings of any particular period calculated in accordance with this Act have been paid; and
- (c) any other information which the Minister may require relating to the operation of a casino.

(2) Any person who refuses or fails to submit a statement of accounts as and when required by the Minister or who knowingly submits a false or misleading statement shall be guilty of an offence and liable to a fine not exceeding one hundred thousand kwacha or to imprisonment for a term not exceeding one year, or to both.

Assessment
by the
ministry

12. (1) Notwithstanding any other provisions of this Act, if the Minister has reason to believe that any amount of fees has been incorrectly computed by a licensee or when any licensee fails in any month to submit to the Minister a statement in accordance with section *eleven*, the Minister may assess the amount of fees, if any, payable by the licensee as may, in the circumstances, appear proper to the Minister under the provisions of this Act.

(2) Where any fees are assessed by the Minister in accordance with this section, the Minister shall give notice in writing to the licensee stating the amount so assessed and such amount of fees shall be due and payable by the licensee within such period following the date of such notice as the Minister may, in the notice, direct:

Provided that a licensee may appeal within thirty days of the date of such notice to the High Court.

13. (1) The holder of a casino licence shall not require any licence under the liquor Licensing Act for the purpose of the sale of intoxicating liquor and nothing in the said Act relating to the hours of sale of intoxicating liquor shall apply to sales of intoxicating liquor under a casino licence.

Non-application of certain provisions
Cap. 429

(2) Subject to the provisions of subsection (1), a casino licence shall, for the purpose of parts VII and IX of the Liquor Licensing Act, be deemed to be a licence under that Act and licensed premises under this Act shall be deemed to be licensed premises under the Liquor Licensing Act.

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(3) The holder of a casino licence shall not be required to hold a licence under the Trades Licensing Act in respect of any trades specified in the casino licence and the provisions of that Act shall not apply in relation to any sale of goods under a casino licence.

Cap. 707

(4) For the purpose of subsection (3) of section one of the Trades Licensing Act, a casino licence shall not be deemed to relate to any goods.

Cap. 707

14. Without prejudice to any other remedy, any tax, penalty or other sum payable under this Act shall be a debt due to the Government and may be recovered as a civil debt by a suit in the name of the Attorney-General.

Tax to be recovered as civil debt

15 (1) There shall be paid in respect of every casino licence issued under this Act an annual fee of K30,000 and the following additional licence fees:

Fees

(a) In respect of each year during the currency of the casino licence there shall be paid—

(i) the sum of K10,000 where one table or wheel, other than a card game, is specified in the casino licence;

(ii) the sum of K12,000 for each table or wheel where two or more tables or wheels, other than a card game, not exceeding ten, are specified in the casino licence; and

(iii) the sum of K15,000 for each table or wheel in excess of ten where the number of tables or wheels or a game, other than a card game, specified in the casino licence is more than ten.

(b) In respect of each quarter-year during the currency of the casino licence—

(i) the sum of K10,000 for each table authorised under the casino licence for the playing of card games; and

- (ii) the sum of K8,500 for each gaming machine authorised to be operated under the casino licence;
- (c) In respect of each quarter-year during the currency of the casino licence 20 per centum of the gross revenue for a quarter year.
- (d) A fee of K5,000 in respect of each temporary casino licence issued.

(2) The fees specified in paragraph (a) of subsection (1) shall be paid on or before the commencement of each year to which the fees relate.

Offences

16. (1) Any licensee and any employee or agent of such licensee who—

- (a) makes any false entry in a statement or return required to be submitted to the Minister under of this Act; or
- (b) makes any false entry in any account of the casino, with the intention that the same shall be taken to be true:

shall be guilty of an offence and shall be liable upon conviction—

- (i) in the case of an individual, to imprisonment for a period not exceeding six months or to a fine not exceeding fifty thousand kwacha; or
- (i) in the case of a corporation or limited company to a fine not exceeding one hundred thousand kwacha.

(2) Any person who obstructs an inspector in the execution of his duties and powers under section *nine* of this Act shall be guilty of an offence and shall be liable upon conviction to imprisonment for a period not exceeding six months or to a fine not exceeding fifty hundred kwacha.

(3) Where an employee or agent of the licensee commits an offence under this section, the licensee, and where the licensee is a corporation or limited company, any director and any principal officer of the corporation or limited company, shall be deemed to have abetted the commission of the offence unless he establishes to the satisfaction of the court that the offence was committed without his knowledge and that he could not reasonably be expected to know that the offence was being committed.

Regulations

17. The Minister may, by statutory instrument, make regulations—

- (a) prescribing the manner in which games will be played in or on such part of the licensed premises;

- (b) prescribing the procedure and format of applying for the issue, renewal or variation of any licence under this Act;
- (c) prescribing the format in which books, forms and accounts shall be maintained by the licensee and also the format in which returns and statements shall be submitted to the Minister in accordance with this Act; and
- (d) generally for the carrying into effect of the purposes of this Act.

18. The Casino Act, 1961, and the Gaming Machines (Prohibition) Act, 1974, are hereby repealed.

Repeal of
Cap. 252
and 431
