



BERMUDA

CASINO GAMING (CASINO FEES) AMENDMENT REGULATIONS 2020

BR 82 / 2020

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

Citation

1 These Regulations, which amend the Casino Gaming (Casino Fees) Regulations 2017 (the “principal Regulations”) may be cited as the Casino Gaming (Casino Fees) Amendment Regulations 2020.

Amends regulation 10

2 Regulation 10 of the principal Regulations is amended—

- (a) by inserting after the words “receipt of” the words “an amount in respect of”;
- (b) in paragraph (a), by deleting “\$150,000” and substituting “10% of the amount”; and
- (c) in paragraph (b), by deleting “\$250,000” and substituting “15% of the amount”.

Inserts regulation 12

3 After regulation 11 of the principal Regulations, the following regulation is inserted—

“Waiver or deferment of fees in exceptional circumstances

12 (1) The Minister may, on application in writing by the Commission setting out the exceptional circumstances necessitating the request, waive or defer the payment of a fee under these Regulations—

CASINO GAMING (CASINO FEES) AMENDMENT REGULATIONS 2020

- (a) in whole or in part;
 - (b) for a specified period, subject to paragraph (5);
 - (c) with respect to a specified person or class of persons.
- (2) No such waiver or deferment of the payment of a fee shall be granted unless—
- (a) the Minister is satisfied that there are exceptional circumstances justifying the waiver or deferment in that particular case;
 - (b) the Minister of Finance has approved the waiver or deferment in writing;
 - (c) the Minister has notified the Accountant-General in writing.
- (3) The Minister may provide for the waiver or deferment of the payment of a fee—
- (a) in accordance with any or all of the provisions of subparagraphs (a) to (c) of paragraph (1);
 - (b) with retrospective effect, subject to paragraph (5); and
 - (c) subject to such conditions as the Minister may deem appropriate to impose on the person benefiting from the waiver or deferment.
- (4) The Commission shall—
- (a) maintain proper books or records with respect to the waiver or deferment of the payment of any fees and provide such details of the amounts of the fees waived or deferred as the Accountant-General may direct; and
 - (b) provide such other information relating to the fees waived or deferred as the Accountant-General may request.
- (5) No application to waive or defer the payment of a fee shall be granted under this regulation in relation to a fee that would otherwise—
- (a) have been payable before the financial year in which the application is granted; or
 - (b) be payable beyond a period of two years from the time the application is granted.
- (6) Where a person benefiting from a waiver or deferment of the payment of a fee granted under this regulation, which is subject to any condition and such person fails to comply with such condition, the Minister may—
- (a) determine to cancel the waiver or deferment granted for the entire period for which it was granted or for a portion of such period; and
 - (b) require the fees due to have been paid during the period of the cancelled waiver or deferment to be paid and, where necessary, be

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recovered before a court of summary jurisdiction in the manner provided by the Magistrates Act 1948 for the recovery of a debt or liquidated demand.

- (7) In this regulation, “exceptional circumstances” include—
- (a) a Proclamation of a State of Emergency under section 14 of the Bermuda Constitution Order 1968;
 - (b) a declaration of a public health emergency by the Minister of Health under section 107A of the Public Health Act 1949;
 - (c) hurricanes and other major adverse natural or weather related events significantly impacting Bermuda negatively, whether directly or indirectly;
 - (d) an event or occurrence significantly impacting a sector of the economy or community in Bermuda negatively, whether directly or indirectly, that could not reasonably have been foreseen.

(8) The Commission shall include in its financial statements for a financial year a report on the waiving or deferment of fees under this regulation during that financial year.”

Made this 23rd day of July 2020

Premier

[Operative Date: 24 July 2020]