

Gaming and betting controls in the BVI

Insights - 29/10/2021

The Gaming and Betting Control Act 2020 (**the Gaming Act**), which commenced on 9 July 2021 and was further amended in October 2021, seeks to legalise and regulate gaming and gambling activities which were previously banned in the British Virgin Islands (**BVI**).

Gambling Commission

The Gaming Act provides for the establishment of a Gambling (Gaming and Betting) Control Commission to regulate and oversee gambling and gaming under the Gaming Act.

Activities requiring a licence

Pursuant to the terms of the Gaming Act, a person conducting any of the following activities must have a licence from the proposed Gaming and Betting Control Commission (**the Commission**):

- owning or operating a gaming machine location for the purpose of conducting gaming;
- performing a specific function in connection with a licensed betting or gaming activity or in relation to a licensed premise;
- manufacturing, fabricating, assembling, programming, modifying or repairing equipment;
- selling, importing, supplying or distributing a gaming machine or associated equipment;
- leasing gaming machines to an owner or operator of a gaming machine location in exchange for remuneration based on earnings in profit from a gaming operation;
- manufacturing, selling, supplying, installing and adapting gaming software;
- providing facilities for betting of any kind; and
- providing or utilising premises for the purpose of gaming or betting.

However, as there is no territorial limit expressly set on where these activities can be conducted,

the licensing requirements under the Gaming Act might arguably apply to any BVI incorporated company actively engaged in gaming activities even if such activities take place outside of the BVI.

License categories

There are a several categories of licence that can be applied for:

- **a Gaming Operators Licence** which permits the licensee to operate a gaming machine location for the purpose of conducting gaming;
- **a Gaming Owners Licence** which permits the licensee to own a gaming machine location (although such licensees cannot operate such establishments without first having obtained a Gaming Operators Licence;
- **a Bookmakers Licence** which permits the licensee to conduct betting activities other than pool betting;
- **a Promoters Licence** which permits a licensee to stage live racing and conduct pool betting (pari-mutuel) activities;
- **a Gaming Machine Operating Licence** which permits the licensee to sell or lease gaming machines for use in premises approved by the Commission for the purpose;
- **a Gaming Machine Distributor Licence** which permits a licensee to import and supply licensed gaming machines, prescribed gaming components and related equipment;
- **a Technical Operators Licence** which permits the licensee to install, maintain or repair licensed gaming machines;
- **a Premises Licence** which permits activities approved by the Commission under an operating licence to be conducted at premises stipulated in the licence;
- **a Personal Licence**, in respect of key employees within a licensed betting or gaming machine location;
- **a Betting Operators Licence** which permits the licensee to operate a betting business; and
- any other licence as the Commission may stipulate, as it deems necessary.

The categories of licence are helpful, as they add detail to the activities that require licensing, and the last category shows that the Commission may amend and add to the list as required. Any BVI companies involved in gaming activities should assess if they now require a licence following the Gaming Act's enactment.

Comment

The Gaming Act provides further detail on the specifics of which companies and individuals will

require licences within the operation of a gaming business and on the different aspects of gaming and betting within the gaming industry. The Gaming Act sets out definitions that go into some detail on gaming, gaming establishment, gambling machines and more. A careful review of the definitions will be required when determining how the Gaming Act may affect businesses acting in that industry.

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