

1988 No. 1416 (S.133)

BETTING, GAMING AND LOTTERIES

**The Gaming (Records of Cheques) (Scotland)
Regulations 1988**

Made 29th July 1988

Laid before Parliament 16th August 1988

Coming into force 19th September 1988

The Secretary of State, in exercise of the powers conferred on him by sections 22(1)(b) and 51 of the Gaming Act 1968(a) and of all other powers enabling him in that behalf, and after consultation with the Gaming Board for Great Britain in accordance with section 51(2) of that Act, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Gaming (Records of Cheques) (Scotland) Regulations 1988 and shall come into force on 19th September 1988.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“Act of 1968” means the Gaming Act 1968;

“bingo club premises” has the meaning given in section 20(1) of the Act of 1968;

“gaming cheque” means a cheque which is accepted by the holder of a licence under the Act of 1968 in respect of any premises, except bingo club premises, or by any person acting on his behalf or under any arrangement with him and which is given in exchange for cash or tokens to be used by players in gaming on those premises;

“licensee” has the meaning assigned by regulation 3(1) below;

“redeemed cheque” and “substitute cheque” have the meaning given in section 16(5) of the Act of 1968(b); and

“relevant account” means the account in respect of which a cheque is drawn.

(2) For the purposes of any record kept under regulation 4 or 6 below, the name of the banker on whom a cheque is drawn and the address of the bank where the relevant account is held may instead be given by—

(a) a letter (or letters), where the record in question includes a list setting out, in respect of each letter (or letters) used, the name and address for which the letter (or letters) stands; or

(b) as respects the name only, an abbreviation, where that abbreviation is such as to be commonly understood.

(a) 1968 c.65; section 22(1)(b) was amended by section 2 of the Gaming (Amendment) Act 1986 (c.11).

(b) Section 16(5) was amended by section 1(7) of the Gaming (Amendment) Act 1986 (c.11).

Making and retention of records

3.—(1) The holder of a licence under the Act of 1968 in respect of any premises, except bingo club premises, (hereinafter referred to as the "licensee") shall make the records required by regulations 4, 5 and 6 below.

(2) The licensee shall retain any record made under regulations 4, 5 or 6 below with respect to a gaming cheque or a substitute cheque until the expiry of the period of three years beginning with the date of the acceptance by him or by any person acting on his behalf or under any arrangement with him of that gaming cheque or substitute cheque, as the case may be.

Record of gaming cheques and substitute cheques

4.—(1) The record under this regulation shall set out the particulars required by paragraph (2) of this regulation with respect to each gaming cheque and each substitute cheque, which particulars shall be set out under the name of the person who has given the cheque or cheques.

(2) The required particulars are—

- (a) the date of the acceptance of the cheque by the licensee or by any person acting on his behalf or under any arrangement with him;
- (b) such of the following information as appears on the cheque, namely:—
 - (i) the name of the person who has the relevant account where this is not the same as the name of the person who has given the cheque;
 - (ii) the name of the banker on whom the cheque is drawn and the address of the bank where the relevant account is held;
 - (iii) the number of the relevant account; and
 - (iv) the number of the cheque;
- (c) the amount for which the cheque is made out;
- (d) whether any guarantee card issued by the banker on whom the cheque is drawn was produced in such circumstances that payment of the cheque by the banker is thereby guaranteed;
- (e) where the cheque is a substitute cheque, that fact together with sufficient information to identify the redeemed cheque or cheques for which the substitute cheque was given, whether or not it was so given with cash or tokens or a combination of both;
- (f) where the cheque subsequently becomes a redeemed cheque, that fact; and
- (g) whether the banker on whom the cheque is drawn at first refused payment (whether or not payment was subsequently made).

Record of cheques given at each playing session

5.—(1) The record under this regulation shall set out the particulars required by paragraph (2) of this regulation with respect to each gaming cheque and each substitute cheque given at a particular playing session, the date of which shall be set out in the record.

(2) The required particulars are—

- (a) the time of the acceptance of the cheque by the licensee or by any person acting on his behalf or under any arrangement with him;
- (b) the amount for which the cheque is made out;
- (c) such of the following information as appears on the cheque, namely:—
 - (i) the name of the person who has the account on which the cheque is drawn; and
 - (ii) the number of the cheque;
- (d) where the cheque is a substitute cheque, that fact together with the particulars required by subparagraph (c) above in respect of the redeemed cheque or cheques for which the substitute cheque was given, whether or not it was so given with cash or tokens or a combination of both;
- (e) where the cheque subsequently becomes a redeemed cheque, that fact; and
- (f) subject to paragraph (3) of this regulation, the date on which the cheque, except any redeemed cheque, is delivered to a bank for payment or collection.

(3) Where all of the cheques, except any redeemed cheque, set out in the record kept under this regulation are delivered to a bank for payment or collection on the same date, that date need only be given once.

Record of dishonoured cheques

6.—(1) The record under this regulation shall set out the particulars required by paragraph (2) of this regulation with respect to each gaming cheque and each substitute cheque in respect of which the banker on whom the cheque is drawn at first refused payment (whether or not payment was subsequently made).

(2) The required particulars are—

- (a) the date of the acceptance of the cheque by the licensee or by any person acting on his behalf or under any arrangement with him;
- (b) the particulars required by regulations 4(2)(b) and (c) above; and
- (c) where payment is subsequently made in respect of that cheque, that fact and the date of such payment.

Verification of delivery of cheques to banks

7.—(1) The licensee shall provide verification of the particulars which by virtue of paragraph (2)(f) of regulation 5 above are included in the record required by that regulation in respect of each gaming cheque, other than a redeemed cheque, and each substitute cheque by means of a document which satisfies the requirements of paragraph (2) of this regulation.

(2) Those requirements are that, in respect of the cheque or cheques to which the document relates, the document shall—

- (a) show the amount for which the cheque is made out; and
- (b) be endorsed (whether by means of a stamp or otherwise) by the banker or an employee of his at the bank to which the cheque was delivered for payment or collection with the name of that banker together with the date of that delivery.

St. Andrew's House, Edinburgh
29th July 1988

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, require the holder of a licence under the Gaming Act 1968 ("the 1968 Act") in respect of any premises, except bingo premises, to make and retain for the period specified in regulation 3(2) the records required by regulations 4, 5 and 6 of these Regulations.

The records are in respect of cheques given in exchange for cash or tokens to be used by a player in gaming (and to which section 16 of the 1968 Act applies) and in respect of substitute cheques, which expression has the same meaning as in section 16 of the 1968 Act, as amended by the Gaming (Amendment) Act 1986. By virtue of the Gaming (Amendment) Act 1986 (Commencement) Order 1988 (S.I. 1988/1250), the latter Act comes into force on the same date as these Regulations.

Regulation 7 requires verification of the particulars included in the record kept under regulation 5 by virtue of paragraph (2)(f) of that regulation.

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