



BERMUDA

BETTING FEES REGULATIONS 2021

BR 105 / 2021

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SCHEDULE OF FEES

The Minister responsible for gaming, in exercise of the power conferred by section 96 of the Betting Act 2021, makes the following Regulations:

Citation

- 1 These Regulations may be cited as the Betting Fees Regulations 2021.

Interpretation

- 2 In these Regulations—
 - “Act” means the Betting Act 2021;
 - “applicant”, in relation to a fee, is the person for whom the Commission performed the action or service that was the subject of the fee;
 - “investigation” means any steps taken by or on behalf of the Commission or on the instruction of the Commission in order to determine whether a licence or

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approval should be granted or maintained, or to provide another action or service that is the subject of a fee;

“subject”, of a fee, is the action or service by the Commission for which the fee is imposed.

Liability for fees

3 (1) The fees in relation to betting to be charged pursuant to the Act shall be those set out in the Schedule.

(2) Where the time of payment is not specified in the relevant provision authorising the fee, the fee shall be due within such period as may be specified by the Commission.

Costs fees

4 (1) This regulation applies where the Schedule states that a “costs fee” is payable for a subject.

(2) The amount of the fee shall be the sum of all costs incurred in relation to, or required for, the relevant investigation, which—

(a) may include third party costs and travel and other costs incurred by or on behalf of the Commission; but

(b) shall not include the time or labour costs of the Commission.

(3) Where a costs fee is payable, the applicant—

(a) shall pay to the Commission a deposit; or

(b) shall deposit such further funds with the Commission,

in such sum, currency, within such period, and in such manner, as may be specified by the Commission.

(4) The Commission may pay from the deposit all costs incurred as mentioned in paragraph (2).

(5) Following the conclusion of the investigation, the Commission shall produce a certificate signed by an officer of the Commission stating the amount of the fee, and such certificate shall, in the absence of manifest error, be final, conclusive and binding on the applicant.

(6) Where the amount stated in the certificate is higher than the deposit paid, the Commission may by written notice require the applicant to pay to the Commission the excess within such period as may be specified in the notice.

(7) Where the amount stated in the certificate is less than the deposit paid, the Commission shall return the balance to the applicant without interest as soon as reasonably practicable.

(8) In addition to the certificate, the Commission shall provide to an applicant a general breakdown of the sums deducted from the deposit, as the Commission sees fit, and subject to the right of the Commission to redact any documents or invoices disclosed.

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Manner of payment of fees

5 All fees in the Schedule and all other payments in relation to betting made pursuant to the Act shall be paid by direct transfer in Bermuda dollars or such other currency as may be specified by the Commission and into such account of the Commission designated in the relevant application form or as may be directed in writing by the Commission.

Penalty for non-payment of fees and recovery of fees

6 (1) Subject to paragraph (2), if an applicant fails to comply with the requirement to pay the fees in accordance with these Regulations, and as required under the Act then, without prejudice to any other proceedings that may be taken in respect of such failure, the applicant commits an offence.

(2) Notwithstanding paragraph (1), where an applicant has not made payment of any fees payable in accordance with these Regulations and as required by the Act [or any regulation], and where the Commission is satisfied that such non-payment is not due to wilful neglect or default, the Commission may accept payment of the sum due together with, or without, a penalty of 10% of the amount due for each month or part month during which the default occurs.

(3) Where the Commission accepts payment under paragraph (2), no offence under the Act shall have been committed and no disciplinary action shall be taken.

(4) A person who commits an offence under this regulation is liable on summary conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months, or to both.

(5) A person is not guilty of an offence under this regulation if he took all reasonable steps and exercised all due diligence to avoid committing the offence.

Recovery of fees

7 (1) Any fee or any penalty payable under these Regulations may be recovered by the Commission in its own name in a court of summary jurisdiction as a civil debt, irrespective of the amount so payable, and any officer of the Commission may conduct such proceedings.

(2) A certificate signed by an officer of the Commission stating the amount of any fees and costs due and unpaid shall in the absence of manifest error be conclusive evidence that the sum stated in the certificate is unpaid and is due to the Commission, and any document purporting to be such a certificate shall be deemed to be such a certificate until the contrary is proved.

Commencement

8 These Regulations come into effect on 1 August 2021.

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SCHEDULE OF FEES

(regulation 3)

1. Where a provision of the Act that deals with fees is specified in column 4 of the table below, the fee payable for the subject listed in column 1 is the sum of—

- (a) if a fixed fee is specified in the table, the fixed fee; and
- (b) if a costs fee is specified by a “Yes” in column 3, the amount of the costs fee as determined in accordance with regulation 4, including a deposit payable in accordance with regulation 4.

2. In column 4, a reference to a section (“s.”) is, a reference to a section of the Act.

Subject of fee	Fixed fee	Whether costs fee payable	Relevant provisions
Bookmaker’s licence			
1. Application fee— new licence	\$8,686	Yes	s.13
2. Application fee— renewal of licence	\$6,186	Yes	s.13
3. Application fee transfer of licence— (a) to a licence holder (b) to new applicant	(a) \$6,186 (b) \$8,686	Yes	s.13
4. Late application fee (renewal)	\$300	No	s.13
Restricted bookmaker’s licence			
5. Application fee— new licence	\$8,686	Yes	s.13
6. Application fee— renewal of licence	\$6,186	Yes	s.13
7. Application fee transfer of licence— (a) to a licence holder (b) to new applicant	(a) \$6,186 (b) \$8,686	Yes	s.13
8. Late application fee (renewal)	\$300	No	s.13
Pool betting agent’s licence			
9. Application fee— new licence	\$3,119	Yes	s.13

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Subject of fee	Fixed fee	Whether costs fee payable	Relevant provisions
10. Application fee— renewal of licence	\$619	Yes	s.13
11. Application fee transfer of licence— (a) to a licence holder (b) to new applicant	(a) \$619 (b) \$3,119	Yes	s.13
12. Late application fee (renewal)	\$300	No	s.13
Event permit			
13. Application fee	\$500	No	s.21
Amendment of conditions/boundaries			
14. Application fee	\$250	No	s.23(6)

Made this 6th day of July 2021

Premier

[Operative Date: 01 August 2021]