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STATUTORY INSTRUMENTS

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**1997 No. 1072**

**BETTING, GAMING AND LOTTERIES**

**The Gaming (Records of Cheques and  
Debit Card Payments) Regulations 1997**

<i>Made</i>	- - - -	<i>22nd March 1997</i>
<i>Laid before Parliament</i>		<i>25th March 1997</i>
<i>Coming into force</i>	- -	<i>19th April 1997</i>

The Secretary of State, in exercise of the powers conferred on him by sections 22(1)(b) and (c) and 51 of the Gaming Act 1968<sup>(1)</sup> and after consultation with the Gaming Board for Great Britain in accordance with subsection (2) of the said section 51, hereby makes the following Regulations:

**Citation, commencement and extent**

1. These Regulations may be cited as the Gaming (Records of Cheques and Debit Card Payments) Regulations 1997 and shall come into force 28 days after the day on which they are made.

**Interpretation**

2.—(1) In these Regulations:

“the 1968 Act” means the Gaming Act 1968;

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

“debit card” and “debit card payment” have the meanings given in section 16(5) of the 1968 Act;

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

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

“licensee” has the meaning given in regulation 3(1) below;

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(1) 1968 c. 65 as amended by S.I.1997/1075.

“playing session” has the meaning given in section 16(5) of the 1968 Act;

“the premises” means the premises referred to in regulation 3(1) below in respect of which the licensee holds a licence under the 1968 Act;

“redeemed cheque”, “substitute cheque” and “substitute debit card payment” have the meanings given in section 16(5) of the 1968 Act; and

“relevant account” means the account in respect of which a cheque is drawn or from which a debit card payment is debited.

(2) For the purposes of any record kept under regulation 4 or 6 below, the name of the person on whom a cheque is drawn or with whom the account from which a debit card transaction is debited is held and the address 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.

### **Making and retention of records**

**3.—**(1) The holder of a licence under the 1968 Act 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 on the premises any record made under regulation 4, 5 or 6 below with respect to a gaming cheque, substitute cheque, gaming debit card payment or substitute debit card payment until the expiry of the period of three years beginning with the date of the acceptance by him or any person acting on his behalf or under any arrangement with him of that gaming cheque, substitute cheque, gaming debit card payment or substitute debit card payment, as the case may be.

(3) Where a record such as is referred to in paragraph (2) above is kept by means of a computer, the licensee shall secure that, during the period of three years referred to in that paragraph, the record can readily be produced in a form in which it can be taken away and in which it is visible and legible.

### **Record of gaming cheques, substitute cheques, gaming debit card payments and substitute debit card payments**

**4.—**(1) The record under this regulation shall set out the particulars required by paragraph (2) below with respect to each gaming cheque, substitute cheque, gaming debit card payment and substitute debit card payment, which particulars shall be set out under the name of the person who has given the cheque or cheques or (as the case may be) who is named on the debit card.

(2) The required particulars are:

- (a) the date of the acceptance of the cheque or (as the case may be) debit card payment 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 or (as the case may be) debit card, namely—
  - (i) in the case of a cheque, the name of the person who has the relevant account (if different from the person who has given the cheque);
  - (ii) in the case of a cheque, the name of the person on whom the cheque is drawn and the address where the relevant account is held;
  - (iii) in the case of a debit card payment, the name of the person with whom the account debited is held and the address where that account is held;
  - (iv) the number of the relevant account;

- (v) the number of the cheque or debit card; and
- (vi) in the case of a debit card payment, the name of the issuer of the card, guarantee value (where the card is also a cheque guarantee card) and expiry date of the card;
- (c) the amount for which the cheque is made out or (as the case may be) the amount of the debit card payment;
- (d) in the case of a cheque, whether any guarantee card issued by the person on whom the cheque is drawn was produced in such circumstances that payment of the cheque by that person is thereby guaranteed;
- (e) where a cheque is a substitute cheque or a debit card payment is a substitute debit card payment, that fact together with sufficient information to identify the redeemed cheque or cheques for which the substitute cheque or substitute debit card payment was given, and whether or not it was so given with cash or tokens or a combination of both;
- (f) in the case of a cheque which subsequently becomes a redeemed cheque, that fact; and
- (g) whether the person on whom the cheque is drawn at first refused payment or (as the case may be) the person who issued the debit card at first refused to authorise the debit card payment (in each case whether or not payment was subsequently made).

#### **Record of cheques and debit card payments given at each playing session**

5.—(1) The record under this regulation shall set out the particulars required by paragraph (2) below with respect to each gaming cheque, substitute cheque, gaming debit card payment or substitute debit card payment 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 or (as the case may be) debit card payment 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 or (as the case may be) the amount of the debit card payment;
  - (c) such of the following information as appears on the cheque or (as the case may be) debit card, namely—
    - (i) the name of the person who has the relevant account; and
    - (ii) the number of the cheque or debit card and, in the case of the latter, its expiry date;
  - (d) where a cheque is a substitute cheque or a debit card payment is a substitute debit card payment, that fact together with the particulars required by sub-paragraph (c) above in respect of the redeemed cheque or cheques for which the substitute cheque or substitute debit card payment was given, and whether or not it was so given with cash or tokens or a combination of both;
  - (e) where a cheque subsequently becomes a redeemed cheque, that fact;
  - (f) subject to paragraph (3) below, the date on which the cheque, (except any redeemed cheque) is delivered to a bank or other institution for payment or collection or (as the case may be) the date on which the details of the debit card payment are delivered to the issuer of the card (or such other person as they are required to be delivered to under the arrangements between the licensee and the issuer of the card) for processing to enable the licensee to be credited with the amount of the payment; and
  - (g) where a debit card payment is effected otherwise than through an electronic terminal in communication with the issuer of the card, that fact.

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

(4) Where details of all of the debit card payments set out in the record kept under this regulation are delivered for processing 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) below 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 regulation 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 and details of debit card payments**

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), each substitute cheque, each gaming debit card payment and each substitute debit card payment by means of a document which satisfies the requirements of paragraph (2) below.

(2) Those requirements are that, in respect of each cheque or debit card payment to which the document relates, the document shall:

- (a) show the amount for which the cheque is made or (as the case may be) the amount of the debit card payment;
- (b) in the case of a cheque, be endorsed (whether by means of a stamp or otherwise) by or on behalf of the person to whom the cheque was delivered for payment or collection, with the name of that person together with the date of that delivery; and
- (c) in the case of a debit card payment, be endorsed (whether by means of a stamp or otherwise) by or on behalf of the issuer of the card (or by or on behalf of such other person as the details are required to be delivered to under the arrangements between the licensee and the issuer of the card), with the name of the issuer (or that person) together with the date of receipt of the details.

8. The Gaming (Records of Cheques) Regulations 1988(2), the Gaming (Records of Cheques) (Amendment) Regulations 1991(3), the Gaming (Records of Cheques) (Scotland) Regulations 1988(4) and the Gaming (Records of Cheques) (Scotland) (Amendment) Regulations 1991(5) are hereby revoked.

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(2) S.I. 1988/1251 (amended by S.I. 1991/1892).

(3) S.I. 1991/1892.

(4) S.I. 1988/1416.

(5) S.I. 1991/2047.

Home Office  
22nd March 1997

*Timothy Kirkhope*  
Parliamentary Under-Secretary of State

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace the Gaming (Records of Cheques) Regulations 1988 (as amended) and the Gaming (Records of Cheques) (Scotland) Regulations 1988 (as amended) with new regulations which take account of the Deregulation (Casinos and Bingo Clubs: Debit Cards) Order 1997. That Order amends the Gaming Act 1968 to allow the use of debit cards in casinos. The requirements as to records of cheques are essentially the same as those as under the old Regulations. Parallel provisions for records of debit card payments are now included.

Under regulation 3, the holder of a licence under the 1968 Act must make the records required by regulations 4, 5 and 6 and retain them on the gaming premises for 3 years from the date of the acceptance of the relevant cheque or debit card payment. Where records are computerised, they must be accessible in a visible and legible form.

Regulation 4 requires a record to be made of particulars of all gaming cheques and gaming debit card payments accepted.

Regulation 5 requires a record of particulars of all gaming cheques and gaming debit card payments given at each playing session.

Regulation 6 requires a record of all gaming cheques in respect of which a banker at first refused payment.

Regulation 7 requires verification, in a specified manner, of the delivery of all gaming cheques for collection or payment and of the delivery of details of all gaming debit card payments for processing to enable the licensee to be credited with the amount of the payment.