



**Making a Referral to the Police and/or  
the Attorney General**

# Version Control

Version	Date Published	Comments
1	June 2024	Initial version
2		
3		
4		

The table below details other documents issued by the Isle of Man Gambling Supervision Commission (the "GSC") that are associated with this policy and can be found on our website.

Document name	Content(s)
Enforcement Strategy	<ul style="list-style-type: none"> <li>• An overview of the GSC's strategy of its enforcement activities</li> </ul>
Decision-Making Process – Enforcement and Sanctions ("DMP")	<ul style="list-style-type: none"> <li>• The enforcement powers subject to the DMP</li> <li>• The administrative decision-making process to be followed by the GSC when considering the imposition of an enforcement power</li> </ul>
Discretionary Civil Penalties – Guidance	<ul style="list-style-type: none"> <li>• Criteria to be assessed by the GSC when considering the imposition of a penalty.</li> <li>• The level(s) of penalty that can be imposed</li> <li>• Availability of discounts</li> </ul>
Settlement Policy	<ul style="list-style-type: none"> <li>• When and in what circumstances the GSC will consider entering into settlement discussions with a subject</li> </ul>
Publication Policy	<ul style="list-style-type: none"> <li>• When the GSC publishes enforcement outcomes</li> <li>• Notice and timing of any publication</li> </ul>
Prohibition Policy	<ul style="list-style-type: none"> <li>• When the GSC issues a prohibition</li> </ul>
Use of Appropriate Experts Policy	<ul style="list-style-type: none"> <li>• When the GSC issues a direction to an operator, requiring the appointment of an appropriate professional to remedy AML/CTF deficiencies</li> </ul>
Referral to the GSC Enforcement Division	<ul style="list-style-type: none"> <li>• Factors relevant to a referral to the GSC Enforcement Investigation for further investigation</li> </ul>

This Guidance Note deals with the referral by the Isle of Man Gambling Supervision Commission (the "GSC") of apparent criminal offences that may come to the attention of the GSC in the conduct of its regulatory objectives<sup>1</sup>, to either the Police and/or the Attorney General's Chambers. Such referrals are made where there are grounds to believe that a criminal offence(s) may have been committed and the matter should be reported for consideration of a criminal investigation.

It is the policy of the GSC that apparent, suspected, or prima facie criminal offences will be referred to the Police and/or the Attorney General's Chambers if the matter is considered to be sufficiently serious. It should be stressed however that a decision on whether to (a) investigate will be a matter solely for the Police, or (b) prosecute will be a matter solely for the Attorney General's Chambers.

The GSC will generally regard a criminal offence as sufficiently serious should it pose a threat to customers or potential customers or to the reputation of the Isle of Man and/or where it casts doubt on the integrity, competence or financial standing of the person concerned. It will also be relevant if the criminal conduct was deliberate or premeditated rather than accidental, or if the person (individual or body corporate) has knowingly or recklessly provided the GSC with false or misleading information.

Failure, or refusal to cooperate with the GSC in the exercise of its statutory duty, or a history of past contraventions, breaches/poor regulatory compliance (which may give grounds to believe that the contravention is likely to be repeated and/or is part of a systemic failure), will also be taken into account in determining if a referral for investigation and/or prosecution is warranted.

In deciding whether to make a referral to the Police and/or the Attorney General's Chambers, the GSC may also give consideration as to whether the matter(s) can be adequately addressed by the use of any of the regulatory powers or sanctions available to the GSC.

The above list of relevant factors is not intended to be exhaustive but it should be enough to indicate that any referrals to the Police or Attorney General's Chambers by the GSC will be judged on their merits, on a case-by-case basis, and will not be made on every occasion a criminal offence is identified.

All licensed operators and their officers and staff should, however, be in no doubt that they put themselves at potential risk if they do not take adequate steps to ensure that they are compliant with the Regulatory Framework at all times

***This document is correct at the date of publication but is subject to change from time to time.***

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<sup>1</sup> As set out in Section 5 of the Gambling Supervision Act 2010