



# Bill Essentials

## The Gambling (Gaming and Betting) Control Bill, 2016

An Act to provide for the regulation and control of gaming  
and betting and matters related thereto.

11th Parliament

Introduced in: the House of Representatives

Introduced on: July 1, 2016

Introduced by: Hon. Colm Imbert

## Background and Purpose of the Bill

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1. In Trinidad and Tobago, several pieces of legislation make up the licensing and regulatory framework for the gambling sector:
  - The Gambling and Betting Act, Chap. 11:19;
  - The National Lotteries Act, Chap. 21:04;
  - The Registration of Clubs Act, Chap. 21:01 and
  - The Betting Levy Board, Chap. 21:53.
2. These pieces of legislation apply, *inter alia*, to businesses conducting betting transactions, businesses conducting on-line gambling and betting and pool betting, private members clubs and businesses operated in accordance with the National Lotteries Act.
3. These businesses in the gambling sector are also “listed businesses” under the **Proceeds of Crime Act, Chap. 11:07** and as such, are fixed with obligations under the Trinidad and Tobago Anti-Money Laundering/Counter Financing of Terrorism laws.
4. Over the years, there has been a significant expansion of the gambling sector (gambling activities and gaming activities) throughout Trinidad and Tobago. The Financial Action Task Force (FATF), in its 2009 Report entitled “***Vulnerabilities of Casinos and Gaming Sector***”, noted that while there are no legal casinos operating in Trinidad, seventy-two (72) registered Private Members Clubs were identified that operated like casinos. The report further noted that these establishments are not supervised by the government<sup>1</sup>.
5. It is recognised that the gaming sector, if regulated effectively, has the potential to contribute positively to the national economy by creating employment and generating tax revenues.
6. The Bill seeks to provide for the establishment of the Gambling (Gaming and Betting) Control Commission (“the Commission”) for the purpose of regulating the

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<sup>1</sup> Vulnerabilities of Casinos and Gaming Sector-March 2009. Accessed on 10 Nov 2016.

<http://www.fatfgafi.org/media/fatf/documents/reports/Vulnerabilities%20of%20Casinos%20and%20Gaming%20Sector.pdf>

Gaming and Betting Sectors which are vulnerable to infiltration by money launderers and terrorist financing. The Commission shall be responsible for the establishment of a licensing framework which will seek to minimise the potential for money laundering and terrorism financing via stringent criteria that will have to be met for obtaining a licence to operate in the gambling sector.

7. This Bill was previously introduced during the Fifth Session, Tenth Parliament on May 22, 2015 as H.O.R Bill No. 10 of 2015. The Bill was passed in the House of Representatives but lapsed on June 17, 2016 during the Second Reading stage in the Senate.

## Considerations

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8. The Bill requires a three-fifths majority to be duly passed in both Houses of Parliament as it is inconsistent with the fundamental rights and freedoms guaranteed in **Sections 4 and 5 of the Constitution of the Republic of Trinidad and Tobago**. One of the obligations created by the Bill is the conveyance of sensitive private information without first obtaining consent.
9. The Bill proposes consequential amendments to the **Gambling and Betting Act, Chap. 11:19**, the **Betting Levy Board Act, Chap. 21:53**, the **Proceeds of Crime Act, Chap. 11:07**, the **Trinidad and Tobago Racing Authority Act Chap. 21:50** and the **Registration of Clubs Act, Chap. 21:01**.
10. Parts I, II and XI and Schedule 1 will come into operation on the date of Assent. However, Parts III, IV, V, VI, VII, VIII, IX and X and Schedules 2, 3, 4 and 5 will come into operation on such date as is fixed by the President by Proclamation.

## Key Features -Gambling (Gaming and Betting) Control Bill, 2016

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### Part I-Preliminary

11. **Clause 4** of the Bill defines certain words contained in the Bill. Definitions include: “authorised officer”, “amusement machine”, “betting”, “betting shop”, “bookmaker”, “casino”, “casino game”, “equal chance game”, “gambling”, “gambling device”, “gambling instrument”, “gaming lounge”, “gambling machine”, “off-tracking betting shop”, “racing”, “stake”, and “totalisator”.

Object of the Act

12. **Clause 5** of the Bill outlines the objects of this Act; namely to–

- i. protect minors and other vulnerable persons from being harmed or exploited by gambling;
- ii. ensure that gambling is conducted in a fair, open and responsible manner;
- iii. prevent gambling from being a source of, being associated with or being used to support crime;
- iv. ensure compliance with international anti-money laundering and counter-terrorism financing regulations in line with the Financial Action Task Force Recommendations;
- v. ensure consumer protection; and
- vi. provide for the collection of taxes.

**Part II- Gambling (Gaming and Betting) Control Commission**

13. **Part II** of the Bill provides for the establishment of the Commission, its borrowing powers, the staff of the Commission, financial rules and procurement procedures.

14. **Clause 6** establishes a body corporate to be known as the **Gambling (Gaming and Betting) Control Commission** which will be managed by a Board. The Board will be appointed by the “Minister” who is defined within the Bill as the Minister to whom responsibility for finance is assigned. **Clause 6(5) requires** members of the Board to have experience in the gambling industry or fields relating to law, finance, information technology, economics, management, social work or law enforcement.

15. **Clause 6(3)** of the Bill would provide for the appointment of the Board. The proposed Board will consist of nine (9) persons appointed by the Minister, and will consist of a Chairman, the Deputy Chairman and seven (7) other members, one of whom shall be appointed on the recommendation of the Chief Secretary of the Tobago House of Assembly (THA).

16. **Clause 14** outlines the powers and duties of the Commission including:

- regulate and control the operation of gambling in Trinidad and Tobago;
- provision of such information to other regulatory and government agencies, including the Board of Inland Revenue, the Financial Intelligence Unit, the Integrity Commission, the Customs and Excise Division, the Commissioner of Police and the Betting Levy Board, as may be agreed between the Commission and those agencies;
- addressing, through the Rehabilitation and Development Funds, the harmful and negative effects of gambling;
- granting of licences;
- inspection of equipment or devices associated with gaming or betting and which is being used or is proposed to be used in a licensed gambling establishment;
- collection fees and levies;
- formulation and implementation of policies, codes of practice and other documents for the administration and control of the conduct of gaming and betting; and
- the seizure of any betting machine, gaming machine or gaming device or associated equipment, document or records for the purpose of examination or inspection.

### **Part III-Licensing Regime**

17. **Part III (Clauses 31 to 53)** details the licensing regime which will regulate the gambling sector.

18. **Clause 31** of the Bill requires operators of gaming and betting establishments to obtain a licence from the Commission.

#### Categories of Licences

19. **Clause 32** identifies the categories of licences that are available. These include Gaming Owners Licence, Bookmakers Licence, Promoters Licence, Personal Licence or any other type of Licence the Commission may stipulate from time to time.

Who may apply for a licence?

20. **Clause 33** of the Bill identifies that both an individual (over the age of 18 years) and a company incorporated under the laws of Trinidad and Tobago can apply for a licence.

Applying for a Licence

21. The application for a licence must be:

- i. made in writing and is subject to a payment of a prescribed fee (**Clause 33**); and
- ii. published by the Commission in the newspaper and objections to the grant of a licence may be made by persons as listed in **Clause 33(6)** of the Bill.

Power to investigate and reservation of right to accept or refuse the granting of a licence

22. **Clause 34** of the Bill provides that upon receipt of an application for a licence the Commission has the power to investigate, and under **Clause 36** of the Bill the Commission reserves the right to either accept or refuse the grant of the licence.

Conditions of Licences

23. **Clause 38** of the Bill identifies the conditions upon which the licence is granted. Some of these conditions include:

- i. the nature of activities;
- ii. the facilities that may be provided;
- iii. how the licence is to be advertised; or
- iv. any other matter that the Commission determines.

24. **Clause 42** of the Bill introduces the concept “fit and proper” which is the criteria for the applicant to be granted a licence. It is further detailed in Schedule 2, which states that a person shall be considered fit and proper if that person “*is of good character, competent, honest, financially sound, reputable, reliable and discharges and is likely to discharge his responsibilities fairly*”.
25. **Clauses 43 and 44** of the Bill deal with the expiration and renewal of the licence, respectively.

Commission has the right to review a licence

26. The Commission has the right to review the licence under **Clause 45** of the Bill. This may be done in certain circumstances, such as suspicion that the activities being carried out do not comply with the condition of the licence or belief that a criminal offence has been committed by the licensee or a person who exercises a function in connection with the licensed activity.

Commission has the right to suspend a licence

27. The Commission also reserves the right to suspend a licence based on the outcome of investigations done in the conduct of a review (**Clause 46**).

Commission has the right to revoke a licence

28. The Commission also possesses the power to revoke a licence. Some instances include where the licensee:
- i. fails to pay fees or levies falling due to the Commission;
  - ii. has provided the Commission with false, misleading or inaccurate information; or
  - iii. has been convicted of an offence involving fraud or dishonesty.

The Commission also has the power to vary a licence.

### Redress in the High Court

29. **Clause 51** of the Bill provides an aggrieved person affected by a decision of the Commission to appeal to the High Court. The person has thirty days from receipt of the Commission's decision to seek redress.
30. **Clause 52 and 53** of the Bill require the Commission to keep a register and implement internal control procedures. The internal control procedures are detailed in **Schedule 3**.

## Part IV-Gaming

### Transitional Provision

31. **Clause 54** would permit gaming operators to operate until such time as the Commission issues licences in accordance with the proposed legal framework. It also gives the Commission the power to report to the police any individual who operates a gaming establishment and operation of gaming machines without a licence.
32. **Part IV** further provides that:
- a person shall not participate in a game of chance as defined within the Bill if he is not present on the premises at the time when the gaming takes place (**Clause 55**);
  - the Commission has the authority to approve all games to be played at a licensed establishment (**Clause 58**); and
  - all rules in relation to all games played must be available to all patrons (**Clause 59**).

### Private Gaming Exempted

33. **Clause 60** of the Bill establishes that private gaming does not fall within the scope of the Bill. However, private gaming must satisfy the conditions established under **Clause 60(2)** which include that members of the public have no access whether on payment or not to the place where gaming occurs or that it takes place in a private dwelling.



## Part V-Betting

### Transitional Provision

34. **Clause 63** would permit betting shops or other premises where betting activities are carried on shall have within three months after the commencement of the Bill to notify the Commission of their existence. It also allows for betting activities to continue to operate without a licence until such time as the Commission issues licences in accordance with the proposed legal framework.
35. The Commission may grant an applicant more than one Betting Operator's Licence and that the conduct of betting business shall be stipulated on the licence as a condition (**Clauses 64 and 65**).

## Part VI-Taxes

36. **Part VI** of the Bill addresses the payment of taxes by licensees and consists of **Clauses 66 to 69**.
37. **Clause 66** sets out the proposed taxes to be payable with the exception of levy on bets made on live or simulcast horse racing which shall remain the responsibility of the Betting Levy Board.
38. The payment of taxes on gambling tables and other tables:

Gaming Tables and Other Devices	Payment of Taxes (TT\$) (per annum)
i. for every Bacarat Table	\$50,000
ii. for every Black Jack Table	\$60,000
iii. for every Caribbean Stud Poker Table	\$75,000
iv. for every Dice Table	\$35,000
v. for every regular Poker Table	\$30,000
vi. for every Roulette Table	\$60,000
vii. for every Rhum 32 Table	\$75,000
viii. for every Sip San Table	\$75,000
ix. for every slot machine	\$12,000
x. for every other table or device not mentioned	\$30,000

Creation of Two Funds: Rehabilitation Fund and Development Fund

39. **Clause 67** proposes the creation of two funds, the *Rehabilitation Fund* and the *Development Fund*, for the purposes of aiding victims of gambling addiction as well as assisting in areas of sport development, arts and culture and health respectively. These funds shall be managed by a Committee known as the Rehabilitation and Development Funds Committee (**Clause 68**).
40. **Clause 69** of the Bill relates to the accounts and audit of the Rehabilitation Fund and Development Fund. It proposes that the Rehabilitation and Development Funds Committee shall take applications for assistance and disburse funds according to the merits of the applications. The Committee is also required to establish guidelines to guide applicants in making successful applications and report to the Minister annually on the management and activities of the Fund.

**Part VII-Enforcement**

41. **Part VII** proposes to give powers to authorised officers for the purpose of ensuring compliance with the Act.
42. **Clause 70** outlines the powers of such officers, including the power to inspect licensed premises, monitor activities, examine documents, records, and machines and do all such other things as set out in this Part and the Bill generally.
43. **Clause 71** provides that a Magistrate may, on the application of an authorised officer, issue a warrant authorising such officers to enter upon licensed premises to enter upon a licensed premises. The Magistrate has to be satisfied that:
- i. there are reasonable grounds for suspecting that an offence has been or is being committed; or
  - ii. there are reasonable grounds for suspecting that evidence of the commission of an offence may be found on the premises; or
  - iii. the authorised officer has requested and been refused entry.

**Part VIII-Offences and Penalties**

44. In **Part VIII**, infringements are considered offences and subject to the summary jurisdiction of the Courts and consists of **Clauses 73 to 86** of the Bill.

45. The following offences created in Part VIII of the Bill are as follows:

Offence	Penalty
Using a premises for various betting and gambling activities without a licence (Clause 73)	\$250,000 and to imprisonment for one year
Conducting gambling without a licence (Clause 74)	\$5,000,000 and imprisonment for two years
Operating as a bookmaker or promoter without a licence (Clause 74)	\$5,000,000 and imprisonment for two years
Leasing gambling devices to an operator in exchange for remuneration based on earning profit from a gambling operation without a licence (Clause 74)	\$5,000,000 and imprisonment for two years
Providing facilities for gambling without a licence [Clause 74 (1)]	\$5,000,000 and imprisonment for two years
<p>Licensee engaging in gambling activities and:</p> <ul style="list-style-type: none"> <li>▪ failing to place all licences issued to him pertaining to all gambling activities for which licences are issued in a conspicuous place on the licensed premises ; or</li> <li>▪ operating unlicensed gambling machine;</li> <li>▪ operating licensed gambling machines contrary to the terms and conditions of the person’s licence [Clause 74 (2)]</li> </ul>	\$500,000 and imprisonment for six months.
Manufacturing, Supplying, installing or adapting gambling software without a licence (Clause 75)	\$500,000 fine and imprisonment for six (6) months
Licensee, employee or other person using counterfeit gambling instruments in any gambling activity [Clause 75 (5)]	\$500,000 fine and imprisonment for two (2) years
Causing or permitting a minor to gamble, inviting a minor to gambling premises and employing a minor to perform any function related to gambling (Clauses 81-83)	\$3,000,000 and imprisonment for two (2) years.

Obstruction or failure to cooperate with an authorised person in the exercise of his power and duty [Clause 84(1)]	\$500,000 and imprisonment for six (6) months
Making a false statement with the intent to deceive [Clause 84 (2)]	\$5,000,000 and imprisonment for five (5) years
A person other than a person who is the holder of the operator's licence or an authorised officer from bringing a firearm onto the licensed premises [Clause 84 (3)]	\$250,000 and imprisonment for one (1) year
Betting in streets and public places (Clause 80)	\$250,000 and imprisonment for one (1) year

46. **Clause 76** details what amounts to cheating in the Bill. Cheating means to alter the selection criteria which determine the result of a game or race or the amount or frequency of payment in a game or race.

47. **Clause 86** gives the Minister the right by way of an Order to make amendments to the penalties.

#### Part X-Notification and Administrative Penalties

48. **Part IX** comprises **Clauses 87-91**. This Part establishes an administrative penalty system whereby offences created under **Part VIII** can alternatively be dealt with under the administrative penalty system. However, once this option is taken, access to the Courts for resolution is denied.

49. The Commission is empowered to issue notifications to persons in contravention of the Bill. The Commission is required to determine that there are reasonable grounds for believing that a person has contravened the Act or is contravening the Act, or any of the conditions of the licence or fails to comply with any direction or decision given by the Commission.

#### Notification in Contravention

50. A notification of contravention issued under **Part IX**:

- i. sets out the determination made by the Commission;

- ii. specifies the provision or condition and contravention in respect which the determination has been made;
- iii. specifies the period during which the person notified has the opportunity to respond to the notification.

51. A person to whom a notification is sent may respond by:

- i. making representations about the matter;
- ii. complying with the notified provisions or conditions of the licence;
- iii. remedying the consequences.

The period to respond is twenty (20) working days. However the Commission may allow for a longer period if it consider it necessary. The Commission has the authority to shorten the period if there is repeated contravention of the provisions of the Bill.

#### Enforcement Notification-Clause 88

52. An enforcement notification is another administrative method which the Commission may employ to enforce the provisions of the Bill. There are two purposes when an enforcement notification is given: to comply and to remedy. Furthermore when the Commission issues an enforcement notification, communication of this notification shall be conveyed together with the reasons no later than one (1) week on which the Commission took the decision or alternatively the Commission may fix a reasonable period.

53. Persons to whom an enforcement notification has been given shall be under a duty to comply. That duty to comply shall be enforceable in civil proceedings by the Commission for –

- i. an injunction;
- ii. specific performance; or
- iii. any other appropriate remedy or relief.

54. **Clause 89** provides for the Commission to impose administrative penalties on persons who have been duly notified: It may be used in some of the following circumstances if:

- i. there is non-compliance of an enforcement notification;
- ii. a person has been given notification of contravention under **Clause 87**;
- iii. the Commission has allowed the notified person an opportunity of making representations about the matters notified;
- iv. the period allowed for the making of the representations has expired;
- v. the notified person has, in one or more of the respects notified, been in contravention of a provision or condition or failed to comply with any direction or decision given by the Commission as specified in the notification under section;
- vi. the notified person has not, during the period allowed under **Clause 87**, taken the steps the Commission considers appropriate for complying with the provision or condition which is the subject of the notification.

#### Level of Penalty

55. **Clause 90** details the level of penalty which the Commission may impose for **Clause 89**. This Clause provide guidelines to the Commission in the imposition of penalties:

- It shall not exceed the maximum penalty that may be imposed by the High Court for the same or similar offence as the Commission determines to be appropriate and proportionate.

56. Some considerations include:

- any representations made to it by the notified person;
- any steps taken by the notified person towards complying with the provision and conditions, the contravention of which was notified under **Clause 87**;

- its estimate of the cost of the contravention;
- its estimate of the economic benefit of the contravention to the notified person;
- the period during which the contravention was in effect, if continuing; and
- the number and seriousness of other contraventions if any, committed by the notified person.

#### PART X-Miscellaneous Provisions

57. **Part X** proposes that the Minister may make Regulations for the purposes of the Act as necessary and imposes requirements as to confidentiality upon the Commission, its officers and employees.

58. **Part X** further allows for disclosures to be made by the Commission, its officers and employees where the Commission considers it necessary in the discharge of its functions. It shall not be deemed inconsistent with any duty imposed under **Clause 93**.

#### PART XI- Consequential Amendments

59. Consequential amendments are generally a useful tool whenever a large number of similar amendments need to be made to an Act. It is often presented in column form in a Schedule. In the Bill, the consequential amendments are listed in **Schedule 5** below and affect five (5) pieces of legislation (see below).

##### Schedule 1

60. **Schedule 1** provides for the staff of the Commission and addresses issues of secondment and transfer to the Commission, pension fund plan, and declarations of interest.

##### Schedule 2

61. **Schedule 2** addresses the fit and proper criteria as outlined in **Clauses 33 and 42**, and provides that every person shall be considered fit and proper if that person is of good character, competent, honest, financially sound, and that in determining whether a person is fit and proper the Board shall have regard to any matter that

it considers relevant, including that person's integrity, fairness, honesty and reputation; competence, diligence and capability, and soundness of judgment; and financial soundness.

### Schedule 3

62. **Schedule 3** outlines approved systems of internal controls and procedures and accounting systems as required under **Clause 53**. It addresses the requirement to keep and maintain bank accounts at approved financial institutions in Trinidad and Tobago, keeping accounting records and books, the preparation of statement of accounts and the audit of books accounts and financial statements.

#### Approved System of Control

- A licensed operator shall not conduct operations on licensed premises unless the Gaming Control Commission has approved in writing a system of internal controls, administrative and accounting procedures for gaming premises.
- It shall be a condition of an operating licence.

#### Revenue Information per device transaction

- A system of internal controls and administrative and accounting procedures approved by the Commission as it relates to a particular licensed activity shall include, (but is not limited to) the accounting controls and procedures, job descriptions and the system of organising personnel, procedures for the conduct of gambling on the licensed premises.
- For the purposes of an approval or amendment of an approval, controls and procedures may be described by way of narrative or represented diagrammatically, or by a combination of both methods.

#### Banking

- It shall be a condition of a licence that the licensed operator shall keep and maintain bank accounts at such financial institution in Trinidad and Tobago as approved by the Commission, for banking transactions arising in relation to the activities of the licensed operator.



**Accounts to be kept**

- It is a condition of a gaming licence that the gaming operator must keep such accounting records as correctly recorded and explain the transactions and financial position of the operations of the gaming premises.
- The accounting records shall be kept in such a manner as will enable true and fair financial statements and accounts to be prepared on a quarterly basis.

**Statements of Accounts**

- It shall be a condition of a licence that the licensee shall, as soon as practicable after the end of its financial year, prepare financial statements and accounts, including trading accounts, where applicable, for the financial year; profit and loss accounts for the financial year; and a balance-sheet as at the end of the financial year.

**Books and other records to be kept**

- It shall be a condition of a licence that the licensee shall ensure that all books, records and documents relating to the licensed activity are kept at the licensed premises; and retained for not less than seven years after the completion of the transactions to which they relate.

**Audit**

- It shall be a condition of a licence that the licensed operator shall, as soon as practicable after the end of its financial year, cause the books, accounts and financial statements of the licensed operator in relation to its premises and licensed activity to be audited.

**Submission of Reports**

- It is a condition of a licence that the licensed operator shall submit to the Commission accounting and administrative records and reports relating to the operations of the gaming premises, when requested to do so.

Schedule 4

63. **Clause 14 (2)(g)** states that the Commission shall inspect or cause to be inspected any equipment or device associated with gaming or betting and which is being used or is proposed to be used in a licensed gambling establishment and, in furtherance of this function, the provisions of **Schedule 4** shall apply.

64. As such, Schedule 4 provides for the data requirements to be maintained for each gaming device or machine as required under **Clause 14**.

65. Licensed operators are required to install a system for recording each gambling device and machine in use at the licensed premises and shall maintain a record of the following:

General Information	
<ul style="list-style-type: none"> <li>• Device name</li> <li>• Device identification number</li> <li>• Hardware vendor name</li> <li>• Date imported</li> <li>• Date tested</li> </ul>	<ul style="list-style-type: none"> <li>• Device type</li> <li>• Device serial number</li> <li>• Software vendor name</li> <li>• Date installed</li> <li>• Payout ratio</li> <li>• Location of machine</li> </ul>
Revenue Information per device transaction	
<ul style="list-style-type: none"> <li>• Device type</li> <li>• Handle</li> <li>• Payout ratio (percentage)</li> <li>• Customer identification per transaction exceeding a sum to be designated by the Commission</li> </ul>	<ul style="list-style-type: none"> <li>• Device ID</li> <li>• Payout</li> <li>• Transaction take (handle minus payout)</li> <li>• Transaction date and time</li> </ul>

Daily, monthly and annual reports –Summary of period of device	
<ul style="list-style-type: none"> <li>• Device type</li> <li>• Handle</li> <li>• Take (handle minus payout)</li> </ul>	<ul style="list-style-type: none"> <li>• Device ID</li> <li>• Payout</li> <li>• Take as a percentage of handle</li> </ul>

**Schedule 5-List of Consequential Amendments**

66. **Schedule 5** outlines the consequential amendments to other existing legislation, including :

Gambling and Betting Act Chap. 11:19,

Proceeds of Crime Act, Chap 11:27,

Registration of Clubs Act Chap 21:01,

Trinidad and Tobago Racing Authority Act Chap. 21:50, and

Betting Levy Board Act Chap. 21:53;

67. The Bill also provides for the repeal of the **Gambling and Betting (Licences) Regulations**.

**The Gambling and Betting Act, Chap. 11:19**

Existing Provision	Proposed Amendments
Sections 4-16	Repealed
Sections 26-40	Repealed
First, Second, Third and Fourth Schedule	Repealed
The Gambling and Betting (Licences) Regulations	Repealed

Proceeds of Crime Act, Chap. 11:27

Existing Provision	Proposed Amendments						
First Schedule	<p>To insert the following new item:</p> <table border="0" data-bbox="818 401 1414 827"> <tr> <td data-bbox="818 401 1133 443">First Column</td> <td data-bbox="1192 401 1414 443">Second Column</td> </tr> <tr> <td data-bbox="818 453 1133 495">Type of Business</td> <td data-bbox="1192 495 1414 537">Interpretation</td> </tr> <tr> <td data-bbox="818 569 1133 611">Gaming and Betting</td> <td data-bbox="1159 569 1414 827">A Business licensed under the Gambling (Gaming and Betting) Control Act, 2016 and amusement games.</td> </tr> </table>	First Column	Second Column	Type of Business	Interpretation	Gaming and Betting	A Business licensed under the Gambling (Gaming and Betting) Control Act, 2016 and amusement games.
First Column	Second Column						
Type of Business	Interpretation						
Gaming and Betting	A Business licensed under the Gambling (Gaming and Betting) Control Act, 2016 and amusement games.						

Registration of Clubs Act, Chap. 21:01

Existing Provision	Proposed Amendments
Sections 23, 23 A, 23B and 23C	Repealed
Schedule	Repealed

Trinidad and Tobago Racing Authority Act, Chap. 21:50

Existing Provision	Proposed Amendments
<p>Section 2</p> <p>“Minister means the Minister with responsibility for Industry and Enterprise”</p>	<p><b>Repeal</b> the definition of “Minister” and <b>substitute</b> the following definition:</p> <p>“Minister” means the Minister with responsibility for finance.</p>

Betting Levy Board Act, Chap. 21:53

Existing Provision	Proposed Amendments
<p>Section 2</p> <p>“Minister means the Minister with responsibility for Industry and Enterprise”</p>	<p><b>Repeal</b> the definition of “Minister” and <b>substitute</b> the following definition:</p> <p>“Minister” means the Minister with responsibility for finance.</p>
<p>Section 7</p>	<p>Repealed and now substituted with a new Section 7</p>
<p>Section 8</p>	<p>Repealed and now substituted with a new Section 8</p>
<p>Section 9</p>	<p>Repealed and now substituted with a new Section 9</p>
<p>Section 12 (1)</p> <p>“The Board shall by means of monthly remittances pay one-half of the monies collected under section 9, into the Consolidated Fund.”</p>	<p>Repealed and now substituted with a new subsection 12(1)</p> <p>“The Board shall by means of a monthly remittances pay one-half of the monies collected under section 9 into the Consolidated Fund.”</p>
<p><b>Insert New Section 8A</b></p>	
	<p>Insert after Section 8, a new Section 8A.</p>
<p><b>Insert New Schedule “Betting Levy”</b></p>	
	<p><b>Some of the paragraphs include:</b></p> <ol style="list-style-type: none"> <li>1. The betting levy shall be paid to the Board by Wednesday of every week in such a manner as the Board may direct</li> <li>2. Any person, who, having been granted a licence, carries on any business the carrying on of which involves or may involve any sums becoming payable by him by way of the betting levy shall:             <ol style="list-style-type: none"> <li>(a) Not less than fourteen days before he begins to carry on the</li> </ol> </li> </ol>

	<p>business notify the Board that he intends to carry on that business; and</p> <p>(b) Not later than the date of the first user thereof for the purposes of the business, make entry with the Board in such manner as the Board may require, of all premises and totalisators<sup>2</sup> (if any) used by him for the purposes of the business.</p> <p>3. A person who-</p> <p>(a) fails to pay any betting levy;</p> <p>(b) contravenes any of the provisions of paragraph 2;</p> <p>(c) obstructs any officer in the exercise of his functions in relation to the betting levy;</p> <p>(d) in connection with the betting levy, makes any statement which he knows to be false in a material particular or with intent to deceive, produces or makes use of any book, account, record, return or other document which is false in a material particular; or</p> <p>(e) is knowingly concerned in or in the taking of steps with a view to the fraudulent evasion, by him or any other person, of the betting levy,</p> <p>is guilty of an offence under this Schedule and liable on summary conviction to a fine equal to treble the amount of the levy which is unpaid or payment of which is sought to be evaded, as the case may be.</p>
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<sup>2</sup> Section 2-“totalisator” means a device showing the number and amounts of bets staked on a race to facilitate the division of the total among those who have won.

## Comparative Legislation-Other Jurisdictions

Jurisdiction and Act	Considerations
<p><b><u>New Zealand</u></b> New Zealand Gaming Act 2003</p>	<p>The New Zealand Gaming Act 2003 proposes that Licences be grouped into different classes. These classes are determined by the total amount in prizes offered and the potential turnover involved.</p> <p>The New Zealand Act also provides for the appointment of gambling inspectors by the Gambling Commission. Gambling Inspectors are responsible for the following:</p> <ul style="list-style-type: none"> <li>a) inspecting, monitoring and auditing gambling conduct;</li> <li>b) detecting, investigating and prosecuting offences committed contrary to the provisions of the Act;</li> <li>c) investigating complaints from the members of the public about the conduct of gambling and</li> <li>d) reporting to the Gambling Commission on any matter requested by the Gambling Commission.</li> </ul>
<p><b><u>Jamaica</u></b> Betting Gaming and Lotteries Act</p>	<p>The Jamaican Betting Gaming and Lotteries Act provides for the exemption of certain games from the general term of “unlawful gaming”. These games include dominoes, billiards and draughts.</p>
<p><b><u>St. Kitts and Nevis</u></b> Betting and Gaming Control Act 1999</p>	<p>The Kittitian legislation defines “internet game” as a game in which:</p> <ul style="list-style-type: none"> <li>a) a prize consisting of money or anything of value is offered or can be won under the rules of the game;</li> <li>b) a player enters a game either by an electronic or telecommunication device and</li> <li>c) the winner of the prize is decided wholly or partly by chance or by a competition or other activity in which the outcome is wholly or partly dependent on the skill of the player or another person.</li> </ul>
<p><b><u>United Kingdom</u></b> Gambling Act 2005</p>	<p>The Gaming Act 2005 establishes a Code of practice for the operation of the Commission (insert full name of commission).</p> <p>The UK legislation also requires an operator to pay an annual Licence fee as may be prescribed by the Secretary of State.</p>

## Legislation Mentioned in the Bill

- The Constitution of the Republic of Trinidad and Tobago  
<http://rgd.legalaffairs.gov.tt/Laws2/Constitution.pdf>
- Gambling and Betting Act, Chap. 11:19  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.19.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.19.pdf)
- Liquor Licences Act, Chap. 84:10  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/84.10.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/84.10.pdf)
- Proceeds of Crime Act, Chap 11:27  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.27.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.27.pdf)
- Registration of Clubs Act, Chap. 21:01  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/21.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/21.01.pdf)
- Trinidad and Tobago Racing Authority Act, Chap. 21:50  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/21.50.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/21.50.pdf)
- Betting Levy Board Act, Chap. 21:53  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/21.53.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/21.53.pdf)
- Police Service Act, Chap. 15:01  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/15.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/15.01.pdf)
- Supplemental Police Act Chap. 15:02  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/15.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/15.02.pdf)
- Companies Act, Chap. 81:01  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/81.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/81.01.pdf)
- Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/72.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/72.01.pdf)
- Cohabital Relationships Act, Chap. 45:55  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/45.55.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/45.55.pdf)
- Prevention of Corruption Act, Chap. 11:11  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.11.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.11.pdf)
- Liquor Licences Act, Chap. 84:10  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/84.10.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/84.10.pdf)
- Firearms Act, Chap. 16:01  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/16.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/16.01.pdf)



- Central Tenders Board Act, Chap. 71:91  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/71.91.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/71.91.pdf)
- Municipal Corporations Act, Chap. 25:04  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/25.04.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/25.04.pdf)
- Summary Courts Act, Chap. 4:20  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/4.20.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/4.20.pdf)
- Exchequer and Audit Act, Chap. 69:01  
[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/69.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/69.01.pdf)

## Legislation from other Jurisdictions

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<http://www.legislation.govt.nz/act/public/2003/0051/latest/whole.html>
- Jamaica Betting Gaming and Lotteries Act  
[http://moj.gov.jm/sites/default/files/laws/Betting,%20Gaming%20and%20Lotteries%20Act\\_0.pdf](http://moj.gov.jm/sites/default/files/laws/Betting,%20Gaming%20and%20Lotteries%20Act_0.pdf)
- St. Kitts and Nevis Betting and Gaming Control Act 1999  
<https://www.fidescoco.com/wp-uploads/Betting-and-Gaming-Control-Act-1999.pdf>
- United Kingdom Gambling Act 2005  
[http://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga\\_20050019\\_en.pdf](http://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf)

## Reference Material

### Legislation

- Financial Intelligence Unit Regulations, 2011  
<https://www.fiu.gov.tt/content/FIU%20Regulations%202011.pdf>

### Other Useful References

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<http://www.newsday.co.tt/news/0,225207.html>
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<https://www.liquorandgaming.justice.nsw.gov.au/Documents/gaming-and-wagering/problems-with->

[gambling/research/14.%20Needs%20analysis%20of%20the%20NSW%20Problem%20Gambling.pdf](http://gambling/research/14.%20Needs%20analysis%20of%20the%20NSW%20Problem%20Gambling.pdf)

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Parliament Secretariat  
Parliament of the Republic of Trinidad and Tobago  
Levels G-8, Tower D,  
Port of Spain International Waterfront Centre  
#1A Wrightson Road, Port of Spain

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