

The Gambling (Gaming and Betting) Control Act, 2015

REGULATIONS

Made by the Minister under section 95 of the Gambling (Gaming and Betting) Control Act, 2015

The Gambling (Gaming and Betting) Control (Application for Gaming Licenses) Regulations, 2015

- Citation 1. These regulations may be cited as the Gambling (Gaming and Betting) Control (Application for Gaming Licenses) Regulations, 2015.
- Interpretation 2 In these Regulations,
- “the Act” means the Gambling (Gaming and Betting Control) Act, 2015;
- “gaming contract” means an agreement in which a person does business with or on the licensed premises of a person who is licensed under section 31 of the Act;
- “gaming employee” means, all persons who hold a personal licence, as defined in section 40(1) of the Act which includes –
- (a) all persons employed by licensed manufacturers or distributors to repair or maintain slot machines;
 - (b) all persons who perform daily accounting functions, services or duties for any licensed operator which involves the handling, processing, manipulating or generating of gaming documentation or funds, except those persons who perform solely payroll or payables services who do not have access to gaming documentation or funds, or those persons who perform independent audits;
- “licence” or “operating licence” means any licence issued by the Commission, in respect of gaming activities, pursuant to the provisions of the Act;

PART ONE CATEGORIES OF LICENSES

- License Categories 3. The Commission may consider applications and grant licenses for the following categories:

PART TWO APPLICATIONS FOR LICENCES

Applications

4. (1) An applicant for any category of licence, or a renewal in respect thereof, shall apply on the form prescribed by the Commission.

(2) Applicants for a license are seeking a privilege and the burden is on the applicant to demonstrate by clear and convincing evidence their suitability for a license.

(2) The applicant for Key Person, Operational Management, Employee, Vendor or Related Person licenses shall provide the following information, either in the body of the application form approved by the Commission or as an attachment accompanying it:

- (a) personal background information;
- (b) police certificate of good character;
- (c) financial information;
- (d) other business interests;
- (e) all such other information as the Commission may require.

(3) An applicant shall, upon a request of the Commission, and pursuant to sub-regulation (2)(e), submit copies of all written gaming contracts to which the applicant is a party or, intends to become a party and the Commission may review such gaming contracts and may require changes to such contracts before an application is approved.

(4) Failure to submit such documents as are required or to meet any such conditions as may be imposed by the Commission in reviewing the application, may result in delay in processing the application.

(5) Where a licensee has entered into a contract in which the terms and conditions, or purpose of which is contrary to the terms and conditions of its operating licence, the licence may be suspended, revoked or subject to discipline pursuant to section 38 of the Act. The Commission, in its sole discretion, may allow the licensee to amend the contract to conform to license conditions and reduce the severity of discipline that may be imposed.

Timeframe for submission of application

4.(1) Subject to subsection (2), applications for renewals of operating licences shall be made at least one hundred and twenty (120) days before the expiration of the current license.

(2) Applications for the renewal of personal licences shall be submitted to the Commission no less than sixty (60) days before the expiration of the current licence.

(3) Notwithstanding the provisions of this section, the Commission may accept late applications, however in the case of renewals such late application may result in expiration of the licence before the renewal application is processed.

Application Fees

5. A non-refundable application fee shall be paid by the applicant for an operating licence or for the renewal of an operating licence in the amounts prescribed by the Commission from time to time.

Investigations and related cost

6.(1) Applicants for all gaming operators licences and Key Person, Operational Management or Suppliers licence and all applicants for renewal of such licenses are responsible for payment of a non-refundable fee in the amounts prescribed by the Commission from time to time and for the full cost of investigation into their backgrounds, suitability and qualification for a Licence that will be conducted by the Commission to verify the applicant's suitability for licensure.

(2) An applicant for the following licence categories shall meet minimum financial requirements as stipulated by the Commission and pay the designated nonrefundable application fee, except that license fees for employee licenses where the applicant is employed by a gaming facility operator, management company or gaming related vendor, the fee shall be paid by the employer:

- (A) Key Person – TTD \$33,500.00
- (B) Operational Management - TTD\$13,500.00
- (C) Employee – TTD \$1000.00
- (D) Vendor or Related Person – TTD \$1,500.00.

(3) The cost of any such investigation shall be at a rate per hour that is no more than the market rate for such activities, including all expenses and administrative costs associated with the investigation.

(4) Before an investigation commences, an applicant shall pay a deposit to the Commission in such sum as the Commission may determine from time to time.

(5) The Commission shall publish its rates with respect to a deposit on its website.

(6) As expenses are incurred, the Commission shall draw upon the deposit paid by the applicant and shall submit to the applicant a statement of costs as well as draws upon the deposit and the deposit balance on a regular basis or, as the applicant requests.

(6) When a deposit balance approaches zero dollars or is forecasted to reach zero dollars due to anticipated or known expenses which will be incurred in the future, the Commission may request a further deposit of an amount sufficient to cover the anticipated expenses and which will prevent the account balance from becoming negative and, until receipt of such further deposit, the investigation of the applicant may cease.

(8) Where the applicant disputes any investigative charges or the necessity of further deposits, the applicant may demand a review by the Commission of the amounts in dispute and, where the dispute cannot be resolved between the applicant and the Commission the parties may seek resolution through mediation or arbitration.

(9) Within ninety (90) days of the conclusion of the investigation any part of the deposit remaining shall be returned to the applicant together with a complete statement showing the costs incurred, draws upon the deposit and the deposit balance.

Documents
related to
investigation

7.(1) Any person who submits documents to the Commission in connection with an investigation shall keep a record of all such submissions for the duration of the investigation.

(2) Applicants for licences shall provide all information requested in the application forms and all other information which the Commission may deem necessary for the purpose of examining the backgrounds, personal history, financial associations, character and reputation of the applicant as well as the characters and

reputations of persons associated with the applicant if, in its discretion, the Commission determines that it is necessary so to do.

(3) Any information concerning the following submitted, collected, or gathered as part of an application to the commission for a licence under this chapter is confidential and not subject to disclosure by any government agency as a record under the Freedom of Information Act, chap 22:02:

(A) A minor child of an applicant;

(B) The identification number, passport number, or tax identification number of an applicant or the spouse of an applicant;

(C) The home address and telephone number of an applicant or the spouse or dependent of an applicant;

(D) An applicant's birth certificate;

(E) The driver's license number of an applicant or the applicant's spouse;

(F) The name or address of a previous spouse of the applicant;

(G) The date of birth of the applicant and the spouse of an applicant;

(H) The place of birth of the applicant and the spouse of an applicant;

(I) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;

(J) Any information concerning a victim of domestic violence, sexual assault, or stalking;

(K) The electronic mail address of the spouse or family member of the applicant;

(L) Any trade secret, medical records, and patents or exclusive licences;

(M) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;

(N) Information provided in a multijurisdictional personal history disclosure form, including the Trinidad and Tobago supplement, exhibits, attachments, and updates.

(4) Notwithstanding any other law, upon written request from a person, the commission shall provide the following information to the person except as provided in this chapter:

(A) The information provided under this chapter concerning a licensee or an applicant;

(B) The amount of the wagering tax and admission tax paid daily to the government by a licensed applicant or an operating agent; and

(C) A copy of a letter providing the reasons for the denial of an applicant's licence or an operating agent's contract and a copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application, but with confidential information redacted if that information is the reason for the denial or refusal to withdraw.

(5) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a license under this chapter is not confidential. The reason for denial or revocation of a license or for disciplinary action against the individual and information submitted by the individual for a felony waiver request is not confidential.

(6) An individual who holds, held, or has applied for a licence issued by the commission may waive the confidentiality requirements of division (3) of this section.

(7) Confidential information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a licence issued by the commission is confidential and not subject to disclosure as a public record under the Freedom of Information Act, Chap 22:02. The commission may share the information referenced in this section with, or disclose the information to, the **Attorney General**, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate governmental or licensing agency, if the agency that receives the information complies with the same requirements regarding confidentiality as those with which the commission must comply.

(8) Certain information submitted, collected, or gathered as part of an application to the commission for a licence is confidential and not subject to disclosure as a record under the Freedom of Information Act, Chap 22:02. The applicant should clearly identify those portions of the application that it deems to be confidential, proprietary commercial information or trade secrets. Application information that is not ruled confidential by the commission under the provisions of this rule shall be open to public inspection to the extent permitted. An applicant is advised that, upon request by a third party for information that the applicant has clearly identified as protected from disclosure, the commission will notify the applicant and, following such notification, will make a determination whether the information must be disclosed. If it is determined by the commission that the information is to be disclosed to a third party, the commission shall notify the applicant of its decision. Following that notification, the information shall be provided to the third party within a reasonable period of time unless otherwise prohibited from being released. An applicant waives any liability of the government of Trinidad and Tobago, the commission, the employees of the commission and its instrumentalities and agents for any damages resulting from any disclosure or publication in any manner.

Application
for premises
licence

- 8.(1) An application for a premises licence shall include –
- (a) the location/address of the premises;
 - (b) a drawing to scale of the building and each floor thereof;

- (c) the square footage of the building or area for which the licence application is made;
- (d) all approvals required under law for the such a building or area, including town and country planning approval and municipal and local government approvals and OSHA compliance;
- (e) other information as may be required by the Commission.

(2) Where a person makes an application for a premises licence in respect of premises that are leased or are to be leased, the applicant shall notify the Commission of the existence of such lease, at the time of the making of the application or, where the lease is to be executed subsequent to the making of the application, not later than thirty (30) days after the effective date of the lease.

(3) Notice of the lease shall be accompanied by the following information:

- (a) the name, address and a brief statement of the nature of the business of the lessor;
- (b) a brief description of the material terms of the lease;
- (c) a brief description of any business relationships between the operating licensee and the lessor other than by the lease;
- (d) a copy of the lease;
- (e) other information as may be required by the Commission.

(4) Every person who is a party to a lease with an applicant for a licence or with a licensee shall, upon request of the Commission, promptly provide all information requested.

(5) The information that the Commission may request of a person to whom subsection (4) applies shall include information with respect to financial history, financial holdings, real and personal property ownership, interests in other companies, criminal history, personal history and associations, character, reputation in the community and any other information which the Commission may consider relevant to the determination of the application before it. Such information shall be considered confidential and protected from disclosure in accordance with the provisions of this chapter.

(6) Failure of the lessor or the prospective lessor to provide the information requested shall be sufficient grounds for the Commission to refuse an application for an operating licence.

(7) The applicant or licensee shall report any changes in the terms and conditions of a lease within thirty (30) days of such changes being agreed to by the parties.

Untrue statements

9. The Commission may refuse to grant a license to an applicant whose application contains misstatements, omissions or misrepresentations.

Withdrawal of application

10. (1) A request for the withdrawal of an application may be made at any time prior to a determination of the application by the Commission.

(2) The Commission may, in its sole discretion, deny or grant the request.

(3) Where a request is granted, the applicant shall not be eligible to apply for a licence until after the expiration of one (1) year from the date of such withdrawal.

Notice of hearing

11.(1) Written notice will be given by the Commission to all applicants for operating licences of the time and place when their applications will come before the Commission for consideration.

(2) Applicants and members of the public may attend the meeting of the Commission and the Commission shall notify each applicant of its decision, in writing. However, the Commission may close the meeting to the public to review, consider and discuss confidential information related to the application. Any vote regarding the disposition of the application shall be made in open session.

Decisions

12.(1) After completion of its investigation with respect to an application, the Commission shall issue its recommendation, either approving or denying the application.

(2) Where the Commission denies an application it shall give the reasons for its decision, in writing.

(3) All decisions and reasons in respect thereof may be made public.

Modification to licences

13. A licensee wishing to modify the terms of a licence shall seek the approval of the Commission, and the Commission may grant such permission once it is satisfied that such modifications are in accordance with the provisions of the Act and any other regulations made pursuant to the Act.

Temporary licences

14.(1) The Commission may, in its sole discretion, issue a temporary licence, for up to six months, to any applicant for a licence.

(2) A temporary licence may be issued where the Commission is satisfied that the investigation of the applicant conducted thus far, and the application in its entirety,

(a) indicates that the applicant meets all the licensing requirements;

(b) does not present any danger to the public or to the reputation of the gambling industry and further investigation most likely will not uncover any disparaging information about the applicant, and the issuance of a temporary license is of economic necessity to the licensee and is reasonable in the circumstances.

(3) No licensee issued a temporary license pursuant to these regulations shall be entitled to receive any refund of the fees submitted in connection with the licence application.

(4) The Commission shall grant a full operating licence when all investigations into the application have been completed and the Commission is satisfied that the holder of the temporary licence qualifies to hold a licence.

(5) Where the Commission grants the operating licence after first having granted a temporary licence, the date of issuance of the license shall be the date of issue of the temporary licence.

(6) The temporary licence may expire, be suspended or revoked pursuant to the provisions of the Act governing the expiration, suspension and revocation of operating licences.

(7) The Commission may issue successive temporary licences to an applicant, at its discretion.

Transfer of licences 15.(1) A licence shall not be transferable except with the permission of the Commission.

(2) Any transfer shall be on a temporary basis, and the person to whom the licence is transferred shall apply for a licence in accordance with the provisions of the Act and these regulations.

Duplicate licences 16.(1) Upon loss, mutilation or destruction of a licence issued by the Commission, application for a duplicate shall be made on a form approved by the Commission.

(2) A statement signed by the licensee which details the circumstances under which the licence was lost, mutilated or destroyed and certifies that such licence was in fact lost, mutilated or destroyed, shall accompany such application.

(3) The fee for the duplicate licence shall be such amount as the Commission shall prescribe, from time to time.

(4) A mutilated licence shall be surrendered to the Commission upon issuance of a duplicate.

(5) A lost licence, when found, shall be surrendered to the Commission.

Conduct of licences 17. An operating licence is a revocable privilege and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder. The burden of proving the licensee's qualification to hold a licence rests at all times on the licensee.

**PART TWO
OBLIGATIONS OF THE LICENSEE**

Responsibility of licences 18. Each licensee shall be bound by the provisions of the Act and regulations as well as the terms and conditions of his licence.

Information to be submitted 19.(1) Reports and notices required to be submitted to the Commission, pursuant to the provisions of the Act or regulations made thereunder shall be in writing.

(2) Delivery of reports or notices may be made by mail, personal or commercial delivery, by facsimile transmission or by electronic mail.

(3) Every licensee shall report to the Commission, at least once a month, the full name and address of every person, including lending agencies, who has a right to share in the revenues of gaming, whether as an owner, assignee, landlord or otherwise or to whom any interest or share in the profits of gaming has been pledged or hypothecated as security for a debt or deposited as a security for the performance of an act or to secure the performance of a contract of sale.

(4) Every licensee shall immediately report to the Commission, the name, date of birth, nationality, national identification number of all persons who obtain an ownership, financial or equity interest in the licensee of five percent or greater or, who has the ability to control the licensee or who has the ability to exercise significant

influence over the licensee or who loans any money or other thing of value to the licensee.

(5) A licensee shall immediately submit a written notification to the Commission of his or any associate's criminal conviction, though such notification shall not apply to a traffic violation, unless it results in suspension or revocation of a driver's licence or is based on allegations of driving under the influence of, or impairment due to, intoxicating liquor or drugs.

(6) The holder of a gaming operator's licence shall report the movement of slot machines and gaming tables from one licensed premises to another within seven (7) days prior to movement taking place or the decommissioning of such slot machines and gaming table. The movement or decommissioning shall not occur without the prior written approval of the Commission. Following the movement or decommissioning, the licensee shall prove a report including the verification of receipt of the slot machine and gaming table by the licensed operator receiving such slot machine and gaming table.

(7) All operating licensees shall report to the Commission any discovered or suspected plan, scheme, design, device or other method of cheating that may compromise the integrity of any gaming device sold or offered for sale, offered for play or used for any other gaming purpose no later than seven days after discovery or suspicion of such plan, scheme, design, device or method..

Inspections

20.(1) The holder of an operating licence shall immediately make available for inspection by the Commission, all papers, books and records including electronic records produced used or kept in connection with gaming, upon a request for such papers, books and records, by the Commission.

(2) The holder of an operating licence shall immediately make available for inspection any part of the licensed premises for the purpose of such inspection referred to in subsection (1) or for examining any gaming devices or equipment or the conduct of any gaming activity on the premises.

Employees

21.(1) When any gaming activity is being carried on at a licensed gaming establishment, the licensee shall ensure that he, or a licensed employee shall be on the premises in order to supervise the operations of the establishment and the licensed activities being conducted therein.

(2) Subject to subsection (3), every employee to whom subsection (1) refers shall wear in plain view identification issued by the Commission.

(3) Subsection (2) shall not apply to persons playing in poker games or engaged in undercover security operations, except that such persons shall have their licence identification badges in their possession while working and shall present them to representatives of the Commission upon demand.

Display of
Licences

22. All licences shall be displayed in a manner plainly visible to the public.

Made by the Minister thisday of, 2015

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