

## 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 (Anti- money laundering) (Casino) Regulations, 2015

Citation 1. These regulations may be cited as the Gambling (Gaming and Betting) Control (Anti- money laundering) (Casino) Regulations, 2015.

#### PART I PRELIMINARY

Interpretation 2. In these regulations,

“Act” means the Gambling (Gaming and Betting) Control Act, 2014;

“affiliate” means an affiliated body corporate within the meaning of section 5 of the Companies Act;

“cash” means money in coins or notes, as distinct from cheques, money orders, or credit;

“dollars” means Trinidad and Tobago dollars or the equivalent foreign currency dollar value;

“Gaming Day” means that period of time designated by the licensee in its system of internal controls;

“gambling instrument” or “gambling instrumentality” means a wagering instrument approved by the Commission, including –

- (a) tokens;
- (b) machine credits;
- (c) electronic transfer of credits or tokens; or
- (d) cash or credit cards
- (e) any item of money or money’s worth;

“known patron” means a patron known to the licensee for whom the licensee has previously obtained the patron’s name and identification credential and with respect to whom the licensee has on file all information needed

to complete a report in accordance with the relevant provisions of these regulations;

“licensee” means a person holding one or more of the several operating licences that may be issued by the Commission related to the operation of Casinos;

“patron” means any person, whether a national of Trinidad and Tobago or not, who is a customer, whether or not engaged in gambling;

“suspicious transaction” means a transaction conducted or attempted by, at, or through the licensee and the licensee knows or has reason to suspect that the transaction –

- (a) involves funds derived from illegal activities or is conducted or intended to be conducted to hide or disguise funds or assets derived from illegal activities including without limitation, the ownership, nature, source, location or control of such funds or assets as part of a plan to violate or evade the requirements of the laws of laws of Trinidad and Tobago, inclusive of these regulations;
- (b) is not the sort of transaction in which the particular patron would normally be expected to engage in and the licensee knows of no reasonable explanation for the transaction after an examination of the available facts, including the background and possible purpose of the transaction;

“transaction” means a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition and with respect to ta financial institution or licensee, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan extension of credit, purchase or sale of any stock, bond, certificate of deposit, casino chips, tokens or other gambling instrumentalities, or other investment security or monetary instrument or any other payment, transfer or delivery by, through or to a financial institution or licensee, by whatsoever means;

Prohibited transactions

3.(1) A licensee shall not exchange cash for cash with or on behalf of a patron in any transaction in which the amount of the exchange is more than ten thousand dollars.

(2) A licensee shall not issue a cheque or other negotiable instrument or combination thereof, to a patron in exchange for cash in any transaction in which the amount of the exchange is more than ten thousand dollars.

(3) A licensee shall not effect a transfer of funds by electronic, wire or other method or combination of methods, to a patron or otherwise effect any transfer of funds by any means on behalf of a patron, in exchange for cash, in any transaction in which the amount of the exchange is more than ten thousand dollars.

Permitted transactions

4.(1) A licensee may transfer a patron’s funds to the licensee’s affiliate where the affiliate complies with the provisions of regulation 3.

(2) A licensee may transfer a patron’s winning by cheque, other negotiable instrument electronic wire or other transfer of funds where the cheque, negotiable instrument, electronic, wire or other transfer of funds issued by a licensee in payment of a

patron's winnings is made payable to the order of the patron and, if the winnings have been paid –

- (a) in cash but the patron has not taken physical possession of the cash or has not removed the cash from the sight of the licensee's employee who paid the winnings; or
- (b) with chips, tokens, or other gambling instrumentalities.

(3) This regulation does prohibit the licensee from selling cash to, or purchasing cash from a patron if the licensee completes all reporting requirements of the transaction as required by these regulations, in respect of all transactions in excess of ten thousand dollars conducted within a game day.

(4) A patron shall be permitted to deposit more than ten thousand dollars to a licensee and the licensee shall be permitted to accept that cash and return it to the patron where the licensee has knowledge of the amount delivered, and in respect of each deposit, the licensee shall segregate the cash delivered and return only that cash to the patron or, record the denominations and the number of bills of each denomination of the cash delivered and for all full and partial returns of each delivery, return to the patron only cash of the same denominations and no more than the same number of bills of each denominations as was delivered and record the denominations and the number of bills of each denomination of the cash returned.

(5) For each deposit made pursuant to regulation (4), regardless of the method used, the amount deposited may be returned by cheque, other negotiable instrument or wire, electronic or other method of transfer only where the licensee is reasonably assured that the deposited funds were the proceeds of gambling winnings and the return does not violate the provisions of regulation 3.

Reportable transactions

5.(1) Except as otherwise provided in these or any other regulations, a licensee shall report each of the following:

- (a) cash-in transactions where the licensee accepts or receives more than ten thousand dollars in cash from a patron in any transaction –
  - (i) as a table game wager where the patron loses the wager;
  - (ii) as any wager which is not a table game wager;
  - (iii) in any exchange for its chips, tokens or other gaming instruments;
  - (iv) as repayment of credit previously extended;
  - (v) as a deposit for gambling or safe-keeping purposes, including a deposit to a race or sports book account, if the licensee has actual knowledge of the amount of cash deposited; or
  - (vi) for any other purpose not specifically covered in this paragraph, so long as it does not breach the provisions of regulation 3;
- (b) cash-out transactions where the licensee disburses more than ten thousand dollars in cash to a patron in any transaction –
  - (i) as a redemption of chips, tokens or other gambling instrumentalities;
  - (ii) as payment of winning wagers;

- (iii) as payment of tournament or contest winnings or a promotional pay-out;
- (iv) as a withdrawal of a deposit for gaming or safe-keeping purposes, including a withdrawal from a race or sports book account, if the licensee has actual knowledge of the amount of cash withdrawn;
- (v) in exchange for a cheque or other negotiable instrument;
- (vi) in exchange of an electronic, wire or other transfer of funds;
- (vii) as a credit advance ( including markers);  
for travel expenses or other complimentary expenses or for a distribution of a gambling incentive such as settlement of a gambling debt, front money discount or other similar distribution based upon gambling activity;
- (viii) for any other purpose not specifically covered in this paragraph, so long as it does not breach the provisions of regulation 3;

(2) Before completing a transaction for which a report is required under subsection (1), unless the patron is a known patron, the licensee shall –

- (a) obtain the patron's name;
- (b) obtain or reasonably attempt to obtain the patron's permanent address;
- (c) obtain one of the following identification credentials from the patron –
  - (i) driver's permit;
  - (ii) passport;
  - (iii) other picture identification normally acceptable as a means of identification when cashing cheques; and
- (d) examine the identification credential obtained to verify the patrons name and to the extent possible, to verify the accuracy of the information obtained pursuant to paragraph (b).

(3) Where a person is seeking to perform a reportable transaction on behalf of a patron, the provisions of regulation (2) shall apply.

(4) For each transaction reportable pursuant to his regulation, the licensee shall complete a report that includes –

- (a) the date and time of the transaction;
- (b) the dollar amount or foreign currency equivalent;
- (c) the type of transaction, including a designation that –
  - (i) the report is of multiple transactions pursuant to the provisions of these regulations;
  - (ii) the report is of more than one transaction type because the transaction is a multiple dissimilar transaction pursuant to the provisions of these regulations;
  - (iii) the report is of additional transactions pursuant to the provisions of these regulations, where applicable;
- (d) the patron's name;
- (e) the patron's permanent address;
- (f) the type, number and issuing entity of the identification credential presented by the patron;
- (g) the patron's date of birth, if so indicated on the patron's identification credential or if contained in the licensee's records;
- (h) the patrons' account number with the licensee, if applicable, as related to the transaction being reported;

- (i) the method used to verify the patron's identity and permanent address;
- (j) the signature of the person handling the transaction and recording the information on behalf of the licensee;
- (k) the signature of a person other than the person who handled the transaction reviewing the report on behalf of the licensee;
- (l) the reason any item in paragraphs (a) to (l) is not documented in the report;
- (m) the licensee's name and the business address where the transaction took place.

(5) Where a person performs the transaction on behalf of a patron, the licensee shall obtain and report the information required by sub-regulation (4) (a) to (n) with respect to the person performing the transaction, and the licensee shall reasonably attempt to obtain and, to the extent obtained, report the information required by sub-regulation (4) (a) to (n) with respect to the patron.

(6) Where a patron tenders more than ten thousand dollars in chips, tokens or other gambling instrumentalities to a licensee for cash redemption or is to be paid more than ten thousand dollars in cash for any type of win on a game played at the casino and is unable to obtain the patron's name and identification credentials the licensee shall not complete the transaction.

(7) Where the licensee and the patron are unable to resolve the dispute regarding payment of winnings due to the patron's inability to provide the required information, the licensee or patron shall immediately notify the Commission.

(8) Where a patron attempts to place a cash wager of more than ten thousand dollars at any table game, the licensee shall complete the identification and record keeping requirements before accepting the wager.

(9) Where a licensee discover it has completed a transaction without complying with the requirements of sub-regulation (2), the licensee shall attempt to obtain the necessary information and identification credentials from the patron.

(10) Where the patron refuses or is unable to provide such credentials and other information, the licensee shall bar the patron from gambling at the establishment and all establishments of the licensee's affiliates until the patron supplies the necessary information and identification credentials and shall inform the patron and the Commission of such ban.

(11) The patron shall complete the report required by this regulation to the extent possible.

(12) The report shall be submitted within seven days of the transaction on the requisite form, prescribed by the Commission.

(13) The licensee shall file an amended report where the licensee obtains the necessary information to complete or correct the previously submitted report, referencing the previously submitted report.

(14) The licensee shall retain copies of all filed reports for a period of seven years.

Multiple transactions 6.(1) A licensee shall not knowingly allow and take reasonable steps to prevent, the circumvention of these regulations by multiple transactions within a game day by a patron or a patron's agent or by the use of a series of transactions that are designed to accomplish indirectly that which could not be accomplished directly.

(2) Pursuant to sub-regulation (1) the licensee shall, at a minimum, establish and implement multiple transaction logs.

(3) Each licensee shall aggregate transactions in excess of ten thousand dollars or in smaller amounts when any single officer, employee or agent or the licensee has actual knowledge of the transactions or would in the normal course of business have reason to know of the transactions between the licensee and a patron or a person who the licensee knows or has reason to know is the patron's agent.

(4) The licensee shall aggregate –

(a) the same type of transactions occurring with each of the following areas

- (i) at a single specific cage;
- (ii) at a single specific gaming pit;
- (iii) at another single specific gaming or other monitoring area as described in the licensee's system of internal controls;

(b) gaming day transactions in which the licensee receives cash from the patron pursuant to the provisions of these regulations;

(c) Gaming day transactions in which the licensee disburses cash to the patron pursuant to the provisions of these regulations.

(5) Before completing a transaction that, when aggregated with others, will aggregate in an amount that will exceed ten thousand dollars, the licensee shall complete the identification and record keeping requirements described in these regulations.

(6) Where a patron performs a transaction that pursuant to these regulations is to be aggregated with previous transactions for which a report has been completed, the licensee shall complete the identification and reporting procedures for the additional transaction, provided that only one report need be completed for all such additional transactions of the patron and all additional transactions shall be reported on regardless of amount.

Suspicious transactions 7.(1) A licensee shall file with the Commission, by using the Suspicious Activities Report for Casinos ("SARC") form prescribed by the Commission, a report of any suspicious transaction, if it involves aggregates of more than ten thousand dollars in funds or other assets.

(2) A licensee may file a SARC regardless of the amount, if the licensee believes there to be a possible violation of any law or regulation.

(3) A suspicious transactions shall be reported to the Commission by completing a SARC and submitting the report along with supporting documentation with respect to that transaction.

(4) A report shall be filed no later than fifteen calendar days after the initial suspicion by the licensee that the transaction may constitute a basis for filing a SARC.

(5) Where no suspect was identified on the date of the detection of the incident requiring the filing, a licensee may delay filing a SARC for an additional fifteen calendar days in an attempt to identify a suspect.

(6) In no case shall reporting be delayed more than thirty calendar days after the date of the initial detection of the suspicious transaction.

(7) In situations that raise or should raise a suspicion of an ongoing money-laundering scheme the licensee shall immediately notify the Commission in addition to filing the SARC.

(8) A licensee shall not be required to file a SARC for a robbery or burglary either committed or attempted or for lost, missing, counterfeit or stolen securities that is reported to the Police.

(9) A licensee shall maintain a copy of any SARC filed along with any supporting documentation for a period seven years from the date of filing the SARC which shall be made available to the Commission and the Police upon request.

(10) The licensee is under no obligation to inform the patron or his agent of the report of a suspicious transaction to the Commission.

(11) No civil or criminal proceedings shall lie against the licensee for disclosing information, in good faith, pursuant to this regulation.

Record  
keeping

8.(1) Every licensee shall, in such manner as the Commission shall direct, shall create and keep accurate, complete, legible and permanent original records to ensure compliance with these regulations for a period of seven years or such other period as the Commission otherwise determines.

(2) Each licensee shall provide the Commission with the records required to be maintained pursuant to these regulations, as and when the Commission requests.

(3) Records shall include –

(a) in respect of transactions in excess of ten thousand dollars and with respect to the deposit of funds, including gaming front money deposits or safekeeping deposits, accounts opened or lines of credit extended or established, the licensee shall, at the time the funds are deposited the account opened or credit extended or established, secure and maintain the same information as is required under these regulations;

(b) in respect of accounts or credit applied in the names of two or more persons, information for each patron having a financial interest in the deposit, account or line of credit and in the event a licensee is unable to secure all the required information, it shall not be deemed to be in violation of this regulation if the licensee has made a reasonable effort to secure such information, provided that the licensee maintains a list containing the names and permanent addresses of those patrons from whom it has been unable to obtain the information and makes those names and addresses available to the Commission;

(c) either the original or a microfilm or other copy or reproduction of each of the following:

(i) a record of each receipt of more than ten thousand dollars including but not limited to funds for safe keeping or front

- money, of funds received by the licensee for the account (credit or deposit) or any patron, such record to include information as required under these regulations;
- (ii) each statement, ledger card or other record of each deposit account or credit account with the licensee showing each transaction (including deposits, receipts, withdrawals, disbursements or transfers) in or with respect to a patron's deposit account or credit account with the licensee;
  - (iii) a record of each book-keeping entry recording a debit or credit of a patron's deposit account or credit account with the licensee;
  - (iv) a record of each extension of credit in excess of ten thousand dollars, the terms and conditions of the extension of credit and repayment terms and shall be included in the information required in sub-paragraphs (i) and (ii) and the date and amount of each transaction;
- (d) to the extent relevant to any matter relating to the enforcement of these regulations, records prepared or received by the licensee in the ordinary course of business that would be needed –
- (i) to reconstruct a patron's deposit account or credit account with the licensee in a manner that is in accordance with the minimum internal control standards of these regulations;
  - (ii) to trace a cheque or other negotiable instrument tendered with the licensee through the licensee's records to the bank of deposit in a manner that is in accordance with the minimum internal control standards set out in these regulations;
  - (iii) to trace a cheque, negotiable instrument or other transfer of funds tendered in exchange for a licensee's cheque, negotiable instrument or other transfer of funds through the licensee's records to the bank of deposit in a manner that is in accordance with the minimum internal control standards of these regulations;
- (e) player rating records or summaries if the records or summaries are –
- (i) prepared as a source document to reflect cash activity and used for purposes of complying with these regulations;
  - (ii) used to substantiate a SARC by casinos which is based in whole or part on the transactions recorded on the rating record;
  - (iii) to the extent relevant to any matter relating to the enforcement of these regulations, all records, documents or manual required to be maintained by a licensee under the laws of Trinidad and Tobago and these regulations;
  - (iv) any records required either by these regulations for minimum internal control standards pursuant to these regulations or by the licensee's system of internal controls, and each licensee shall also maintain records of the licensee's steps to implement policies and procedures that are designed to meet the licensee's responsibilities under these regulations;



- (v) any additional records the Commission, shall require the licensee to make and maintain to ensure compliance with these regulations.

Internal controls

9.(1) Each licensee shall include as part of its system of internal control a description of the procedures adopted by the licensee, which shall at a minimum reflect the minimum control standards established by these regulations.

(2) Each licensee shall direct an independent accountant engaged by the licensee to report at least annually to the licensee and to the Commission regarding the licensee's adherence to the provisions of these regulation, and regarding the effectiveness and adequacy of the form and operation of the licensee's system of internal control as they relate to these regulations.

(3) Using criteria established by the Commission, the accountant shall report each event and procedures discovered by or brought to the attention of the independent accountant that the accountant believes does not conform to the minimum control standards established by these regulations regardless of the materiality or the non-materiality of the exceptions.

(4) Such reports as the accountant makes shall be submitted to the Commission within ninety days of the licensee's fiscal year end and shall be accompanied by the licensee's statement addressing each item of non-compliance noted by the accountant and describing the action taken.

(5) The Commission may waive any of the requirements of sub-regulation (2) as it deems appropriate.

(6) Every licensee shall establish and maintain a compliance programme for internal control and shall at all times provide for an individual as a compliance specialist for the licensee.

(7) The compliance specialist shall be responsible for assuring day-to-day regulatory compliance for the licensee, relative to these regulations.

(8) Each licensee shall establish and maintain a training programme to ensure compliance with the provisions of the Act and these and other related regulations for its officers, agents and employees.

(9) The licensee shall implement a system of internal control that satisfies the minimum standards set out in these regulations unless the Commission in its sole discretion determines that the licensee's existing or proposed system satisfies the requirements of these regulations with or without amendment.

(10) Within thirty days after a licensee has received notice of approval of the licensee's system of controls the licensee shall comply with the procedures as approved and submit a copy of such procedures as amended on the system, as the case may be.

Structured transactions

10.(1) Where a licensee encourages or instructs a patron to structure or attempt to structure transactions, causing such transactions to fall below the threshold level of ten thousand dollars, that licensee commits an offence.

11. Failure to comply with the provisions of this regulation may be grounds for discipline by the Commission which may include but not be limited to a monetary fine, imposition

of license conditions or suspension or revocation of individual licenses or the gaming operator's license.

(2) For the purposes of this regulation structuring a transaction means to wilfully conduct or attempt to conduct a series of cash or non-cash transactions in any amount, including below the ten thousand dollar threshold, .at the premises of one or more licensees, on one or more days in any manner as to wilfully evade or circumvent the reporting requirements and prohibitions set out in these regulations.

Made by the Honourable Minister this .....day of ....., 2015

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Minister of Finance and the Economy

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