



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

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Minister: The Honourable Attorney
General and Minister of Legal Affairs

Links: The links to the Bill, and its
progress can be found on the Bill's
home page through the Parliament's
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<http://www.tparliament.org/legislations/b2021s07.pdf>

BILL ESSENTIALS

BILL ESSENTIALS NO. 21 2020–2021

1ST SESSION, 12TH PARLIAMENT

The Gambling (Gaming and Betting) Control Bill, 2021

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BACKGROUND

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. 11:19¹;
The National Lotteries Act, Chap. 21:04²;
The Registration of Clubs Act, Chap. 21:01³; and
The Betting Levy Board, Chap. 21:53⁴.
2. These pieces of legislation govern 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. 11:07⁵** 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 gambling and gaming activities throughout Trinidad and Tobago. In its 2009 Report entitled “***Vulnerabilities of Casinos and Gaming Sector***” the Financial Action Task Force (FATF) noted that while there are no legal casinos operating in Trinidad, there were seventy-two (72) registered Private Members Clubs that operated like casinos. The report further noted that these establishments are not supervised by the government⁶.
5. There have been previous efforts to regulate the industry. During the Fifth Session of the Tenth Parliament, the Gambling (Gaming and Betting) Control Bill, 2015⁷ was debated and passed in the House of Representatives but lapsed on June 17, 2016.
6. During the First Session of the Eleventh Parliament the Gambling (Gaming and Betting) Control Bill, 2016⁸ was introduced in the House of Representatives on July 01, 2016

¹ <http://laws.gov.tt/ttdll-web2/revision/download/105626?type=act>

² <http://laws.gov.tt/ttdll-web2/revision/download/105978?type=act>

³ <http://laws.gov.tt/ttdll-web2/revision/download/105974?type=act>

⁴ <http://laws.gov.tt/ttdll-web2/revision/download/105988?type=act>

⁵ <http://laws.gov.tt/ttdll-web2/revision/download/105648?type=act>

⁶ 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>

⁷ <http://www.ttparliament.org/publications.php?mid=28&id=726>

⁸ <http://www.ttparliament.org/publications.php?mid=28&id=742>

and subsequently referred to a Joint Select Committee for consideration and report. The consideration of this Bill spanned the period February 3, 2017 when it was first referred to a Committee, to November 20, 2019 when a final Committee Report was laid.

7. The **Gambling (Gaming and Betting) Control Bill, 2021 (“the Bill”)** seeks to provide for the establishment of the Gambling (Gaming and Betting) Control Commission (“the Commission”) to regulate the gaming and betting sectors and establish a licensing regime.
8. The Bill was introduced in the Senate by the Honourable Attorney General and Minister of Legal Affairs on June 11, 2021.
9. The Bill will come into operation on a date fixed by the President by Proclamation.

KEY FEATURES OF THE BILL

INTERPRETATION

10. **Clause 3** of the Bill defines certain words and terms contained in the Bill including:

- *bank*
- *betting*
- *betting shop*
- *betting transaction*
- *casino*
- *casino game*
- *equal chance game*
- *fixed odds betting*
- *gambling*
- *gambling device*
- *gambling instrument*
- *gambling machine*
- *game of chance*
- *gaming*
- *gaming establishment*
- *key person*
- *pool betting*
- *remote gambling*
- *stake*

- *totalisator*
- *vulnerable person*

OBJECTS OF THE BILL

11. **Clause 4** of the Bill outlines the objects of the Bill; namely to-

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

PART II- GAMBLING (GAMING AND BETTING) CONTROL COMMISSION

12. **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.

Establishment and Constitution of the Board

13. **Clause 5** establishes a body corporate to be known as the Gambling (Gaming and Betting) Control Commission. The Commission will be managed by a Board appointed by the President.

14. The proposed Board will consist of a Chairman and not less than six (6) nor more than ten (10) other members with experience in the gambling industry or fields relating to law, finance, information technology, economics, management, social work or law enforcement. One Board Member shall be appointed on the recommendation of the Chief Secretary of the Tobago House of Assembly (THA).

15. **Clause 5(6)** of the Bill makes a person ineligible for appointment to the Board if he/she:

- has operated a gambling establishment before the coming into force of the proposed legislation;
- holds or intends to apply for a licence pursuant to the provisions of the proposed legislation; or

- has a financial interest in but does not operate a gambling establishment.

An application for a licence by a Board member will be grounds for an automatic termination of that member's appointment to the Board.

Tenure of the Board

16. **Clause 6** of the Bill stipulates that the tenure of the first Board shall be as follows:
- the Chairman, a Deputy Chairman and two (2) other members, each appointed for a term of four (4) years;
 - three members, each appointed for a term of three (3) years; and
 - two members, each appointed for a term of two (2) years.
17. Pursuant to **Clause 6(2)** of the Bill subsequent appointments to the Board must not exceed four (4) year periods, and no Board member's appointment will exceed eight (8) years (whether consecutively or not).
18. **Clause 6(6)** of the Bill authorizes the Minister to remove a member from the Board where that member:
- becomes of unsound mind;
 - becomes bankrupt;
 - is unable, unfit or unwilling to perform his functions;
 - is absent from three (3) consecutive meetings of the Board without leave of the Board or without reasonable cause;
 - is guilty of misconduct in relation to his duties as a member; or
 - is sentenced to imprisonment or convicted of an offence involving fraud or dishonesty, whether in Trinidad and Tobago or elsewhere.
19. **Clause 7** of the Bill permits the Board to appoint a Corporate Secretary for a period of not less than three (3) years and no more than five (5) years on terms and conditions agreed. The Corporate Secretary will be eligible for reappointment.

Proceedings of the Board

20. **Clause 10** prescribes that the Board must meet at least once in every calendar month but can also meet when it is necessary or expedient to do so for the transaction of business. The Board determines the place, time and date that meetings must be held. The Chairman must preside at these meetings but in his absence the Deputy Chairman must preside. **Clause 10(4)** of the Bill states that the quorum for Board meetings must

comprise of the Chairman or, in his absence, the Deputy Chairman, and four (4) other members of the Board.

Appointment of Committees

21. **Clause 11(1)** of the Bill empowers the Board to appoint committees to examine and report to it on matters arising out of, or connected with, any of its powers and duties under the Bill. **Clause 11(2)** further requires that the Board create a standing committee to be called “*the Audit and Regulatory Committee*” which will have a compliance oversight role for the financial reporting and internal controls implemented within the operations of the licensees.

Functions and Powers of the Commission

22. **Clause 13** of the Bill outlines the functions and powers of the Commission including *inter alia*:

- regulating and controlling the operation of gambling in Trinidad and Tobago;
- the provision of information to other regulatory, supervisory 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, the Police Complaints Authority 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;
- ensuring that licensed and gambling activities conducted under this Bill are conducted in a fair and honest manner;
- collecting fees and levies;
- formulating and implementing policies, codes of practice and other documents for the administration and control of the conduct of gaming and betting; and
- to carry out such other actions in pursuance of the provisions of this Bill.

23. **Clause 13(2)** also empowers the Commission to:

- grant, renew, suspend, review, vary, amend, revoke or cancel licences pursuant to the provisions of this Bill;
- determine the terms and conditions of licences subject to the provisions of this Act;
- engage in consultations pursuant to the objectives of this Bill;
- conduct studies, prepare reports, and make recommendations to the Minister relating to the gambling industry in Trinidad and Tobago;

- verify or cause to be verified, the background, character and reputation of an applicant and any associate, employee, relative or other person the Commission deems necessary;
- inspect or cause to be inspected any equipment or device associated with gaming or betting which is being used or is proposed to be used in a licensed gambling establishment;
- impound or seize any betting machine, gaming machine or gaming device or associated equipment, document or records for the purpose of examination or inspection; and
- do all other things that are in the Commission's opinion necessary for, or conducive to, the proper discharge of its functions, powers and duties under this Bill.

Chief Executive Officer and staff of the Commission

24. **Clause 14** of the Bill requires the Board to appoint a Chief Executive Officer for a term that must not exceed five (5) years based on terms and conditions agreed upon between the Board and the Chief Executive Officer. The Chief Executive Officer will also be eligible for reappointment.

25. **Clause 15** of the Bill stipulates that neither Board nor staff members of the Commission will be personally liable to any action, claim or demand or any liability in damages or any other remedy including costs, for anything done or omitted to be done in the discharge or purported discharge of the functions of the Board and the Commission, unless it is shown that the act or omission is as a result of gross negligence or is done in bad faith.

26. **Clause 17** of the Bill enables the Commission to employ persons as it considers necessary for the efficient performance of its functions and exercise of its powers.

Funds of the Commission

27. **Clause 18** of the Bill provides that the funds for the Commission shall consist of:

- amounts appropriated by Parliament to pay the expenses listed in clause 19 of the Bill;
- special grants of funds provided for the financing of any special project;
- monies collected in respect of licences, levies, fees and other monies lawfully due to the Commission under this Bill;
- all sums received by or falling due to, the Commission as fees or payments for services provided;

- all other sums that may become lawfully payable to the Commission concerning matters incidental to its functions; and
- amounts borrowed by the Commission to cover capital expenditure for discharging its functions under the Bill.

Expenditure of the Commission

28. **Clause 19** of the Bill mandates that the funds of the Commission must be applied towards the payment of the following expenses:

- the operating expenses of the Commission;
- capital expenditure, subject to the approval of the Minister;
- the fees and allowances of the Chairman and other members of the Board;
- the salaries, fees, allowances, advances, loans, gratuities, pensions and other payments to the Chief Executive Officer, Secretary and other members of staff of the Commission;
- research and development projects, training and certification and other related matters; and
- any other expenditure or losses or write-off identified by the Commission in relation to the Commission's discharge of its duties, functions and contractual obligations, subject to the approval of the Minister.

Budget, Accounts and Audit of the Commission

29. **Clause 20** of the Bill mandates that the Commission must keep and maintain a bank account which will deposit monies collected for licence fees, levies and pursuant to the provisions of this Bill and disburse these monies in order to pay the expenses listed under **Clause 19** of the Bill. The Commission is also required to create a secondary account to be called "*the Contingency Fund Account*" which will deposit sums collected by levy pursuant to **Clause 63** of the Bill and approved by the Minister, to meet short term obligations that require payment in no more than twelve (12) months.

30. **Clause 20(3)** of the Bill also provides that the Commission can establish and maintain other bank accounts that are opened with the approval of the Minister.

31. **Clause 21** of the Bill requires the Commission to prepare a budget in the form prescribed by the Minister and to submit the estimates to the Ministry of Finance.

32. **Clause 22** of the Bill states that the Commission must keep proper accounts and records concerning its business and must prepare a statement of accounts every year in accordance with International Financial Reporting Standards or other best practice

commercial standards. The Commission's accounts are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution and the Exchequer and Audit Act.

33. **Clause 22(3)** of the Bill permits the Auditor General or an auditor authorised by him to audit the annual accounts and records concerning the business of the Commission. A copy of the audited accounts must be submitted by the Commission to the Minister no later than four (4) months after the end of the financial year.

Annual Reports and Financial Year

34. **Clause 23** of the Bill provides that the Commission must, within four (4) months after the end of each financial year, create a report that deals generally with the activities of the Commission during the previous financial year and submit this report to the Minister. The Minister will submit the report, along with the annual statement of accounts and the Auditor's Report to be laid in Parliament.

35. **Clause 24** of the Bill defines the financial year of the Commission as the twelve-month period ending on the 30th September in every year or any other period that the Commission may determine. The Commission's first financial year will be the period from the date of commencement of the proposed legislation to the end of the next following September.

Borrowing Powers

36. Pursuant to **Clause 26** of the Bill the Commission will be authorised to borrow money to cover capital expenditure for carrying out its functions under the Bill. However, the Commission's power to borrow will be subject to the Minister's approval which may be general or limited to a particular type of borrowing and may also be unconditional or subject to conditions.

37. **Clause 26** also grants the Commission the authority to issue securities, subject to the Minister's approval, for the purpose of raising money to meet any of its obligations and to discharge any of its functions.

Financial Rules and Procurement Procedures

38. **Clause 27** of the Bill will allow the Board to develop accounting procedures and policies in accordance with IFRS (International Financial Reporting Standards issued by the

International Accounting Standards Board) in order to regulate and control the financial operations of the Commission.

39. Pursuant to **Clause 28** the Commission will be subject to laws governing the procurement of goods, works or services and the provisions of any other written law when performing its functions.

PART III – LICENSING REGIME

40. **PART III (Clauses 29 to 52)** details the licensing regime which will regulate the gambling sector.

41. **Clause 29** requires a person to obtain a licence from the Commission before participating in any of the following activities:

- owning or operating a gaming establishment;
- performing a specific activity concerning a licensed betting or gaming activity or a licensed premise;
- manufacturing, fabricating, assembling, programming, modifying or repairing an equipment;
- selling, importing, supplying or distributing a gaming machine or associated equipment;
- leasing a gaming machine to an owner or operator of a gaming establishment in exchange for remuneration from the profits from a gaming operation;
- manufacturing, selling, supplying, installing or adapting gambling software;
- providing facilities for betting of any kind; or
- providing or utilising premises for the purpose of gaming or betting.

Categories of Licences

42. **Clause 30** of the Bill identifies the categories of licences that are available. These include:

- Gaming Operators Licence;
- Betting Operator's Licence;
- Gaming Owner's Licence;
- Bookmaker's Licence;
- Promoters Licence;
- Gaming Machine Operating Licence;
- Gaming Machine Distributor Licence;
- Technical Operator's Licence;
- Premises Licence;

- Personal Licence;
- Gaming Machine Manufacture Licence; or
- any other type of Licence the Commission may stipulate from time to time, as it deems necessary.

43. **Clause 31** of the Bill will recognise the Financial Investigation Unit of Trinidad and Tobago as the Supervisory Authority that will be responsible for the AML/CFT/PF (Anti-Money Laundering/Countering the Financing of Terrorism/Financing the Proliferation of weapons of mass destruction) supervision of gambling establishments. Gambling establishments will also be required to apply for registration with the Financial Investigation Unit of Trinidad and Tobago within five (5) business days from obtaining their licence to operate as a gaming or betting establishment.

Who may apply for a licence?

44. Pursuant to **Clause 32** of the Bill any person who is eighteen (18) years and over or any company incorporated under the laws of Trinidad and Tobago may apply for a licence.

Applying for a licence

45. **Clause 32(3)** of the Bill provides that the application for a licence must include:

- the prescribed form;
- a completed AML/CFT/PF risk assessment questionnaire;
- the prescribed fee; and
- any other information as may be prescribed.

46. **Clause 32(4)** of the Bill requires applicants to consent to the use by the Commission of the personal information contained in the application, prior to the application being granted, for the following reasons:

- to process the application; and
- where a licence is granted, for the maintenance of the register under **Clause 51** and for such other purposes as the Commission thinks fit.

47. **Clause 32(5)** of the Bill mandates that the information contained in **Clause 32(4)** must remain confidential and must not be shared unless the consent of the applicant has been obtained.

48. **Clause 32(6)** requires the notice of the application for a licence to be published by the Commission in at least two (2) newspapers in daily circulation in Trinidad and Tobago for the period that the Commission determines. The public may comment on the

applications within one (1) month from the time the notice first appears in the newspapers and objections to the granting of a licence may be made in writing to the Commission by persons listed in **Clause 32(8)** of the Bill.

49. **Clause 33** of the Bill introduces the concept of “*fit and proper*” which is the criteria that must be satisfied for the applicant to be granted the licence. **Schedule 2** of the Bill 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*”.

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

50. **Clause 34** of the Bill provides that upon receipt of an application for a licence the Commission has the power to investigate the applicant and any proposed or existing associate or employee of the applicant, and under **Clause 36** of the Bill the Commission reserves the right to either accept or refuse the grant of the licence or approve the licence in respect of specified gambling activities only and reject it in respect of other gambling activities.
51. Upon the conclusion of any hearing, **Clause 35** of the Bill will require the Commission to forward a copy of its decision to the applicant and to publish its decision once a week, for at least two (2) weeks in at least two (2) newspapers in daily circulation in Trinidad and Tobago.
52. **Clause 37** of the Bill lists the information that a licence may contain as follows:
- the name of the licensee;
 - the period of the licence;
 - the gambling activity to be undertaken;
 - the premises to which the licence applies;
 - the conditions upon which the licence is granted;
 - the facilities to be provided;
 - the equipment permitted to be used; and
 - any other matter that the Board considers pertinent.

Conditions of Licences

53. **Clause 38** of the Bill identifies the conditions upon which a licence is granted to a licensee. Some of these conditions include that the licensee:

- comply with such terms, conditions and restrictions as may be specified in the licence;
- notify the Commission in writing of a change in director, beneficial owner, management, control or circumstances of the licensee or licensed premises, within fourteen days of the change;
- comply with such directions, restrictions, conditions or requirements as the Commission may impose during the period of the licence;
- notify the Commission of his conviction or the conviction of an associate or an employee for any offence under this Bill, or any other written law which carries a penalty of imprisonment for more than two (2) years;
- consent to-
 - a. the entry of authorised officers and enforcement officers on any premises specified in the licence during normal working hours or such other times as the licensed premises are open to the public or otherwise in use by the licensee; and
 - b. the exercise of the powers of authorised officers and enforcement officers under Sections 67 and 68, on premises specified in the licence; and
- comply with the Proceeds of Crime Act, the Anti-Terrorism Act and the Economic Sanctions Act or Orders made under these Acts as they relate to proliferation financing and any other written law relating to the prevention of money laundering, proliferation financing and combatting the financing of terrorism.

54. **Clause 38(3)** further provides that the licence may also contain the following conditions inter alia:

- the nature, circumstances and extent of the licensed activities;
- the facilities that may be provided;
- how the licensed activities are to be advertised;
- the quantum of financial resources to be made available or maintained for licensed activities;
- the provision of annual financial statements and audited accounts of the licensed operations;
- the requirement to pay fees and levies to the Commission and the Betting Levy Board, as prescribed; and
- any other matter as the Commission determines

55. **Clause 39** of the Bill requires that the grant, variation, amendment, renewal, expiration, suspension or revocation of a licence must be published in the *Gazette* and in at least two (2) newspapers in daily circulation in Trinidad and Tobago. The licence shall take effect on the date specified therein, notwithstanding the date of publication.

56. **Clause 40** of the Bill states that a Premises Licence, in addition to the general conditions applicable to licences, must contain further conditions that require the licensee to:

- place in a prominent place on the premises rules that will govern the conduct of the licensed activities, such as, the prohibition of gambling by minors; and
- provide licensed and properly trained security staff at all entry and exit points on the premises.

57. The Commission can also allow premises to be used for gambling where it believes that the premises:

- meets the requirements of regulations made under this Bill;
- complies with any guidance issued by the Commission; and
- are reasonably consistent with the licensing objectives.

The Commission is empowered to review:

- the manner in which the licensee carries on the licensed activities; and
- arrangements made by the landlord to ensure compliance with the conditions attached to the granting of the licence.

58. **Clause 41** of the Bill defines a “Personal Licence” as a licence which authorises an individual to perform a specified function in connection with a licensed gaming activity, a licensed betting activity or licensed premises. Persons that are prohibited from being involved with any activities for which a licence is required, unless they first obtain a Personal Licence, are as follows:

- a director;
- a beneficial owner;
- an associate;
- key employees and officers;
- security staff at all levels;
- internal compliance personnel including game supervisors and inspectors;
- accounting staff including cashiers, clerks, assistants and any person dealing with, or recording credit, cash chips, tokens and coins;
- any person involved in managing, monitoring, supervising or directing the activities;
- any person administering a game on behalf of the licensee, including a croupier;
- any person operating any gaming equipment directly or indirectly connected to the licensed activities; and
- such other persons as may be prescribed by the Minister.

59. **Clauses 42** and **43** of the Bill provide for the expiration and renewal of a licence respectively.

60. **Clause 42** states that a licence will expire:

- upon the date specified in the licence;
- on surrender of the licence by the licensee;
- if the licensee becomes incapable, by reason of mental or physical incapacity, of carrying on the licensed activities;
- if the licensee becomes bankrupt or goes into liquidation; or
- if the licensee, being a corporation, ceases to exist.

61. **Clause 43** requires the licensee to notify the Commission of his intention to renew his licence six (6) months before its expiration. Pursuant to **Clause 43(1)** this application must be accompanied by the following:

- a copy of the licence to be renewed;
- the renewal fee;
- evidence that all taxes, fees, levies, and other charges have been paid to the Board of Inland Revenue, the Commission and other relevant authorities; and
- any other information or document required by the Board.

62. **Clause 44** provides that the Commission has the authority to review the licence. 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.

63. **Clause 45** gives the Commission the authority to suspend a licence based on the outcome of investigations done in the conduct of a review. The Commission also has the power to revoke a license under **Clause 46**. The Commission can revoke a license in instances where:

- the licensee, associate or another person that the licence applies to, fail to meet any of the criteria necessary;
- the licensee failed to pay fees or levies owed to the Commission or the Betting Levy Board;
- the licensee gave the Commission false, substantially misleading or inaccurate information;
- the interests of customers are threatened in any way;
- a receiver of the licensee's undertaking has been appointed;

- A debenture holder has taken possession of the property of the licensee that is secured by a charge;
- the licensee has merged with another company or institution and the licence is no longer required;
- the business of the licensee is no longer the business for which it was licensed;
- the owner or operator of the business for which a licence has been granted or any key person or any associate has been convicted of a criminal offence, regardless of whether the crime was related to the business;
- the licensee has been struck off the Register of Companies;
- the licensee has been convicted for an offence which carries a term of imprisonment of at least twelve (12) months;
- the Commission considers suspension an insufficient response to the finding of a review conducted under Section 44;
- the licensee has failed to comply with any obligations imposed on him by the Act or with the terms upon which the licence has been granted; or
- it has been notified by the Supervisory Authority that the licensee has failed to comply with the Proceeds of Crime Act, the Anti-Terrorism Act or the Economic Sanctions Act or Orders made thereunder as they relate to proliferation financing and any other written law relating to the prevention of money laundering, proliferation financing and combatting the financing of terrorism.

64. **Clause 46** also provides that:

- Before revoking a licence, the Commission must give the licensee written notice of their intention to revoke the licence and the reason why it is being revoked.
- The licensee must submit a written statement that they intend to challenge the Commission's decision to revoke their licence and give their reason why their licence should not be revoked. This statement must be submitted to the Commission within twenty-eight (28) days after receiving the Commission's notice.
- Once the licence is revoked, the Commission must direct an enforcement officer to take charge of all books, records and assets of the licensee in order to safeguard the interests of creditors, shareholders and customers.
- A licensee aggrieved by the decision of the Commission to revoke its licence may, within thirty (30) days from the date of the notice of revocation, appeal to the High Court setting out the grounds of the appeal and the decision of the Commission shall be stayed pending the outcome of the appeal process.

65. Under **Clause 47**, a licensee must notify the Commission of any change in its circumstances and provide details of the change within fourteen (14) days of the change. Changes that a licensee must notify the Commission about are:

- commencement of bankruptcy or insolvency proceedings or any change in corporate status or control;
- removal or resignation of any key licensed employees or officers;
- change of auditors;
- change of shareholdings of five (5) per cent or more of the shares of the licensee;
- change of business address of the licensee; or
- change of business address relative to the licensed activities.

When the Commission receives notices of these nature, it can vary, suspend or revoke a licence or give other directions as it deems necessary.

The Commission must notify the Supervisory Authority in writing when they issue a variation, amendment, renewal, expiration, suspension or revocation of a licence within thirty (30) days from the date of its decision.

66. **Clause 50** of the Bill provides an aggrieved person affected by a decision of the Commission to appeal to the High Court. The person has thirty (30) days from receipt of the Commission's decision to seek redress.

67. Under **Clause 51**, the Commission must establish and maintain a register which has a public register and private register.

68. The public register must contain:

- the name of every licensee;
- a list of every gaming machine and gambling device for which a licence is granted; and
- the address of every premises in respect of which a licence is granted.

69. The private register should contain any information submitted in an AML/CFT/PF risk assessment questionnaire and such other additional relevant information that is not contained in the public register which concerns licence and licensee.

70. **Clause 52** of the Bill requires the Commission to keep a register and implement internal control procedures. The internal control procedures are detailed in **Schedule 3**.

TRANSITIONAL PROVISION

71. **Clause 53** 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.

PARTICIPATION IN A GAME OF CHANCE

72. Under **Clause 54**, a person cannot 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.

APPROVAL OF GAMES

73. **Clause 57** sets out that a game of chance shall not be played at a gaming establishment unless:

- it is conducted or played on behalf of the licensee by a licensed employee;
- it is conducted and played by the rules approved by the Commission; and
- it is conducted and played by the rules which have been brought to the attention of all players of the game.

Clause 57 also provides that the Commission shall approve all games to be played at a licensed establishment and that the Commission has the power to amend the lists of approved or disallowed games as it deems necessary in its sole discretion.

DISPLAY OF GAMING RULES

74. According to **Clause 58**, copies of rules of all games played in a gaming establishment shall be available to patrons at an easily and prominently accessible location on the premises. In addition, the minimum and maximum wagers for every game must be prominently displayed at each gaming table.

ENTERTAINMENT NOT HELD FOR PRIVATE GAIN

75. **Clause 59** provides that when gaming is carried out for entertainment the requirements to obtain a licence do not apply.

However, when gaming is for entertainment then the whole proceeds of the entertainment, after deducting the expenses or the cost of prizes or awards in respect of the games, must be applied to purposes other than private gain. The amount of the

proceeds appropriated to cover the expenses must not exceed the reasonable cost of the facilities provided for the purpose of the entertainment.

This provision applies to bazaars, fetes, dinners, dances, fairs and other entertainment of a similar nature and other entertainment that has been approved in writing by the Commissioner of Police.

TRANSITIONAL PROVISION

76. **Clause 60** would require betting shops or other premises where betting activities are carried on to have within three (3) 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.

The Commission may grant an applicant more than one Betting Operator's Licence and the conduct of betting business shall be stipulated on the licence as a condition (**Clauses 61 and 62**).

PAYMENT OF TAXES

77. **Clause 63** sets out the proposed taxes on gambling tables and other devices that will be paid to the Commission. These taxes are listed in **Schedule 5**.

In addition, the collection of levy on bets made on live and simulcast horse or dog racing shall remain the responsibility of the Betting Levy Board and therefore will not be collected by the Commission.

78. **Clause 63** also provides that the Commission must deposit an annual amount into the Contingency Fund that has been agreed to by the Board for the purposes of meeting contingencies of the Commission.

REHABILITATION FUND AND DEVELOPMENT FUND

79. **Clause 64** 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.

REHABILITATION AND DEVELOPMENT FUNDS COMMITTEE

80. **Clause 65** provides for the establishment of the *Rehabilitation and Development Funds Committee*. This committee is appointed by the Minister and is responsible for the management of the Rehabilitation Fund and Development Fund.
81. The Committee must have at least five (5) members but no more than nine (9) members. One member of the Committee must be a senior officer in the Ministry of Finance. These members must be selected from persons with experience and relevant qualifications in the areas of addiction, particularly gambling addiction, sports development, social and community work, arts and culture, finance and accounting.
82. The Committee shall regulate its own procedures but shall meet at least once a month and at other times as necessary or expedient at a time and place as determined by the Committee..
83. The Committee shall establish guidelines to facilitate applicants seeking financial assistance from the Rehabilitation Fund or the Development Fund. All members of the Committee with a conflict of interest must declare their interest and be recused from all deliberations with respect to that particular subject matter.
84. The Committee shall, within three (3) months of the end of each financial year, submit a report to the Minister on the activities and management of the Rehabilitation Fund and the Development Fund and the Minister shall in turn cause the report to be laid in Parliament.
85. **Clause 66** 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.
86. **Clause 67** outlines the powers of authorised officers, including the power to inspect licensed premises, monitor activities, investigate complaints of customers, examine equipment and machines and do all such other things as set out in this Part and the Bill generally.

87. **Clause 68** provides for an enforcement officer who would undertake activities to assess:

- compliance with the provision of the proposed legislation;
- compliance with the Proceeds of Crime Act, the Anti-Terrorism Act and the Economic Sanctions Act or Orders made thereunder as they relate to proliferation financing and any other written law relating to the prevention of money laundering, proliferation financing and combatting the financing of terrorism;
- whether facilities for gambling, or any other activity required to be licensed are being provided in any place;
- whether activities are being carried on in accordance with the terms and conditions of the licence.

With the consent of the licensee, an enforcement officer can, in respect of the licensed premise, make copies of any document, record or information as required and can also remove and retain anything that the enforcement officer reasonably believes is being used or has been used to commit an offence under this Act or any other written law.

88. **Clause 69** provides that a Magistrate may, on the application of an enforcement officer, issue a warrant authorising such officers to enter upon licensed premises. The Magistrate has to be satisfied that:

- there are reasonable grounds for suspecting that an offence has been or is being committed;
- there are reasonable grounds for suspecting that evidence of the commission of an offence may be found on the premises;
- the enforcement officer has requested and has been refused entry;
- the admission to the premises is likely to be refused unless a warrant is produced;
- that the purpose of entry may be frustrated or seriously prejudiced unless the enforcement officer can secure immediate entry; or
- there is no person on the premises capable of granting admission.

OFFENCES AND PENALTIES

Clause	Offence	Penalty
Clause 71	Using a premises for various betting and gambling activities	On summary conviction to a fine of two hundred and fifty thousand dollars (TTD\$250,000) and to

	without a licence	imprisonment for three (3) years; or On conviction on indictment to a fine of three million dollars (TTD\$3,000,000) and to imprisonment for seven (7) years.
Clause 72 (1)	Conducting gambling without a licence	On summary conviction to a fine of five million dollars (TTD\$5,000,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of ten million dollars (TTD\$10,000,000) and to imprisonment for ten (10) years
Clause 72 (1)	Operating as a bookmaker or promoter without a licence	On summary conviction to a fine of five million dollars (TTD\$5,000,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of ten million dollars (TTD\$10,000,000) and to imprisonment for ten (10) years
Clause 72(1)	Importing, selling, supplying or operating a gambling machine or gambling device or associated equipment without a licence	On summary conviction to a fine of five million dollars (TTD\$5,000,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of ten million dollars (TTD\$10,000,000) and to imprisonment for ten (10) years
Clause 72(1)	Leasing gambling devices to an operator in exchange for remuneration based on earning profit from a gambling operation without a licence	On summary conviction to a fine of five million dollars (TTD\$5,000,000) and to imprisonment for five (5) years; or On conviction on indictment to a

		fine of ten million dollars (TTD\$10,000,000) and to imprisonment for ten (10) years
Clause 72(1)	Manufacturing, Supplying, installing or adapting gambling software without a licence	On summary conviction to a fine of five million dollars (TTD\$5,000,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of ten million dollars (TTD\$10,000,000) dollars and to imprisonment for ten (10) years.
Clause 72(2)	<p>Licensee engaging in gambling activities and:</p> <ul style="list-style-type: none"> ● conducts gambling contrary to the terms and conditions of the licence issued for the purpose; ● fails 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; ● allows his licensed premises to be used for unlawful gambling or makes such premises available to a person who has committed an offence under this Act or any other written law pertaining to gambling; ● operates unlicensed gambling machine; or ● operates licensed gambling machines contrary to the terms and conditions of the person’s licence. 	On summary conviction to a fine of five hundred thousand dollars (TTD\$500,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of three million dollars (TTD\$3,000,000) and to imprisonment for seven (7) years.

Clause 73	Manufacturing, supplying, installing or adapting gambling software without a licence	On summary conviction to a fine of five hundred thousand dollars (TTD\$500,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for seven (7) years.
Clause 74	Aiding, abetting or conspiring to cheat in any gambling activity	On summary conviction to a fine of one million dollars (TTD \$1,000,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of two million dollars (TTD \$2,000,000) and to imprisonment for seven (7) years.
Clause 75	Providing facilities for gambling without a licence	On summary conviction to a fine of five million dollars (TTD\$5,000,000) and to imprisonment for seven (7) years; or On conviction on indictment to a fine of ten million dollars (TTD \$10,000,000) and to imprisonment for ten (10) years
Clause 76	Using remote gambling equipment in Trinidad and Tobago to invite or enable a person in any country outside of Trinidad and Tobago to participate in remote gambling.	On summary conviction to a fine of five million dollars (TTD \$5,000,000) and to imprisonment for seven (7) years; or On conviction on indictment to a fine of ten million dollars (TTD\$10,000,000) and to imprisonment for ten (10) years.
Clause 77	Using a premises or knowingly allows a premises to be used as	On summary conviction to a fine of two hundred and fifty thousand

	a place where persons may conduct betting transactions without obtaining a licence	dollars (TTD\$250,000) and to imprisonment for three (3) years; or On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for seven (7) years.
Clause 77	Providing facilities at any premises for persons resorting to carry out betting transactions without a licence	On summary conviction to a fine of two hundred and fifty thousand dollars (TTD\$250,000) and to imprisonment for three (3) years; or On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for seven (7) years.
Clause 77	Controlling, occupying or using without a licence, or knowingly permits another person to control, occupy or use, any premises without a licence for: <ul style="list-style-type: none"> ● effecting betting transactions of any kind with persons resorting to those premises; or ● facilitating the making of betting transactions between persons resorting to those premises. 	On summary conviction to a fine of two hundred and fifty thousand dollars (TTD\$250,000) and to imprisonment for three (3) years; or On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for seven (7) years.
Clause 78	Engaging in bookmaking, betting, paying, receiving or settling bets or agreeing to bet in a street or public place.	On summary conviction to a fine of twenty-five thousand dollars (TTD \$25,000) and to imprisonment for one (1) year; or On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment

		for seven (7) years.
Clause 79	Knowingly inviting or, directly or indirectly allowing a child to gamble by any method.	On summary conviction to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for seven (7) years; or On conviction on indictment to a fine of five million dollars (TTD \$5,000,000) and to imprisonment for seven (7) years.
Clause 80	Knowingly inviting, permitting or causing a child to enter licensed premises, other than a race track	On summary conviction to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of five million dollars (TTD \$5,000,000) and to imprisonment for seven (7) years.
Clause 81(1)	Knowingly employing a child to perform any function relating to gambling	On summary conviction to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of five million dollars (TTD \$5,000,000) and to imprisonment for seven (7) years.
Clause 81(2)	Knowingly employing a child to perform any function on a premises with a: <ul style="list-style-type: none"> ● casino licence; ● gaming lounge licence; ● betting shop licence; ● bookmaker’s licence; or ● an off-track betting shop licence <p>However, no offence is</p>	On summary conviction to a fine of three million dollars and to imprisonment for five (5) years; or On conviction on indictment to a fine of five million dollars (TTD \$5,000,000) and to imprisonment for seven (7) years.

	committed if employment of the child takes place at a time when no activity that relies on those licences are being carried out on the premises.	
Clause 82(1)	Obstructing or failing to cooperate with an authorised person in the exercise of his power under this Act without lawful excuse.	On summary conviction to a fine of five hundred thousand dollars (TTD\$500,000) and to imprisonment for five (5) years; or On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for seven (7) years.
Clause 82(2)	Making a false statement with intent to deceive or use any false book, account, record, return or other document	On summary conviction to a fine of five million dollars (TTD\$5,000,000) and to imprisonment for seven (7) years; or On conviction on indictment to a fine of ten million dollars (TTD \$10,000,000) and to imprisonment for ten (10) years.
Clause 82(3)	Bringing a firearm, regardless of it being licensed under the Firearms Act, onto a licenced premises when that person is not the holder of an owner's or operator's licence or an enforcement officer.	On summary conviction to a fine of two hundred and fifty thousand dollars (TTD \$250,000) and to imprisonment for three (3) years; or On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for seven (7) years.
Clause 82(4)	Wilfully interfering with an investigation, by influencing, threatening, harming or impeding a potential witness, or	On summary conviction to a fine of one hundred thousand dollars (TTD \$100,000) and to imprisonment for one (1) year; or

	by furnishing false information in or otherwise impeding an investigation	On conviction on indictment to a fine of two hundred thousand dollars (TTD \$200,000) and to imprisonment for two (2) years.
Clause 83 (1)	Contravening or failing to comply with any provision of the Act where no penalty is expressly provided	<p>On summary conviction to a fine of five hundred thousand dollars (TTD \$500,000) and to imprisonment for two (2) years and to a further fine of ten thousand dollars (TTD \$10,000) for each day that the offence continues; or</p> <p>On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment for seven (7) years and to a further fine of twenty thousand dollars (TTD \$20,000) for each day that the offence continues.</p>
Clause 83 (2)	Failing to comply with regulations made under this Act	<p>On summary conviction to a fine of five hundred thousand dollars (TTD \$500,000) and to imprisonment for two (2) years and to a further fine of ten thousand dollars (TTD \$10,000) for each day that the offence continues; or</p> <p>On conviction on indictment to a fine of three million dollars (TTD \$3,000,000) and to imprisonment seven (7) years and to a further fine of twenty thousand dollars (TTD \$20,000) for each day that the offence continues.</p>

AMENDMENT OF PENALTIES

89. **Clause 84** gives the Minister the power to vary the penalties in this Act and Regulations and amend the list of what counts as an offence that are made under the Act. If the Minister amends what counts as an offence or varies the penalties, it must be done by an Order and would be subject to negative resolution⁹ of Parliament.

ADMINISTRATIVE FINES

90. Under **clause 85** of the Bill, the Commission may, with the consent of the Director of Public Prosecutions, issue a notice to any person who, there is reasonable cause to believe, has committed an offence under Schedule 6. This notice would offer the person an opportunity to resolve the offence by paying the administrative fine specified for the offence in **Schedule 6**.

91. When this notice is given, criminal proceedings cannot be laid until twenty-one (21) days after the person who committed the offence has received the notice. However, when a person does not pay the administrative fine or pays the administrative fine but continues to commit the offence, twenty-one (21) days after receiving the notice, that person can then be liable on conviction for the offence committed.

92. Administrative fines are paid to the Commission and credited to the Consolidated Fund. The notice given must specify the alleged offence and give the necessary information concerning the allegation.

REGULATIONS

93. **Clause 86** of the Bill provides that the Minister may make Regulations which would be subject to the affirmative resolution of Parliament.

CONFIDENTIALITY

94. **Clause 87** provides that no Board member, officer or employee of the Commission, or person acting under the direction of the Commission, can disclose any information regarding the business, affairs or personal information of a licensee or any of his affiliates, obtained in the course of carrying out the official duties and functions of the Commission.

⁹ Negative Resolution means that the regulation shall be laid before the House and, within a prescribed period of time, may be annulled by a resolution of the House; Sir David Natzler and Mark Hutton, *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament* (23rd edn, LexisNexis 2004), 677-678

95. Any disclosure made by persons working for the Commission under the direction of the Commission, pursuant to the provisions of this Bill or which the Commission considers necessary to carry out its functions would not be considered as disclosing confidential information.

96. Persons who disclose confidential information about the business, affairs or personal information of a licensee or any of his affiliates, obtained in the course of carrying out the official duties and functions of the Commission, commits an offence. They would be liable on summary conviction to a fine of **two hundred and fifty thousand dollars (TTD\$250,000)** and to **imprisonment for three (3) years** or on conviction on indictment to a fine of **three million dollars (TTD\$3,000,000)** and to **imprisonment for seven (7) years**.

97. The following would not be considered disclosure:

- information that has been made or was already made available to the public from other sources at the time it was disclosed;
- information that is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
- information that is given in a witness statement to a police officer of the rank of Superintendent or above for a criminal investigation or criminal proceedings or the Police Complaints Authority for an investigation of criminal offences involving police officers, police corruption and serious police misconduct being conducted by it.

SCHEDULE 1- STAFF OF THE COMMISSION

Schedule 1 of the Bill provides for the staff of the Commission and addresses issues of secondment and transfer of the Commission, pension fund plans and declarations of interest.

SCHEDULE 2- FIT AND PROPER CRITERIA

Schedule 2 of the Bill addresses the fit and proper criteria as outlined in clause 33 and provides that every 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 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- INTERNAL CONTROLS AND ACCOUNTING SYSTEMS

Schedule 3 of the Bill outlines approved systems of internal controls and procedures and accounting systems as required under **clause 52** of the Bill.

Approved System of Control
<ul style="list-style-type: none"> ▪ 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.
Contents of approved system
<ul style="list-style-type: none"> ▪ 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
<ul style="list-style-type: none"> ▪ 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
<ul style="list-style-type: none"> ▪ 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- DATA REQUIREMENTS TO BE MAINTAINED FOR EACH GAMING DEVICE OR MACHINE

Clause 13 (2)(f) 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. **Schedule 4** provides for the data requirements to be maintained for each gaming device or machine as required under Clause 13. Licensed operators must maintain a record of the following:

General Information	
Device name Device identification number Hardware vendor name Date imported Date tested	Device type Device serial number Software vendor name Date installed Payout ratio Location of machine
Revenue Information Per Device Transaction	
Device type Handle Payout ratio (percentage) Customer identification per transaction exceeding a sum to be designated by the Commission	Device ID Payout Transaction take (handle minus payout) Transaction date and time
Daily, Monthly and Annual Reports - Summary for Period per Device	
Device type Handle Take (handle minus payout)	Device ID Payout Take as a percentage of handle

SCHEDULE 5- TAXES PAYABLE ON GAMBLING TABLES AND OTHER DEVICES

Schedule 5 of the Bill outlines the taxes that are payable on gambling tables and other devices pursuant to clause 63 of the Bill.

SCHEDULE 6- ADMINISTRATIVE FINES

Section	General Description of Offence	Criminal Penalty (Applicable on summary conviction)	Administrative Fine
71	Failure of a person to obtain a licence for his premises to be used for	\$250,000	\$62,500

	conducting various gambling activities		
72(1)	Failure of a person to obtain a licence for conducting various gambling activities	\$5,000,000	\$1,250,000
72(2)	Failure of a person to adhere to the terms and conditions of his licence	\$5,000,000	\$1,250,000
73	Failure of a person to obtain a licence to manufacture, supply, install or adapt gambling software	\$500,000	\$125,000
74(4)	The use or possession with the intent to use any equipment or device at a gambling establishment not permitted by the Commission to gain an unfair advantage	\$1000,000	\$250,000
74(5)	The use of counterfeit gambling instruments in gambling activity	\$1,000,000	\$250,000
74(6)	Failure to use chips or tokens approved by the Commission or lawful coin as	\$1,000,000	\$250,000

	well as the use of the wrong denomination of coin in a gambling activity		
76	The use of remote gambling equipment or any other means to invite or enable a person in a prohibited territory to participate in remote gambling.	\$5,000,000	\$1,250,000
78	A person who on behalf of himself or another person engages in bookmaking, betting, paying, receiving or settling bets or agrees to bet in a street or public place	\$25,000	\$6,250
82(3)	A person who, not being the holder of an owner's or operator's licence or an enforcement officer under this Act, brings a firearm onto licensed premises, whether or not that firearm is licensed under the Firearms Act	\$250,000	\$62,500
83(1)	Notwithstanding section 63 of the Interpretation Act,	\$500,000 plus \$10,000 for each day	\$125,000

	the contravention or failure to comply with any provision of this Act made pursuant thereto, for which no other penalty is expressly provided, may provide for offences and penalties relative to such offences	that the offence continues	
83(2)	Notwithstanding section 63 of the Interpretation Act, regulations made under this Act may provide for offences and penalties relative to such offences	\$500,000 plus \$10,000 for each day that the offence continues	\$125,000
84(1)	The Minister may by Order, subject to negative resolution of Parliament, vary the penalties set out in this Act and Regulations made pursuant thereto		25% of the maximum fine on summary conviction

SCHEDULE 7- CONSEQUENTIAL AMENDMENTS

Schedule 7 of the Bill outlines the consequential amendments to other existing legislation including:

- **Gambling and Betting Act Chap. 11:19¹⁰;**
- **Proceeds of Crime Act, Chap 11:27¹¹;**

¹⁰ <http://laws.gov.tt/ttdll-web2/revision/download/105626?type=act>

¹¹ <http://laws.gov.tt/ttdll-web2/revision/download/105648?type=act>

- Registration of Clubs Act Chap 21:01¹²;
- Trinidad and Tobago Racing Authority Act Chap. 21:50¹³; and
- Betting Levy Board Act Chap. 21:53¹⁴.
- Financial Intelligence Unit of Trinidad and Tobago Act 72:01¹⁵

The Bill 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

Gambling (Gaming and Betting) Control Act, 2021	First Column	Second Column
	Type of Business	Interpretation
	Gaming and Betting	A business licensed under the Gambling (Gaming and Betting) Control Act, 2021 and amusement games.

Registration of Clubs Act, Chap. 21:01

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

¹² <http://laws.gov.tt/ttdll-web2/revision/download/105974?type=act>

¹³ <http://laws.gov.tt/ttdll-web2/revision/download/105982?type=act>

¹⁴ <http://laws.gov.tt/ttdll-web2/revision/download/105988?type=act>

¹⁵ <http://laws.gov.tt/ttdll-web2/revision/download/106638?type=act>

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

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

Betting Levy Board Act, Chap. 21:53

Existing Provision	Proposed Amendments
Section 2 “Minister means the Minister with responsibility for Industry and Enterprise”	Repeal the definition of “Minister” and substitute the following definition: “Minister” means the Minister with responsibility for finance.
Section 7	Repealed and now substituted with a new Section 7.
Section 8	Repealed and now substituted with a new Section 8. Insert after Section 8, a new Section 8A.
Section 9	Repealed and now substituted with a new Section 9.
Section 12 (1) “The Board shall by means of monthly remittances pay one-half of the monies collected under section 9, into the Consolidated Fund.”	Repealed and now substituted with a new subsection 12(1). “The Board shall by means of a monthly remittances pay one-half of the monies collected under section 9 into the Consolidated Fund.”

Insert New Schedule “Betting Levy”**Some of the paragraphs include:**

1. The betting levy shall be paid to the Board by Wednesday of every week in such a manner as the Board may direct
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:
 - (a) Not less than fourteen days before he begins to carry on the business notify the Board that he intends to carry on that business; and
 - (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 totalisators¹⁶ (if any) used by him for the purposes of the business.
3. A person who-
 - (a) fails to pay any betting levy;
 - (b) contravenes any of the provisions of paragraph 2;
 - (c) obstructs any officer in the exercise of his functions in relation to the betting levy;
 - (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
 - (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,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.

¹⁶ 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.

The Financial Intelligence Unit of Trinidad and Tobago, Chap. 72:01

The Financial Intelligence Unit of Trinidad and Tobago Act is amended in section 8(1) by inserting after the words “Non-Profit Organisations Act, 2019”, the words “, the Gambling (Gaming and Betting) Control Act, 2021”.

COMPARATIVE LEGISLATION**New Zealand Gambling Act 2003**

<https://www.legislation.govt.nz/act/public/2003/0051/latest/DLM207497.html>

**Jamaica Betting, Gaming and Lotteries Act**

https://moj.gov.jm/sites/default/files/laws/The%20Betting%2C%20Gaming%20and%20Lotteries%20Act_1.pdf

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