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No. 17 of 1999

**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**

HOUSE OF REPRESENTATIVES

BILL

**AN ACT to amend the Gambling and Betting Act,
Chap. 11:19 and for matters connected therewith**

THE GAMBLING AND BETTING (AMENDMENT) (NO. 2)
BILL, 1999

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The object of this Bill is to establish a National Tote System for the purpose of regulating betting on local and foreign horse and dog races. The Tote System will be operated exclusively by the National Racing Commission to be established upon the expected enactment of the National Racing Commission Bill, 1999.

Clause 1 would provide the short title and commencement to the Bill.

Clause 2 would define “the Act”.

Clauses 3, 4, 6, 7, 9 and 10 would amend the Act in effect to exclude Turf Clubs from the horse racing industry.

Clause 8 would repeal section 34A of the Act which establishes the National Tote System.

Clause 7 would introduce a new Part 11A of the Act to establish the new National Tote System to be operated by the National Racing Commission for the purpose of regulating betting business conducted by the Commission and its agents on local and foreign horse and dog races. Part 11A would introduce sections 40A to 40G.

The proposed section 40A would establish the National Tote System to be operated by the National Racing Commission.

By the proposed section 40B, the provisions of the Third Schedule to the Act shall apply for the purpose of regulating the conduct of pool betting on local or foreign horse and dog races under the National Tote System.

By section 40c—

(a) a tax of ten per cent shall be charged on all bets placed with the National Tote System and shall be payable by the National Racing Commission to the Board of Inland Revenue; and

(b) where the owner or operator of a betting outlet fails to pay the ten per cent tax to the Commission, the Betting Levy Board may refuse to renew his permit.

Section 40D would provide that every operator of a betting outlet shall deposit with the Commission a non-refundable deposit of two hundred and fifty thousand dollars.

By sections 40D and 40E, every owner of a betting outlet would be required to deposit with the Commission a deposit of two hundred and fifty thousand dollars as a guarantee in respect of the betting business. The Commission is required to pay all such deposits to the Betting Levy Board.

Section 40F would confer on the Minister the power to make regulations for carrying out the provisions of Part 11A including the conditions to be observed by agents appointed by the National Racing Commission, the collection of bets and paying out of dividends and the rights, obligations and liabilities of such agents. The Commission is also empowered to make Regulations for the management of betting outlets subject to the approval of the Board and the Minister.

Section 40G would provide that, except as otherwise provided in Part 11A and section 38 of the Act, no other provision of the Act shall apply in respect of betting business conducted by the National Racing Commission and its agents.

Clauses 12 and 13 would amend sections 45 and 46 of the Act.

Clause 14 of the Bill would amend the First Schedule, in clause 17(2), in order to increase the licence fees in respect of "betting office licences" [as defined in section 26(1)(a) of the Act] from one hundred thousand dollars to one million dollars, in the case of licenced betting offices located within the city of Port-of-Spain, and to five hundred thousand dollars in the case of all other licenced betting offices.

Clause 15 of the Bill would amend clause 9 of the Fourth Schedule by deleting a reference to the "Betting Levy Board" and substituting the words "Board of Inland Revenue".

BILL

AN ACT to amend the Gambling and Betting Act,
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[, 1999]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. (1) This Act may be cited as the Gambling and Short title
and commencement
Betting (Amendment) (No. 2) Act, 1999.

(2) This Act comes into force on a date to be proclaimed by the President.

Interpretation
Chap. 11:19

2. In this Act, “the Act” means the Gambling and Betting Act.

Section 2
amended

3. Section 2 of the Act is amended by deleting the definition of “Trinidad and Tobago Turf Clubs” and “Turf Club”.

Section 23
repealed

4. Section 23 of the Act is repealed.

Section 26
amended

5. Section 26 of the Act is amended by inserting after paragraph (c), the following paragraph:

“ (ca) “Commission” means the National Racing Commission established under the National Racing Commission Act;”.

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Section 33
amended

6. Section 33 of the Act is amended—

(a) in subsection (1), by deleting the words “, other than the Turf Club,”;

(b) in subsection (8), by deleting the words “, other than the Turf Club,”.

Section 34
amended

7. Section 34 of the Act is amended by repealing subsection (1A).

Section 34A
repealed

8. Section 34A of the Act is repealed.

Section 36
amended

9. Section 36 is amended—

(a) in subsection (2), by deleting the words “the Betting Levy Board” and substituting the words “the Board”;

(b) by repealing subsection (7) .

10. Section 37 of the Act is amended by repealing Section 37 amended subsection (4).

11. The Act is amended by inserting after section 40, New Part 11A inserted the following Part:

“PART 11A

THE NATIONAL TOTE SYSTEM

National Tote
System

40A. (1) There shall be established a National Tote System, to be operated by the National Racing Commission for the purpose of conducting—

(a) betting by way of tote, forecast, trifecta or other pool betting;

(b) starting price or any other betting,

in relation to betting business conducted by the National Racing Commission and its agents.

(2) In this Part—

(a) “betting business” means business involving the placing, receiving, or negotiating of bets made and the payment of winnings realised in respect of local and foreign horse and dog races under the National Tote System;

(b) “betting outlet” means any premises established or approved by the National Racing

Commission for the purpose of conducting betting business and certified by the Board as being suitable for that purpose;

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(c) "Permit" means a betting outlet permit issued by the Board under section 10A of the Betting Levy Board Act;

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(d) "National Racing Commission" or "Commission" means the National Racing Commission established under the National Racing Commission Act.

(3) The National Tote System shall be administered and operated by the National Racing Commission.

(4) The National Racing Commission shall be responsible for the provision of all totalisators at all betting outlets.

Pool Betting
Third
Schedule

40B. Subject to this Part, the provisions of the Third Schedule shall apply for the purpose of regulating the conduct of pool betting on local or foreign horse and dog racing.

Tax on bets

40c. (1) There shall be charged at the rate of ten per cent, a tax on all bets placed with the National Tote System, payable every week on the

Wednesday following the week in which the tax is deducted.

(2) The owner or operator of a betting outlet shall pay all taxes collected pursuant to subsection (1) to the Commission.

(3) Payment of the tax charged under subsection (1) shall be made to the Board by the Commission.

(4) Where the owner or operator of a betting outlet fails to pay any tax collected by him, the Betting Levy Board may refuse to renew his permit.

Deposit in respect of guarantee

40D. Every operator of a betting outlet shall deposit with the Commission a non-refundable deposit of two hundred and fifty thousand dollars which shall be paid to the Betting Levy Board by the Commission.

40E. (1) In the event that the Commission fails to pay any claim validly made on it in respect of a betting transaction conducted by or on behalf of the Commission, so much of the deposit referred to in subsection (1) as is necessary to meet the amount of such claim shall be applied for that purpose but if the deposit is insufficient for the purpose, the amount necessary to meet the balance of such claim may, notwithstanding any rule of law to the contrary, be recovered by action against the Commission.

(2) Notwithstanding subsection (2), an action shall lie against the Commission for the recovery of any amount claimed in respect of any betting transaction conducted by or on behalf of the Commission.

(3) Where the amount of any claim is held to be valid by a Court, the Clerk of the Court or the Registrar thereof shall send a certified copy of the order or judgment of the Court to the Betting Levy Board within twenty-one days of the making of such order or Judgment.

(4) When the deposit or a part thereof is to be applied to meet the amount of any claim held to be valid by the Betting Levy Board or by a Court, the Betting Levy Board shall certify the amount payable and upon presentation of such certificate the amount so certified shall be paid out of the deposit.

(5) Where a payment is made by the Betting Levy Board out of a deposit in satisfaction of any claim in respect of a betting transaction, the amount by which the deposit is thereby reduced shall be deposited by the National Racing Commission with the Betting Levy Board before the Commission or any of its agents undertake any further betting transactions.

Regulations 40F. (1) The Minister may make Regulations for carrying out the provisions of this Part and without prejudice to the generality of the foregoing, the regulations may prescribe—

- (a) the conditions to be observed by agents appointed by the National Racing Commission for the purpose of collecting bets and paying out winnings;
- (b) the rights, obligations and liabilities of agents referred to in paragraph (a);
- (c) measures for the prevention of fraud and irregularities;
- (d) the system of accounting to be employed by the Commission; and
- (e) the devices and equipment to ensure effective control of the operations connected with betting business.

(2) The Commission shall make Regulations for the management of betting outlets subject to the approval of the Betting Levy Board and the Minister.

(3) An operator of a betting outlet and any servant or agent of such operator who contravenes any regulation made under subsection (1) commits an offence and shall be liable on summary conviction to a fine of \$20,000.00.

Application of provisions 40G. (1) Except as otherwise provided in this Part, no other provision of this Act shall apply to betting business.

(2) Section 38 shall apply to this Part.”.

Section 45 amended **12.** Section 45 of the Act is amended by deleting the words “The President” and substituting the words “Subject to sections 40F and 40G, the President”.

Section 46 repealed **13.** Section 46 of the Act is repealed.

First Schedule amended **14.** The First Schedule of the Act is amended in clause 17(2), by deleting subparagraph (a) and substituting the following:

No 21 of 1990 “ (a) an annual licence fee of one million dollars in respect of betting offices located within the boundaries of the City of Port-of-Spain as described in the First Schedule of the Municipal Corporations Act, and five hundred thousand dollars in respect of all other betting offices, such fees to be payable in advance and with effect from 1st January;”.

Fourth Schedule amended **15.** The Fourth Schedule is amended in clause 9, by deleting the words “the Betting Levy Board” and substituting the words “the Board of Inland Revenue”.

Passed in the House of Representatives this day of _____, 1999.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of ,
1999.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 17 of 1999

FIFTH SESSION

FIFTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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Betting Act, Chap. 11:19 and for
matters connected therewith.

Received and read the

First time.....

Second time.....

Third time.....
