

THE BETTING LEVY BOARD (AMENDMENT) BILL, 2001

EXPLANATORY NOTE

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

The main purpose of this Bill is to amend the Betting Levy Board Act, No.35 of 1989 (hereinafter referred to as “the Act”) in order to confer on the Betting Levy Board (hereinafter referred to as “the Board”), subject to certain stipulated conditions, the authority to grant a betting outlet permit to an agent of the National Racing Commission authorising the use of his premises as a betting outlet under the National Tote System (Clause 8 refers).

Clause one would provide the short title and commencement of the Bill.

Clause two would define “the Act”.

Clause three would amend section 2 of the Act to include the definition of certain terms pertaining to the National Tote System.

Clause four would repeal section 4(1) of the Act and substitute a new provision which would reduce the number of members of the Board from eleven to seven and set out the interests which they represent.

Clause five would amend section 5 of the Act by reducing the number of members required to constitute a quorum from “five” to “four”.

Clause six would amend section 7 of the Act to give the Board the Authority to grant betting outlet permits authorising the use of premises, to which the permits relate, as betting outlets, and to make Regulations for the computation and collection of taxes.

Clause seven would amend section 12(3) of the Act by deleting an incorrect reference to “section 7” and substituting the correct reference, that is, a reference to “section 9”.

Clause eight of the Bill would introduce a new provision, section 10A, which would allow a person to apply to the Board for a permit authorising the use of his premises as a betting outlet under the National Tote System. Under section 10A –

- (a) the Board is prohibited from issuing a permit unless it is satisfied that, *inter alia*, the applicant is an agent of the National Racing Commission;
- (b) a betting outlet permit shall be subject to such conditions as the Board may determine;
- (c) the procedure for appeal against a refusal by the Board to grant or a revocation of a betting outlet permit is set out.

A BILL

AN ACT to amend the Betting Levy Board Act, No. 35 of 1989

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title and commencement	<p>1.(1) This Act may be cited as the Betting Levy Board (Amendment) Act, 2001.</p> <p>(2) This Act comes into force on a date to be proclaimed by the President.</p>
Interpretation No.35 of 1989	<p>2. In this Act, “the Act” means the Betting Levy Board Act.</p>
Section 2 amended	<p>3. Section 2 of the Act is amended –</p> <p>(a) by inserting in appropriate alphabetical sequence, the following definitions:</p> <p>“ “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;</p> <p>“betting outlet” means any outlet 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;</p>

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“National Racing Commission” means the National Racing Commission established by the National Racing Commission Act;

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“National Tote System” means the National Tote System administered by the National Racing Commission and established under the Gambling and Betting Act;

“permit” means a betting outlet permit issued by the Board under section 10A(2);” and

(b) by deleting the definition of “Minister”.

Section 4 amended

4. Section 4 of the Act is amended –

(a) by repealing subsection (1) and substituting the following subsections:

“ (1) The Board shall consist of seven members appointed by the Minister as follows:

(a) three persons appearing to the Minister to have wide experience of and shown capacity in racing, financial or administrative matters, except that they shall not be public officers or members or employees of the bodies referred to in paragraphs (b) to (e);

- (b) one person representing the Ministry of Finance;
- (c) one person nominated by the National Racing Commission from among its members;
- (d) one person nominated by the organisation most representative of racehorse owners from among its members; and
- (e) one person nominated by the organisation most representative of horsebreeders from among its members.

(1A). The Minister shall appoint a Chairman from among the persons appointed under subsection (1)(a).

(1B). For the purposes of this section, “public officer” has the meaning assigned to it by section 3 of the Constitution.”; and

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- (b) by deleting the word “President” wherever it occurs and substituting the word “Minister”.

Section 5 amended

5. Section 5 of the Act is amended in subsection (6), by deleting the word “Five” and substituting the word “Four”.

Section 7 amended

6. Section 7 of the Act is amended by inserting after paragraph (b), the following paragraphs:

- “ (c) granting permits under section 10A;
- (d) collecting taxes on bets placed on horse and dog races and making Regulations for computation and collection of taxes pursuant to section 45(2) of the Gambling and Betting Act.”.

Section 12 amended

7. Section 12 of the Act is amended in subsection (3), by deleting the words “section 7” and substituting the words “section 9”.

New section 10A inserted

8. The Act is amended by inserting after section 10, the following section:

“Betting outlet permits

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10A. (1) A person who wishes to use his premises as a betting outlet may apply to the Board in accordance with the Gambling and Betting Act for a betting outlet permit authorising the use of those premises as a betting outlet.

(2) Where a person applies to the Board in accordance with subsection (1) for a permit, the Board may, subject to subsection (3), issue him a permit subject to such conditions as the Board may impose.

(3) The Board shall not issue a permit under subsection (2) unless the Board is satisfied that -

- (a) the applicant is the owner or lessee of the premises;

- (b) the premises are suitable for use as a betting outlet;
- (c) the National Racing Commission has approved the applicant as an agent;
and
- (d) the prescribed fee has been paid.

(4) A permit granted by the Board under subsection (1), shall be subject to such conditions as the Board may determine.

(5) An applicant may appeal to the Minister against -

- (a) the refusal of the Board to grant a permit under subsection (2); or
- (b) the revocation of a permit granted by the Board under subsection (2).

(6) Every such appeal shall be made in writing within thirty days of the communication of such refusal or revocation, as the case may be, to the person to whom the application for such permit was made, or to whom such permit was granted.

(7) In the exercise of his power to determine an appeal the Minister may -

- (a) dismiss such appeal;
- (b) require the Board to issue a permit;

- (c) quash any revocation of a permit;
- (d) permit the applicant to make a fresh application for a permit notwithstanding that the period prescribed by subsection (5) has not expired,

and the Board shall give effect thereto.

(8) A person aggrieved by a decision made by the Minister may appeal to a Judge in Chambers.”.

Passed in the House of Representatives this day of , 2001.

Clerk of the House.

I confirm the above.

Speaker.

Passed in the Senate this day of , 2001.

Clerk of the Senate.

I confirm the above.

President of the Senate.