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First Session Twelfth Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to provide for the regulation and control of
gaming and betting and matters related thereto

THE GAMBLING (GAMING AND BETTING) CONTROL
BILL, 2021

Explanatory Notes

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

The Bill seeks to provide for the establishment of the Gambling (Gaming and Betting) Control Commission (hereinafter referred to as “the Commission”) for the purpose of regulating the gaming and betting sectors which are, both on a global and national level, vulnerable to infiltration by money launderers and terrorist financing.

It is expected that the Commission will establish a licensing framework which will aid in minimising the potential for money laundering and terrorist financing due to the stringent criteria that will have to be met in order to obtain a licence to work in the gaming and betting sectors. It is recognised that these sectors have the potential to contribute meaningfully and positively to the national economy, if regulated effectively, by creating employment, not only in the sector but in other downstream sectors, thereby creating greater tax revenues.

Part I of the Bill would provide for preliminary matters such as the title and definitions. It is proposed that this Bill will come into operation on a date fixed by the President by Proclamation.

Part II of the Bill proposes to establish the Commission which will be managed by a Board. This Part sets out the constitution and procedures of the Commission as well as the functions and powers of the Board. In this Part, provisions are made for the appointment of Board members, staffing of the Commission, the appointment of Committees, funding, allowable expenditure of the Commission, audits, annual reports, procurement rules and other matters that the Commission, as with other statutory authorities, is required to observe.

Part III of the Bill proposes to establish the licensing regime under which the gaming sector will be required to operate. As such, clause 30 identifies the different categories of operating licences and clauses 31 to 52 establish the framework for applications, investigations, objections, renewals, suspensions, revocations, variations, amendments, appeals and all matters pertinent to the licensing framework.

Part IV of the Bill is specific to the gaming sector and contains a transitional provision to permit gaming operators to continue to operate under the existing framework until such time as the Commission issues their licences under the proposed legal framework.

Part V of the Bill is specific to the betting sector and contains a transitional provision to permit betting shops, bookmakers and promoters to continue to operate under the existing framework until such time as the Commission issues their licences under the proposed legal framework.

Part VI of the Bill addresses the payment of taxes to the Commission by holders of a Gaming Owner's Licence, other than the collection of levy on bets made on live and simulcast horse or dog racing, which shall remain the responsibility of the Betting Levy Board. This Part also proposes the creation of two funds, the Rehabilitation Fund and the Development Fund, for the purposes of working with vulnerable persons and their families suffering the effects of gambling addiction as well as assisting in areas of sport development, arts and culture. The Minister shall appoint a Committee for the purpose of considering applications for funding and disbursing funds to relevant organisations and groups. The Committee is required to establish guidelines to facilitate applicants seeking financial assistance from the funds. A member of the Committee who has an interest in a matter is required to recuse himself from deliberations with respect to that matter. The Committee is also required to submit a report to the Minister annually on the management and activities of the Funds and the Minister shall in return lay the report in Parliament.

Part VII of the Bill gives specific powers to authorised officers and enforcement officers for the purpose of ensuring compliance with the Act. Authorised officers are empowered to inspect licensed premises, monitor activities, examine documents, records, and machines and do all such other things as set out in the Act. Enforcement officers are empowered to make copies of documents, records or information as well as to remove and retain anything they reasonably believe is being used or has been used to commit an offence. It would also be a condition of a licence for the licensee to consent to the entry of both the enforcement officers and authorised officers for the purposes of the exercise of their powers. However, enforcement officers can seek a warrant from the Court to facilitate the execution of their duties.

Part VIII of the Bill provides for hybrid offences and penalties, which are set out under three divisions. Division 1 contains Gaming

and Betting offences such as cheating and betting in streets and public places. Division 2 contains offences relating to children, such as inviting a child to gamble on gambling premises and knowingly employing a child to perform any function relating to gambling. Division 3 contains general offences such as obstruction.

Part IX of the Bill establishes an administrative fines system whereby offences created under Part VIII can alternatively be dealt with under an administrative fines system.

Part X of the Bill proposes that the Minister may make Regulations and imposes confidentiality requirements for members of the Board and officers and employees of the Commission.

Part XI of the Bill proposes consequential amendments to related legislation, specifically the Gambling and Betting Act, the Proceeds of Crime Act, the Registration of Clubs Act, the Trinidad and Tobago Racing Authority Act, the Betting Levy Board Act and the Financial Intelligence Unit of Trinidad and Tobago Act.

There are seven Schedules to the Bill as follows:

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THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2021

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BILL

AN ACT to provide for the regulation and control of
gaming and betting and matters related thereto

[, 2021]

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

PART I PRELIMINARY

1. This Act may be cited as the Gambling (Short title
and Betting) Control Act, 2021.

- Commencement **2.** This Act shall come into operation on such day as is fixed by the President by Proclamation.
- Interpretation **3.** (1) In this Act—
- “AML/CFT/PF” means Anti-Money Laundering/ Countering the Financing of Terrorism/ Financing the Proliferation of weapons of mass destruction;
- “associate”, in relation to a licensed business, means any person who holds any financial interest in, or can exercise any power, control or influence over, the licensed business;
- “authorised officer” means an officer designated under section 67;
- “bank”, in relation to equal chance game, means the sum of money held by the house or a dealer who plays against the other participants in the game;
- “beneficial owner” means—
- (a) the natural person on whose behalf a transaction is being conducted; or
- (b) the natural person who exercises ultimate effective control over a legal person or arrangement;
- (c) in respect of licensees and applicants under this Act—
- (i) the natural person who ultimately owns or controls the company or business through indirect or direct ownership or control through other means other than a company listed on a regulated market that is

subject to disclosure requirements which ensure transparency of ownership information;

- (ii) if no natural person is identified under paragraph (i) or if there is any doubt that the person identified in paragraph (i) with the controlling ownership interest is the beneficial owner, the natural person who exercises control of the legal person or arrangement through other means; or
- (iii) if no person is identified under paragraphs (a), (b) or (c)(i) or (ii) or if there is any doubt that the person identified is the beneficial owner, the natural person who holds the position of senior managing official;

“betting” means making or accepting, on a fixed odds or pool betting basis, a bet on the outcome of an animal race, including a horse or dog, a sporting event or other events;

“betting shop” means premises in respect of which a Betting Operator’s Licence and a Premises Licence is in force, and in particular, refers to—

- (a) an off-track betting shop; or
- (b) a private betting shop;

“betting transaction” means the accepted contest between a bookmaker or a promoter and a punter or bettor on the outcome of an event;

“Board” means the Board of the Commission referred to in section 5(2);

“bookmaker” means a person licensed by the Commission, who—

(a) accepts bets on a fixed odds basis and to whom the person making the bet looks to for payment of his winnings; and

(b) by way of business in any manner holds himself out or permits himself to be held out as a person who receives or negotiates bets on a fixed odds basis;

“casino” means premises licensed by the Commission to accommodate casino games;

“casino game” includes a game of chance, other than an equal chance game, and includes Blackjack, Baccarat, Dice, Rum 32, Sip San, Roulette, Poker and a slot machine game;

“child” means a person under the age of eighteen years;

“Commission” means the Gambling (Gaming and Betting) Control Commission established under section 5(1);

“company” means a body incorporated or continued under the Companies Act;

“Contingency Fund Account” means the bank account established pursuant to section 20(2);

“Development Fund” means the Development Fund established under section 64(1);

“director” has the meaning assigned to it in section 4 of the Companies Act; Chap. 81:01

“enforcement officer” means a constable appointed under the Supplemental Police Service Act; Chap. 15:02

“equal chance game” means a game of chance—

(a) that does not involve playing or staking against a bank, regardless of how the bank is described and whether or not it is controlled or administered by a player; and

(b) in which the chances are equally favourable to all participants,

and “equal chance gaming” shall be construed accordingly;

“equipment” means—

(a) a device for the playing of a casino or any other type of game;

(b) a gaming machine;

(c) a device used in any type of gaming or betting activity; or

(d) a machine, computer or device, inclusive of software, used for the purposes of gaming or betting or the regulation thereof;

“FIUTT” means the Financial Intelligence Unit established under the Financial Intelligence Unit of Trinidad and Tobago Act; Chap. 72:01

“fixed odds betting” means betting on the basis of odds that are fixed by a licensed promoter or bookmaker, whether locally or abroad, even though the odds may be changed from time to time prior to the start of the race or event;

“gambling” means the collective activities of gaming and betting and all matters related thereto;

“gambling device” means a device designated by the Commission for gaming and betting activities;

“gambling establishment” means premises licensed by the Commission to conduct gaming and betting activities pursuant to the provisions of this Act;

“gambling instrument” or “gambling instrumentality” includes—

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

“gambling machine” means a machine—

- (a) designed or adapted for use by individuals to gamble whether or not it can be used for other purposes; and
- (b) which may be operated wholly or in part by means of a gambling instrument,

by virtue of which winnings may become payable or some gain, advantage or prize is awarded;

“game of chance” includes a game that—

- (a) involves both an element of chance and an element of skill;
- (b) involves an element of chance that can be eliminated by superlative skill; and

(c) is presented as involving an element of chance;

“gaming” means to play a game of chance for a prize or winnings in money or money’s worth;

“gaming establishment” means a casino, a gaming lounge or other premises prescribed by the Commission to provide gaming activities;

“gaming lounge” means premises licensed under the Liquor Licences Act, in respect of which a licence is issued by the Commission, pursuant to this Act, to accommodate a maximum of twenty amusement machines; Chap. 84:10

“IFRS” means International Financial Reporting Standards issued by the International Accounting Standards Board;

“key person”, in relation to a licensed business, means any person who—

(a) is an owner, beneficial owner, director, controlling shareholder, associate, trustee, committee member or manager of a licensee; or

(b) has the ability, directly or indirectly, to exert a significant influence over the management or operations of a licensee;

“licence” means a licence issued by the Commission pursuant to the provisions of this Act;

“member” means a member of the Board;

“Minister” means the Minister to whom responsibility for finance is assigned;

“off-track betting shop” means premises in respect of which a licence is issued by the Commission for use by a licensed promoter for the purpose of accepting bets in pool betting;

“participation fee” means an amount, however described, paid in respect of entitlement to participate in gambling;

“pool betting” means betting into a pool from which the licensed operator takes a percentage, leaving a balance to be distributed amongst winners;

“premises” means any house, office, room or building and any racetrack, place or spot, whether open or enclosed, and includes an aircraft, ship, or other vessel whether afloat or not, and any other premises or vehicle as the Commission may prescribe;

“private betting shop” means premises in respect of which a licence is issued by the Commission for the purpose of conducting fixed odds betting;

“prize”, in relation to gaming, means a reward given for winning in the form of money or money’s worth;

“promoter” means a person licensed by the Commission to stage live racing and accept bets on a pool betting basis;

“racing” means an animal race, including horse, dog or other animal racing;

“Rehabilitation Fund” means the Rehabilitation Fund established under section 64(1);

“relative”, in respect of any person, means a spouse, cohabitant, as defined in the Cohabitation Relationships Act, parent, Chap. 45:55 grandparent, brother, sister, child, child of a

cohabitational relationship, adopted child and stepchild of the person;

“remote communication” means communication using the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication;

“remote gambling” means gambling in which persons participate by the use of remote communication;

“Secretary” means the Corporate Secretary appointed under section 7(1);

“simulcast racing” means live racing conducted in a jurisdiction outside of Trinidad and Tobago which is transmitted live on television monitors by modes of transmission approved by the Commission and on which bets are accepted by licensees;

“sport” means an athletic activity requiring skill or physical prowess and often of a competitive nature;

“sports betting” means all betting on sports events wherever held;

“stake” means an amount paid or risked in connection with gambling and which is either used in calculating the amount of the winnings or the value of the prize—

(a) that the person making the stake receives if successful; or

(b) in respect of the gambling in which the person making the stake participates;

“Supervisory Authority” means the competent authority responsible for ensuring compliance by financial institutions and listed business with requirements to combat money laundering;

“totalisator” means a device showing the number and amount of bets staked on a race, to facilitate the division of the total among those who have won; and

“vulnerable person” means a person who exhibits an addiction to gambling as evidenced by –

- (a) his indebtedness to an extent that he cannot pay gambling related debts;
- (b) his inability to—
 - (i) meet his basic needs or family obligations because of gambling related debts; or
 - (ii) meet the obligations of his job because of his addiction to gambling.

(2) Subject to subsection (3), for the purposes of this Act, “amusement machine” means a single person terminal device that—

- (a) internally has an independent number generator for the play of a video or electro-mechanical game that has an outcome per game that is random and not dependent on the outcome of previous games;
- (b) is set in operation wholly or in part by the insertion of money or money’s worth; and
- (c) is so constructed as to return, in certain circumstances, to the person playing, money or money’s worth to the maximum award per game played of five thousand dollars.

(3) A device that—

- (a) is used to play casino games, including software; or

(b) has a multiple player station linked to a random or other central game outcome, is not an amusement machine for the purposes of this Act.

4. The objects of this Act are to—

Objects of the Act

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

PART II

THE GAMBLING (GAMING AND BETTING)

CONTROL COMMISSION

5.(1) There is hereby established a body corporate to ^{Establishment and} be known as “the Gambling (Gaming and Betting) ^{constitution} Control Commission”.

(2) The Commission shall be managed by a Board appointed by the President for the purpose of exercising such powers and duties as are conferred upon it by this Act and any other written law.

(3) Subject to section 6(1), the Board shall consist of a Chairman and not less than six nor more than ten other members appointed in accordance with subsection (5), one of whom shall be appointed on the recommendation of the Chief Secretary of the Tobago House of Assembly.

(4) The members of the Board shall be appointed on such terms and conditions as the Minister shall determine.

(5) A person shall be qualified to be a member of the Board by reason of his work and experience in the gambling industry or a field relating to law, finance, information technology, economics, management, social work or law enforcement.

(6) A person who—

- (a) has operated a gambling establishment prior to the coming into force of this Act;
- (b) holds a licence issued under this Act;
- (c) intends to apply for a licence pursuant to the provisions of this Act; or
- (d) has a financial interest in but does not operate a gambling establishment,

shall not be eligible for appointment to the Board and, in the case of a person who holds a position on the Board, an application for a licence under this Act, shall be grounds for an automatic termination of the member's appointment on the Board.

Tenure

6. (1) The first Board shall consist of—

- (a) the Chairman, a Deputy Chairman and two other members, each appointed for a term of four years;
- (b) three members, each appointed for a term of three years; and
- (c) two members, each appointed for a term of two years,

and their appointments shall not expire on the same date.

(2) Appointments to the Board subsequent to the first appointment of the Board shall be for periods not exceeding four years and shall not exceed, whether consecutively or not, eight years in aggregate in respect of each member.

(3) A member shall hold and vacate office in accordance with the terms of his appointment.

(4) A member may resign by notice in writing to the Minister.

(5) The appointment of any person to membership of the Board and the termination thereof, whether by—

- (a) death;
- (b) resignation;
- (c) revocation;
- (d) effluxion of time; or
- (e) employment in or the holding of any financial interest in a company licenced under this Act or otherwise,

shall be published in the *Gazette*.

(6) A member may be removed from office by the Minister, where he—

- (a) becomes a person of unsound mind;
- (b) becomes bankrupt;
- (c) is unable, unfit or unwilling to perform his functions;
- (d) is absent from three consecutive meetings of the Board without leave of the Board or without reasonable cause;
- (e) is guilty of misconduct in relation to his duties as a member; or

(f) is sentenced to imprisonment or is convicted of an offence involving fraud or dishonesty, whether in Trinidad and Tobago or elsewhere.

Corporate Secretary **7.** (1) The Board shall appoint a Corporate Secretary for a period of not less than three years and no more than five years on such terms and conditions as shall be agreed and shall be eligible for reappointment.

(2) The Secretary shall be responsible for such matters as the Board may determine.

The Seal **8.** (1) The Seal of the Commission shall be kept in the custody of the Secretary.

(2) The Seal shall be used with the permission of the Board in the presence of the Chairman and one other member and the Secretary and every instrument to which it is affixed shall be signed by the Secretary and the Chairman or the Secretary and the Deputy Chairman.

(3) All documents other than those required by law to be under Seal shall be signed by the Chairman or the Deputy Chairman or a member authorised by the Board.

Service of documents **9.** Service upon the Board of any notice, order or other document, shall be executed by delivering the same or by sending it by registered post addressed to the Secretary at the office of the Board.

Proceedings **10.** (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business but, in any case, shall meet at least once in every calendar month, and the meetings shall be held at such place and time and on such days as the Board determines.

(2) The Chairman may, at any time, call a special meeting of the Board and shall also call such meeting within seven days of the receipt of a request for that purpose addressed to him by any five members.

(3) The Chairman shall preside at meetings of the Board and in the absence of the Chairman from any meeting, the Deputy Chairman shall preside at that meeting.

(4) The Chairman, or in his absence the Deputy Chairman, and four other members shall form a quorum.

(5) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(6) Subject to this section, the Board may, by Bye-laws, regulate its own proceedings.

11. (1) The Board may appoint committees to ^{Appointment of} examine and report to it on any matter whatsoever ^{committees} arising out of, or connected with, any of its powers and duties under this Act.

(2) The Board shall establish a standing committee to be known as “the Audit and Regulatory Committee” which shall have a compliance oversight role in the specific areas of financial reporting and internal controls implemented within the operations of the licensees.

(3) Based upon their specific expertise, three members of the Board shall be appointed to the Audit and Regulatory Committee and may be required to attend industry training seminars to gain specific knowledge of their governance roles.

(4) A committee appointed by the Board, other than the Audit and Regulatory Committee, shall consist of at least one member of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may require.

(5) Where persons, not being members of the Board, are members of the committee appointed under

this section, the Board may, with the approval of the Minister, by resolution declare the remuneration and allowances of such persons and such sums shall properly be so payable out of the funds and resources of the Commission.

(6) The Board may, by resolution, reject the report of any committee or adopt it either wholly or with such modification, addition or adaptation as the Board considers appropriate.

(7) Subject to this Act, and to the prior approval of the Minister, the Board may delegate by instrument in writing to a member or a committee, power and authority to carry out on its behalf such functions and to exercise such powers as the Board may determine, but any such delegation shall be revocable at will and shall not preclude the Board from carrying out such functions or exercising such powers from time to time as the occasion requires.

Declaration of
members' interests

12. (1) Every member of the Board shall, on appointment and annually thereafter, submit to the Minister a declaration stating that he has no actual or contingent pecuniary interest in any—

- (a) licensee or proposed licensee regulated or to be regulated by the Commission; or
- (b) business or body corporate carrying on business with the Commission in the exercise of its functions.

(2) Any member who has an actual or contingent pecuniary interest shall, as soon as possible after the relevant facts come to his knowledge, disclose in writing to the Board and to the Minister the nature of that interest.

(3) A disclosure under subsection (2) shall be recorded in the Minutes of a meeting of the Board and the member shall—

- (a) not take part after disclosure, in any deliberation or decision of the Board with respect to that matter; and

(b) be disregarded for the purpose of constituting a quorum of the Board.

(4) Any person to whom this section applies who fails to comply with the provisions of this section commits an offence unless he can prove to the satisfaction of the Court that he did not know—

- (a) the matter in which he had an interest was the subject of consideration at the meeting; or
- (b) he had an interest in the matter under consideration at the meeting.

13. (1) The functions of the Commission are—

Functions and powers of the Commission

- (a) to regulate and control the operation of gambling in Trinidad and Tobago;
- (b) subject to section 87, to provide such information to other regulatory, supervisory and government agencies, including the Board of Inland Revenue, the FIUTT, 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;
- (c) to seek to address, through the Rehabilitation Fund and the Development Fund, the harmful and negative effects of gambling;
- (d) to ensure that licensed activities and all gambling activities conducted under this Act are conducted in a fair and honest manner;
- (e) to collect fees and levies;
- (f) to advise the Minister on all matters relating to the operation of this Act;

- (g) to formulate and implement policies, codes of practice and other documents for the administration and control of the conduct of gaming and betting;
- (h) to review regularly the operations of licensed gambling activity; and
- (i) to carry out such other actions in pursuance of the provisions of this Act.

(2) In the performance of its functions under subsection (1), the Commission may—

- (a) grant, renew, suspend, review, vary, amend, revoke or cancel licences pursuant to the provisions of this Act;
- (b) determine the terms and conditions of licences subject to the provisions of this Act;
- (c) engage in consultations as prescribed or pursuant to the objectives of this Act;
- (d) conduct studies, prepare reports, and generally make recommendations to the Minister relating to the gambling industry in Trinidad and Tobago;
- (e) verify or cause to be verified, the background, character and reputation of an applicant and any associate, employee, relative or other person as it deems necessary;
- (f) 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 power, the provisions of Schedule 4 and regulations made under this Act shall apply;

- (g) require the production of any documents, records and information in the custody or control of a licensee or an associate;
- (h) request the appearance of a licensee, associate or any employee or officer of a licensee or any other person for the purpose of attaining compliance with this Act;
- (i) require verification of all income and other matters relevant to the business for which a licence is granted under this Act;
- (j) inspect or cause to be inspected, premises and all equipment where licensed activities are conducted;
- (k) impound or seize any betting machine, gaming machine or gaming device or associated equipment, document or records for the purpose of examination or inspection;
- (l) designate or cause to be designated, any machine or device to be a gaming or betting machine or device;
- (m) direct the implementation of a computerised internal enterprise network system or such other processes and procedures to facilitate interrogation, validation and auditing of gaming and betting operations;
- (n) seek to resolve disputes between licensees and consumers; and
- (o) do all such other things as are in its opinion necessary for, or conducive to, the proper discharge of its functions, powers and duties under this Act.

14. (1) The Board shall appoint a Chief Executive Officer for a term not exceeding five years on such terms and conditions as are agreed upon between the Board and the Chief Executive Officer and shall be eligible for reappointment.

Appointment of Chief
Executive Officer

(2) The Chief Executive Officer shall manage the affairs of the Commission subject to the directions of the Board.

(3) The Chief Executive Officer shall attend all meetings of the Board and participate in its deliberations but shall not vote on such deliberations.

(4) The appointment of the Chief Executive Officer and the termination of that appointment, whether by death, resignation or otherwise, shall be published in the *Gazette*.

Personal liability

15. (1) Neither a member of the Board nor a member of staff of the Commission is liable to any action, claim or demand or any liability in damages or any other remedy whatever 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.

(2) Any sums of money, damages or costs recovered against the Commission for anything done or omitted or permitted to be done in good faith in the course of the operations of the Commission shall be paid out from the funds of the Commission.

Execution of policy

16. The Commission shall give effect to such written policy directions of the Minister, in relation to any matter concerning the regulation of gambling, as appears to the Minister to be in the public interest.

Staff of the Commission

17. (1) The Commission may employ such persons as it considers necessary for the due and efficient performance of its functions and exercise of its powers on such terms and conditions as are agreed upon between the Commission and those persons, subject to such remuneration as the Board may determine.

Schedule 1

(2) Pursuant to the provisions of Schedule 1, officers in the Public Service or a Statutory Authority may be seconded or transferred to the Commission.

(3) The Commission may employ persons to perform specific tasks that the Commission considers necessary for the due performance of its functions and exercise of its powers under this Act, on such terms and conditions as are agreed between the Commission and the person and subject to such maximum limit of remuneration as the Board determines.

18. The funds of the Commission shall consist of— Funds of the Commission

- (a) such amounts as may be appropriated by Parliament for the purposes specified in section 19;
- (b) special grants of funds as may from time to time be provided for the financing of any special project;
- (c) monies collected in respect of licences, levies, fees and other monies lawfully due to the Commission under this Act;
- (d) all sums from time to time received by, or falling due to, the Commission as fees or payments for services rendered;
- (e) all other sums that may in any manner become lawfully payable to the Commission in respect of any matters incidental to its functions; and
- (f) such amounts borrowed by the Commission consistent with section 26.

19. The funds of the Commission, in any financial Allowable expenditure year, shall be applied in defraying the following expenditure:

- (a) the operating expenses of the Commission;
- (b) such capital expenditure as may be necessary, subject to the approval of the Minister;
- (c) the fees and allowances of the Chairman and other members of the Board;

- (d) 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;
- (e) research and development projects, training and certification and other related matters; and
- (f) any other expenditure or losses or write-offs 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.

Accounts of the
Commission

20. (1) The Commission shall keep and maintain a bank account into which monies, collected by way of licence fees and levies and any other monies collected pursuant to the provision of this Act, shall be deposited and disbursed therefrom for the purposes set out in section 19.

(2) The Commission shall establish a secondary bank account to be known as "the Contingency Fund Account", in which it shall deposit sums collected by way of levy pursuant to section 63 and approved by the Minister, for the purposes of meeting obligations that come due in the short-term of no more than twelve months.

(3) The Commission shall establish and maintain such other bank accounts opened with the approval of the Minister, as deemed necessary, in furtherance of the provisions of this Act.

(4) At the end of each financial year, any surplus of funds remaining in the account opened in accordance with subsection (1), shall be paid into the Consolidated Fund.

21. (1) For the purposes of this Part—

Budget of the
Commission

“IFRS” means International Financial Reporting Standards which includes the International Accounting Standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago;

“surplus” means the balance of revenue after payment of all allowable expenditure of the Commission and approved allocations to the Contingency Fund, the Rehabilitation Fund and the Development Fund.

(2) The Commission shall prepare a budget in accordance with such form as the Minister may direct and submit those estimates to the Ministry not later than the stipulated deadline date.

(3) The Commission shall furnish the Minister with any additional information in relation to the estimates as he may require.

(4) The estimates of expenditure as approved by the Minister shall be the expenditure budget of the Commission for the financial year to which it relates.

22. (1) The Commission shall keep proper accounts and other records in relation to the business of the Commission and shall prepare annually a statement of accounts in accordance with IFRS or other best practice commercial standards. Accounts and audit

(2) The accounts of the Commission are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution and the Exchequer and Audit Act applies as if an audit referred to in this Part Chap. 69:01 is one to which that Act applies.

(3) The Auditor General or an auditor authorised by him to undertake an audit shall carry out an audit of the annual accounts and other records in relation to the business of the Commission.

(4) The fees and expenses of the Auditor General or the auditor authorised under subsection (3) shall be paid for by the Commission.

(5) The Commission shall submit a copy of the audited accounts to the Minister no later than four months after the end of its financial year.

Annual Report

23. (1) The Commission shall, within four months after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Commission during the preceding financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the Auditor's Report to be laid in Parliament.

(3) The Commission shall publish copies of the documents referred to subsection (2) in such manner as it deems appropriate.

Financial year

24. The financial year of the Commission shall be the twelve-month period ending 30th September in every year or such other period that the Commission may prescribe, and the period from the date of commencement of this Act, to the end of September next following, shall be deemed to be the first financial year.

Exemption from tax

25. (1) The Commission is exempt from stamp duty, corporation tax, customs duty, motor vehicle tax and all other taxes, fees, charges, provisions of assessments, levies and imposts on its income or on assets which it acquires for its own use.

(2) Where goods are imported by the Commission for and on behalf of the Commission, such goods and services shall be exempt from Value Added Tax under the Value Added Tax Act.

Chap. 75:06

Borrowing powers

26. (1) Subject to the provisions of subsection (2), the Commission may borrow sums required by it for capital expenditure in discharging any of its functions under this Act.

(2) The power of the Commission to borrow shall be exercisable only with the approval of the Minister, and an approval given in any respect for the purpose of this subsection may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(3) The Minister may guarantee the repayment of the principal and the payment of interest on any authorised borrowings of the Commission.

(4) The Commission may, subject to the approval of the Minister, raise money by the issue of securities required by it for meeting any of its obligations and discharging any of its functions.

(5) For the purposes of this section, “security” has the meaning assigned to it under the Securities Act. Chap. 83:02

27. For the purposes of regulating and controlling the Financial rules financial operations of the Commission, the Board may develop accounting procedures and policies in accordance with IFRS.

28. The Commission shall, in the performance of its Procurement procedures functions, be subject to the written laws governing the procurement of goods, works or services and the provisions of any other written law.

PART III THE LICENSING REGIME

- 29.** A person shall not— Requirement for a licence
- (a) own or operate a gaming establishment for the purpose of conducting gaming;
 - (b) perform a specific function in connection with a licensed betting or gaming activity or in relation to licensed premises;
 - (c) manufacture, fabricate, assemble, programme, modify or repair an equipment;

- (d) sell, import, supply or distribute a gaming machine or associated equipment;
- (e) lease a gaming machine to an owner or operator of a gaming establishment in exchange for remuneration based on earnings in profit from a gaming operation;
- (f) manufacture, sell, supply, install or adapt gambling software;
- (g) provide facilities for betting of any kind; or
- (h) provide or utilise premises for the purpose of gaming or betting,

without first acquiring the necessary licence from the Commission pursuant to section 32.

Categories of licences **30.** (1) The Commission shall issue a licence in accordance with the provisions of this Act.

(2) There shall be categories of licences, as follows:

- (a) a Gaming Operator's Licence, which shall permit the licensee to operate a gaming establishment for the purpose of conducting gaming;
- (b) a Betting Operator's Licence, which shall permit the licensee to operate a betting shop for the purpose of conducting betting;
- (c) a Gaming Owner's Licence, which shall permit the licensee to own a gaming establishment though not operate such establishment without first having obtained a Gaming Operator's Licence;
- (d) a Bookmaker's Licence, which shall permit the licensee to conduct betting activities other than pool betting;
- (e) a Promoter's Licence, which shall permit the licensee to stage live racing and conduct pool betting (*pari-mutuel*) activities;

- (f) a Gaming Machine Operating Licence, which shall permit the licensee to sell or lease a gaming machine for use in premises approved by the Commission for its purpose, including casinos, gaming lounges and other premises licensed to conduct such activities;
- (g) a Gaming Machine Distributor Licence, which shall permit the licensee to import and supply licensed gaming machines or prescribed gaming components and related equipment;
- (h) a Technical Operator's Licence, which shall permit the licensee to install, maintain or repair licensed gaming machines;
- (i) a Premises Licence, which shall permit the licensee to conduct activities approved by the Commission under an operating licence at premises stipulated in the licence;
- (j) a Personal Licence, in respect of key employees within a licensed betting or gaming establishment;
- (k) a Gaming Machine Manufacture Licence, which shall permit the licensee to manufacture, fabricate, assemble and programme gambling equipment; and
- (l) any other licence as the Commission may stipulate from time to time, as it deems necessary, and related to the discharge of its duties and functions.

(3) A person who is a key stakeholder in the racing sector shall not be issued a Bookmaker's Licence or a Promoter's Licence.

(4) For the purposes of subsection (3), a "key stakeholder" includes a race horse owner, trainer, jockey and a member of an organisation affiliated with or regulating the betting industry.

(5) The Minister may by Order, subject to negative resolution of Parliament, amend the categories of licences.

AML/CFT/PF
supervision

31. (1) The FIUTT shall be the Supervisory Authority responsible for the AML/CFT/PF supervision of gambling establishments.

(2) A gambling establishment shall apply for registration with the FIUTT within five business days of obtaining its licence to operate as a gaming or betting establishment.

(3) Notwithstanding subsection (1), section 18C of the Financial Intelligence Unit of Trinidad and Tobago Act does not apply to gambling establishments.

Chap. 72:01

Application for a
licence

32. (1) Subject to subsection (2), the following persons may apply for a licence under this Act:

- (a) a person who is eighteen years of age and older; or
- (b) a company incorporated under the laws of Trinidad and Tobago.

(2) A company incorporated under the laws of Trinidad and Tobago is eligible to apply for a Gaming Owner's Licence, a Bookmaker's Licence or a Promoter's Licence.

(3) An application for a licence under section 30 shall include the following:

- (a) the prescribed form;
- (b) a completed AML/CFT/PF risk assessment questionnaire;
- (c) the prescribed fee; and
- (d) such other information as may be prescribed.

(4) An applicant under this section shall, prior to the application being accepted, consent to the use by the Commission of the personal information contained in

the application—

- (a) for the purpose of processing the application; and
- (b) where a licence is granted, for the maintenance of the register under section 51 and such other purposes of this Act as the Commission thinks fit,

and that personal information shall remain confidential in accordance with section 87.

(5) The information obtained under subsection (4) shall remain confidential and shall not be shared except with the consent of the applicant.

(6) Notice of the application shall be published by the Commission in at least two newspapers in daily circulation in Trinidad and Tobago for such period as the Commission shall determine, inviting the public to comment thereon within one month from the time the notice first appears in the newspapers.

(7) An application for a licence shall be accompanied by such documents as the Commission prescribes.

(8) The following persons may object to the granting of a licence, in writing to the Commission:

- (a) any resident of, or business owner in the area in which the proposed licensed premises are located;
- (b) any school principal, teacher or parent of a student of a school in the area in which the proposed licensed premises are located;
- (c) a representative of any religious group that is located in the area in which the proposed licensed premises are located;
- (d) the Chief Secretary of the Tobago House of Assembly;

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- (e) a municipal or regional corporation defined under the Municipal Corporations Act; or
- (f) any interested party.

Fit and proper criteria

33. (1) The Commission shall assess an applicant as fit and proper, pursuant to the criteria set out in Schedule 2, prior to the granting of a licence.

(2) The Minister may, by Order subject to negative resolution of Parliament, amend Schedule 2.

(3) The Commission may, if it deems such action to be necessary, demand from a licensee a list of all persons who are employed in the gaming establishment but not required to be licensed under this section, and the licensee shall comply.

Investigations

34. (1) Upon receipt of an application, the Commission shall carry out an investigation of the applicant and any proposed or existing associate or employee of the applicant.

(2) The applicant and the persons referred to in subsection (1) may, if requested by the Commission—

- (a) submit to, or assist in the investigation;
- (b) submit to an interview;
- (c) provide information or documents requested by the Commission that are pertinent to the application; or
- (d) be subject to a hearing for the purpose of an application.

(3) The Commissioner of Police shall cause such enquiries to be made as he deems necessary and shall provide a copy of the report on his enquiries to the Commission.

(4) The Commission shall make rules for the conduct of the hearing of any application referred to in subsection (2)(d).

(5) Rules made pursuant to subsection (4) shall be published in the *Gazette* and shall be available at the office of the Commission.

35. The Commission shall, upon the conclusion of any hearing, forward a copy of its decision to the applicant and publish its decision once a week, for at least two weeks in at least two newspapers in daily circulation in Trinidad and Tobago.

36. (1) The Commission may—

- (a) approve or refuse an application; or
- (b) approve an application in respect of specified gambling activities only and reject in respect of other gambling activities.

Decision of the
Commission

Power to approve or
refuse an application

(2) Upon approval of an application pursuant to the subsection (1), and upon the payment of the prescribed fee, the Board shall issue a licence to the applicant duly signed by the Secretary or Chairman and inform the Supervisory Authority of the issuance of the licence within thirty days of the date of its decision.

(3) A licence shall be valid for the period of time specified in the licence, unless it is revoked prior to the end of the period in accordance with this Act.

37. A licence may specify one or more of the following:

- (a) the name of the licensee;
- (b) the period of the licence;
- (c) the gambling activity to be undertaken;
- (d) the premises to which the licence applies;
- (e) the conditions upon which the licence is granted;
- (f) the facilities to be provided;
- (g) the equipment permitted to be used; and
- (h) any other matter that the Board considers pertinent.

Form of licence

38. (1) It shall be a condition of every licence that the licensee shall—

- (a) comply with such terms, conditions and restrictions as may be specified in the licence;
- (b) 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;
- (c) comply with such directions, restrictions, conditions or requirements as the Commission may impose during the period of the licence;
- (d) notify the Commission of his conviction or the conviction of an associate or an employee for any offence under this Act, or any other written law which carries a penalty of imprisonment for more than two years;
- (e) consent to—
 - (i) 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
 - (ii) the exercise of the powers of authorised officers and enforcement officers under sections 67 and 68, respectively, on premises specified in the licence; and
- (f) comply 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.

(2) Subsection (1)(e) shall not apply to a Personal Licence.

(3) A licence may also contain the following conditions:

- (a) the nature, circumstances and extent of the licensed activities;
- (b) the facilities and the manner in which facilities may be provided;
- (c) how licensed activities are to be advertised;
- (d) the recording of users of facilities;
- (e) the installation of identification discs and online monitoring software as approved by the Commission, on gaming machines, gaming devices, betting machines and betting devices;
- (f) the quantum of financial resources to be made available or maintained for licensed activities;
- (g) the provision of annual financial statements and audited accounts of the licensed operations;
- (h) the requirement to pay fees and levies to the Commission and the Betting Levy Board, as prescribed; and
- (i) any other matter as the Commission determines.

39. The grant, variation, amendment, renewal, Publication of licence expiration, suspension or revocation of a licence shall be published in the *Gazette* and in at least two newspapers in daily circulation in Trinidad and Tobago and, notwithstanding the date of publication, the licence shall take effect on the date specified therein.

Premises Licence

40. (1) In addition to the general conditions applicable to licences, a Premises Licence shall contain further conditions that require the licensee to—

- (a) place in a prominent place on the premises rules by which the licensed activities will be conducted, including rules prohibiting gambling by minors; and
- (b) provide duly licensed and properly trained security staff at all entry and exit points on the premises.

(2) In exercising its functions under this Part, the Commission shall permit the use of premises for gambling where it is of the opinion that the premises—

- (a) meet the requirements of regulations made under this Act;
- (b) comply with any guidance issued by the Commission; and
- (c) are reasonably consistent with the licensing objectives.

(3) The Commission may, in relation to licensed premises, review—

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

Personal Licence

41. (1) For the purposes of this Act, a “Personal Licence” is 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.

(2) The following persons shall not be involved with any activities for which a licence is required, unless they first obtain a Personal Licence:

- (a) a director;

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

42. A licence shall expire—

Expiration of licence

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

43. (1) A licensee shall notify the Commission of his intention to renew his licence six months before its expiration.

Renewal of licence

(2) The application for renewal shall be accompanied by—

- (a) a copy of the licence to be renewed;

- (b) the renewal fee;
- (c) 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
- (d) any other information or document required by the Board.

(3) The application procedures for the licence shall apply *mutatis mutandis* to the renewal of the licence.

(4) In addition to the procedures required pursuant to subsection (3), the applicant shall provide such consent and authorisation as may be required by the Commission, including the granting to the authorised officer the right to enter the premises at any time over any twenty-four hour period, without notice, for the purpose of assessing the suitability of the applicant to the grant of a renewal of the licence.

Review of licence

44. (1) The Commission may, in relation to licences, review—

- (a) the manner in which licensees carry on the licensed activities; and
- (b) in particular, arrangements made by licensees to ensure compliance with the conditions attached to the granting of the licenses.

(2) The Commission may review any matter connected with the provision of gambling as authorised by a licence, where it—

- (a) has reason to suspect that activities may have been carried on in purported reliance on the licence but not in accordance with a condition of the licence;
- (b) believes that the licensee or a key person who exercises a function in connection with the licensed activities has been convicted of a criminal offence;

(c) for any reason—

- (i) suspects that the licensee may be unsuitable to carry on the licensed activities; or
- (ii) thinks that a review would be appropriate.

(3) For the purposes of subsection (2)(c), a reason—

- (a) may, in particular, relate to the receipt of a complaint about the licensee's activities; and
- (b) need not relate to any suspicion or belief about the licensee's activities.

(4) Before commencing a review of a licence under subsection (2), the Commission shall—

- (a) notify the licensee; and
- (b) inform the licensee of the procedure to be followed in the conduct of the review.

(5) In conducting a review of a licence under subsection (2), the Commission—

- (a) shall give the licensee an opportunity to make representations; and
- (b) may give the persons referred to in section 32(8) an opportunity to make representations.

(6) Following a review pursuant to subsection (1) or (2), the Commission may—

- (a) give the licensee a written warning;
- (b) attach an additional condition to a licence;
- (c) remove or amend a condition attached to a licence;
- (d) make, amend or remove an exclusion to a licence;

- (e) exercise its power to suspend a licence;
- (f) exercise its power to revoke a licence; or
- (g) exercise its power to impose a penalty.

(7) Where the Commission decides to take action under subsection (6) in respect of a licence, it shall, as soon as is reasonably practicable, notify the licensee of—

- (a) the action to be taken; and
- (b) its reasons.

(8) In determining what action to take under subsection (6), the Commission may have regard to a warning given to the licensee under that subsection following a previous review, whether or not of that licence.

45. (1) The Commission may suspend a licence if, following a review under section 44, it has reason to believe that any of the conditions specified in subsection (8) apply.

Suspension of licence

(2) The Commission may suspend a licence if, at the time of deciding to conduct a review under section 44 or at any time during the course of a review, the Commission suspects that any of the conditions specified in subsection (8) may apply.

(3) Before suspending a licence, the Commission shall give the licensee notice in writing of its intention so to do, specifying the grounds upon which it proposes to suspend the licence.

(4) Where the licensee proposes to challenge the Commission's decision to suspend his licence under subsection (2), the licensee shall submit a written statement to the Commission within seven days of such notice showing cause why the licence should not be suspended.

(5) Where a decision is taken to suspend the licence, notice of the suspension shall be sent to the address of the licensee and published in the *Gazette* once a week, for at least two weeks, in at least two newspapers in daily circulation in Trinidad and Tobago.

(6) Where the Commission decides to suspend a licence, it—

(a) shall specify the date from which the suspension takes effect;

(b) shall specify either—

(i) a period for which the suspension shall last, which shall be without prejudice to the re-exercise of the power under subsection (1) on or after the expiry of that period; or

(ii) that the suspension shall last until some specified event occurs; and

(c) may make a saving or transitional provision which may, in particular, provide for a licence to continue to have effect in relation to a gaming machine supplied or another thing done, before the time when the suspension takes effect for other purposes.

(7) A licence shall have no effect while it is suspended under this section.

(8) The conditions referred to in subsections (1) and (2) of this section, leading to a suspension of a licence, are—

(a) that a licensed activity is being or has been carried on in a manner which is inconsistent with the licensing objectives;

(b) that a condition of the licence has been breached;

(c) that the licensee has failed to cooperate with a review under section 44; or

(d) that the licensee is unsuitable to carry on the licensed activity.

(9) In considering a licensee's suitability for the purpose of subsection (8)(d), the Commission may, in particular, have regard to—

- (a) the integrity of the licensee or of any person who exercises a function in connection with or is interested in the licensed activities;
- (b) the competence of the licensee, or of any person who exercises a function in connection with the licensed activities, to carry on the licensed activities in a manner consistent with the licensing objectives; and
- (c) the financial and other circumstances of the licensee or of any person who exercises a function in connection with or is interested in the licensed activities and, in particular, the resources available for the purpose of carrying on the licensed activities.

(10) A licensee aggrieved by the decision of the Commission to suspend its licence may within fourteen days from the date of the notice of suspension appeal to the High Court setting out the grounds of the appeal.

Revocation of licence

46. (1) The Commission may revoke a licence where—

- (a) the licensee, associate or other person to whom the licence applies, fails to meet any of the criteria stipulated therein;
- (b) the licensee fails to pay fees or levies falling due to the Commission or the Betting Levy Board;
- (c) the licensee has provided the Commission with false, materially misleading or inaccurate information;

- (d) the interests of customers are in any way threatened, whether by the manner in which the licensee is conducting or proposes to conduct its business or for any other reason;
- (e) a receiver of the licensee's undertaking has been appointed;
- (f) possession has been taken by, or on behalf of the holder of a debenture secured by any charge on any property of the licensee comprised in, or subject to the charge;
- (g) the licensee has merged or been amalgamated with another company or institution and the licence is no longer required;
- (h) the business of the licensee is no longer the business for which it was licensed;
- (i) 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, whether in relation to the business or not;
- (j) the licensee has been struck off the Register of Companies;
- (k) the licensee has been convicted for an offence which carries a term of imprisonment of at least twelve months;
- (l) the Commission considers suspension an insufficient response to the finding of a review conducted under section 44;
- (m) 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
- (n) it has been notified by the Supervisory Authority that the licensee has failed to comply with the Proceeds of Crime Act, the Chap.11:27

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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.

(2) Prior to revoking a licence, the Commission shall give the licensee notice in writing of its intention so to do, specifying the grounds upon which it proposes to revoke the licence.

(3) Where the licensee proposes to challenge the Commission's decision to revoke his licence under subsection (1), the licensee shall submit a written statement to the Commission within twenty-eight days of such notice showing cause why the licence should not be revoked.

(4) Where a decision is taken to revoke the licence, a notice of revocation shall be sent to the address of the licensee and published in the *Gazette*.

(5) Upon revocation, the Commission shall direct an enforcement officer to take charge of all books, records and assets of the licensee or any portion thereof for the purpose of safeguarding the interests of creditors, shareholders and customers.

(6) A licensee aggrieved by the decision of the Commission to revoke its licence may, within thirty 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.

Notice of change

47. (1) A licensee shall notify the Commission of any change in its circumstances and provide details of the change within fourteen days of the change.

(2) Without prejudice to the generality of subsection (1), a licensee shall notify the Commission of any of the following changes:

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

(3) Upon receipt of any notice under this section, the Commission may vary, suspend or revoke a licence or give such other directions as it deems necessary.

(4) The Commission shall notify the Supervisory Authority in writing of the issuance, variation, amendment, renewal, expiration, suspension or revocation of a licence within thirty days from the date of its decision.

48. (1) A licensee may apply to the Commission to vary or amend his licence. Application to vary or amend licence

(2) An application under subsection (1) shall be accompanied by—

- (a) a statement of the variation or amendment sought;
- (b) the licence sought to be varied or amended;
and
- (c) the fee prescribed by the Commission.

(3) The Commission may grant the application for a variation or amendment subject to such terms and conditions as it determines.

(4) A notice of variation or amendment of a licence shall be published in the *Gazette* and in at least two newspapers in daily circulation in Trinidad and Tobago.

Application for
multiple licences

49. Subject to the provisions of this Part, a person may apply for more than one licence and the Commission shall take into consideration such matters as it considers relevant to the making of its determination.

Appeals

50. Any person aggrieved by a decision of the Commission under this Part may, within thirty days of receipt of the Commission's decision in respect thereof, appeal to the High Court.

Register

51. (1) The Commission shall establish and maintain a register comprising—

(a) Part 1, a public register containing the following particulars:

- (i) the name of every licensee;
- (ii) a list of every gambling machine and gambling device for which a licence is granted; and
- (iii) the address of every premises in respect of which a licence is granted; and

(b) Part 2, a private register containing any information submitted in an AML/CFT/PF risk assessment questionnaire referred to in section 32 and such other additional information not contained in paragraph (a) pertaining to the licence and licensee to which this Part refers.

(2) The Commission shall have custody of the register and all documents which relate to them.

(3) The Commission shall, upon payment of the prescribed fee, allow any person to inspect the public register during normal business hours.

(4) The Commission shall, upon payment of the prescribed fee, provide a person with a certified copy of, or an extract from the public register.

(5) The Commission may, on its own motion, or when requested by the Supervisory Authority, provide a certified copy of or an extract from the register to the Supervisory Authority.

(6) The Commission shall not disclose information received under section 32(3) which is not contained in the register except—

- (a) to the Board of Inland Revenue;
- (b) to the Customs and Excise Division;
- (c) to the Supervisory Authority;
- (d) to the Police Complaints Authority;
- (e) for the purposes of law enforcement for Court proceedings; or
- (f) pursuant to an order of the Court.

52. (1) The licensee shall put in place a system of ^{Internal controls} controls and accounting procedures when mandated by the Commission.

(2) The system of controls and accounting procedures referred to in subsection (1) shall include but not be limited to the following, and shall be subject to Schedule 3:

Schedule 3

- (a) accounting procedures and practices, including procedures for the collection, security, storage and transfer of funds;
- (b) the audit of financial statements by an auditor registered with the Institute of Chartered Accountants of Trinidad and Tobago, whose certificate shall be lodged with the Commission no later than four months after the end of the financial year;

- (c) the keeping of books and other records which shall be kept at the gaming premises and retained for no less than seven years after the completion of the transaction to which such books and records relate;
- (d) the keeping of closed-circuit television footage of the interior and exterior of the licensed premises for fourteen days or such other period as otherwise prescribed by the Commission;
- (e) human resource policies and practices;
- (f) procedures relating to the collection, disbursement, storage, recording and encashment of gambling instruments;
- (g) procedures for the inspection, maintenance and security of all gaming equipment;
- (h) procedures for determining, recording and paying winnings;
- (i) procedures for recording all financial transactions relating to the licensed business;
- (j) arrangements and procedures for the safety and security of the staff and patrons at the licensed premises;
- (k) procedures for the discovery and prevention of fraudulent or other corrupt practices;
- (l) procedures for the prevention of money laundering and terrorist financing; and
- (m) all such other matters as the Commission may require, pursuant to the provisions of this Act.

PART IV GAMING

Transitional for
gaming

53. (1) A person who, upon the commencement of this Act, owns or operates a gaming establishment or a gaming machine, subject to the provisions of the Liquor

Licences Act or the Registration of Clubs Act, shall Chap. 84:10
 within three months of the commencement of this Act— Chap. 21:01

- (a) notify the Commission of the existence and operation of his establishment and machines; and
- (b) provide proof of existence and operation as the Commission may prescribe.

(2) A person under subsection (1) shall thereafter apply for a licence under section 32 within such time frame as the Commission, in accordance with the provisions of this Act, shall determine.

(3) Until such time as the Commission makes a decision regarding an application, the person shall continue to operate his gaming establishment or gaming machine.

(4) Where the Commission discovers the existence of a gaming establishment or the operation of a gaming machine whose owner has failed to notify the Commission of its existence or operation under subsection (1), the Commission shall immediately report the matter to the police.

(5) An applicant for a licence to operate a gaming establishment, which was not in operation at the commencement of this Act, shall not commence operations until the Commission has made its decision with respect to such application.

54. A person shall not participate in a game of chance Participation in a game of chance if he is not present on the premises at the time when the gaming takes place.

55. Participation in a competition or other Prize competitions arrangement under which a person wins a prize is not gambling for the purpose of this Act unless it is gaming within the meaning of this Act.

56. The Commission shall have the power to Designation of machines designate any machine to be an amusement machine or a gaming machine.

Approval of games

57. (1) A game of chance shall not be played in a gaming establishment unless—

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

(2) The Commission shall approve all games to be played at a licensed establishment.

(3) The Commission may amend the lists of approved or disallowed games as it deems necessary in its sole discretion.

Display of gaming rules

58. (1) 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.

(2) The minimum and maximum wagers for every game shall be prominently displayed at each gaming table.

Entertainment not held for private gain

59. (1) Where gaming is carried on as an entertainment, the requirements of section 29 shall not apply, however the conditions set out in subsection (2) shall be complied with in connection with the promotion and conduct of the entertainment.

(2) The conditions referred to in subsection (1) shall be that—

- (a) the whole proceeds of the entertainment, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, are applied to purposes other than private gain; and
- (b) the amount of the proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purpose of the entertainment.

(3) The entertainments to which this section apply are—

- (a) bazaars, fetes, dinners, dances, fairs and other entertainment of a similar character whether limited to one day or extended over a maximum of seven days; and
- (b) entertainments approved in writing by the Commissioner of Police.

PART V
BETTING

60. (1) A person who, upon the commencement of this Transitional for betting Act, owns or operates a—

- (a) betting shop or other premises where betting activities are carried on; or
- (b) machine used for the purpose of betting activities,

and is licensed under the Gambling and Betting Act, Chap. 21:04 shall within three months of the commencement of this Act—

- (c) notify the Commission of the existence and operation of his establishment, premises or machine; and
- (d) provide proof of existence and operation as the Commission may prescribe.

(2) A person under subsection (1) shall thereafter apply for a licence under section 32 within such time frame as the Commission, in accordance with the provisions of this Act, shall determine.

(3) Until such time as the Board makes a decision regarding an application to operate a betting shop or other premises to conduct betting activities, the applicant may continue to operate the betting shop or other premises for carrying on betting activities or operate the machine for the purpose of betting activities by either himself or through any employee or agent of his.

(4) An applicant for a licence to operate a betting shop, which was not in operation at the commencement of this Act, shall not commence operations until the Commission makes its decision approving such application.

(5) Where the Commission discovers that a person failed to comply with subsection (1), it shall immediately notify the police.

Number of licences per applicant

61. Nothing in this Act shall be construed so as to prohibit the Commission from granting an applicant more than one Betting Operator’s Licence.

Conduct of betting

62. The conduct of betting business shall be stipulated in the licence as a condition thereof.

**PART VI
TAXES AND FUNDS**

Payment of taxes

63. (1) A licensee who holds a Gaming Owner’s Licence shall pay to the Commission the taxes on gambling tables and other devices listed in Schedule 5.

Schedule 5

(2) 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 the Commission shall not collect such levy.

(3) The Commission shall deposit into the Contingency Fund an annual amount agreed to by the Board for the purposes of meeting contingencies of the Commission.

Rehabilitation Fund and Development Fund

64. (1) There are hereby established two funds to be known as “the Rehabilitation Fund” and “the Development Fund” for the purposes hereinafter set forth.

(2) The Rehabilitation Fund is established to assist non-governmental organisations and other groups working with vulnerable persons and their families suffering the effects of gambling addiction and other forms of harm or exploitation associated with gambling.

(3) The Development Fund is established to assist persons in areas of sport, social and community work, arts and culture.

(4) The Commission shall, on or before 30th September of every year, deposit into the Rehabilitation Fund and the Development Fund amounts equivalent to two and one half per cent and five per cent of the monies collected from gaming and betting, respectively.

65. (1) The Minister shall appoint a committee to be known as “the Rehabilitation and Development Funds Committee”, (hereinafter referred to as “the Committee”), for the purposes of considering applications for funding and disbursing funds to organisations and groups engaged in activities related to the purposes of the Rehabilitation Fund and the Development Fund set out in section 64.

Rehabilitation and
Development Funds
Committee

(2) The Committee shall comprise a minimum of five but no more than nine members, one of whom shall be a senior officer in the Ministry.

(3) The members of the Committee shall be selected from among 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.

(4) Members of the Committee may hold office for a term of two years and may be reappointed for no more than two consecutive terms.

(5) Members of the Committee shall be paid such remuneration and allowances as the Minister may determine.

(6) The Committee shall regulate its own procedures but shall meet at least once per month and at such other times as may be necessary or expedient at such time and place as the Committee may determine.

(7) The Committee shall establish guidelines to facilitate applicants seeking financial assistance from the Rehabilitation Fund or the Development Fund.

(8) Any member of the Committee, including its Chairman, whose interest is likely to be directly affected by a decision or determination of the Committee shall declare his interest in the matter under consideration and shall recuse himself from all deliberations with respect to that particular subject matter.

(9) The Committee shall, within three 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.

Accounts and audit

66. (1) All accounts relating to the Rehabilitation Fund and the Development Fund shall be managed by the Committee, which shall disburse monies from those accounts in accordance with its procedures.

(2) The Committee shall keep proper accounts and other records in relation to its mandate and shall prepare annually a statement of accounts in accordance with IFRS or other best practice commercial standards.

Chap. 69:01

(3) The accounts of the Committee are public accounts for the purpose of section 116 of the Constitution and the Exchequer and Audit Act applies as if an audit referred to in this Part is one to which that Act applies.

(4) The Auditor General or an auditor authorised by him to undertake an audit shall be entitled, at his own volition and at all reasonable times, to conduct an audit of the accounts and other records in relation to the business of the Committee.

(5) The fees and expenses of the Auditor General or the auditor authorised under subsection (4) shall be paid for by the Committee.

(6) Three months after the end of the Committee's financial year, a copy of the audited accounts and report shall be submitted to the Minister.

PART VII
ENFORCEMENT

67. (1) The Commission may designate suitably Authorised officers qualified officers of the Commission to perform the duties and exercise the powers of authorised officers under this Act.

(2) An authorised officer may undertake activities for the purpose of assessing—

- (a) compliance with the provisions of this Act;
- (b) whether an offence under this Act is being or has been committed;
- (c) whether facilities for gambling, or any other activity required to be licensed under this Act, are being provided in any place;
- (d) whether a licence is held in respect of any activity required to be licensed; or
- (e) whether activities are being carried on in accordance with the terms and conditions of the licence issued.

(3) In pursuance of the activities under subsection (2), the authorised officer may, in respect of licensed premises—

- (a) inspect any premises;
- (b) monitor the activities of a gambling establishment to ensure compliance with the terms and conditions of the relevant licence and the Act generally;
- (c) examine all machines and equipment;
- (d) monitor and record the collection of funds;
- (e) investigate complaints from customers and clients of licensees;

- (f) question any person on the premises with his consent, whether at the premises or at the offices of the Commission;
- (g) conduct detailed and complex, regulatory, administrative and background investigations;
or
- (h) require assistance from other regulatory, supervisory and government agencies or bodies, including the FIUTT, the Financial Investigations Bureau, the Board of Inland Revenue, the Customs and Excise Division and the Police Complaints Authority, with respect to gambling and other related matters.

(4) The authorised officer seeking to exercise a power under this Act shall produce evidence of his identity and authority to the person who appears to the authorised officer to have management, responsibility or control of the relevant premises.

(5) An authorised officer shall provide a written report to the Commission on all matters for which he has responsibility or on any matters coming to his attention in relation to any class of licence within thirty days.

(6) An authorised officer shall perform such other duties and have such other functions as are specified under this Act or as may be authorised by the Commission so long as such functions are in accordance with the provisions of this Act.

(7) An authorised officer may, in accordance with the condition of the licence, enter any licensed premises in order to carry out any activity under subsection (3).

(8) An authorised officer may enter licensed premises in respect of which an application for a licence has been made, to assess, having regard to the licensing objectives, the likely effects of the activity to be carried on in reliance of the licence.

(9) An authorised officer may, where necessary, be accompanied by an enforcement officer to carry out any activity under this section.

(10) Where during the course of his proceedings or on the conclusion of his examination, an authorised officer discovers that there is evidence of a criminal offence, he shall immediately refer the matter to the Commission who shall inform the Director of Public Prosecutions and the Supervisory Authority of same.

68. (1) An enforcement officer may undertake Enforcement officers activities for the purpose of assessing—

- (a) compliance with the provision of this Act;
- (b) compliance with the Proceeds of Crime Act, Chap. 11:27 the Anti-Terrorism Act and the Economic Chap. 12:07 Sanctions Act or Orders made thereunder Chap. 81:05 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;
- (c) whether an offence under this Act is being or has been committed;
- (d) whether facilities for gambling, or any other activity required to be licensed under this Act, are being provided in any place;
- (e) whether a licence is held in respect of any activity required to be licensed; or
- (f) whether activities are being carried on in accordance with the terms and conditions of the licence.

(2) In pursuance of the activities under subsection (1), the enforcement officer may with the consent of the licensee, in respect of licensed premises—

- (a) make copies of any document, record or information, however stored, in such form as he requires; or

(b) remove and retain anything he reasonably believes is being used or has been used to commit an offence under this Act or any other written law.

(3) Where during the course of his proceedings or on the conclusion of his examination, an enforcement officer discovers that there is evidence of a criminal offence, he shall immediately refer the matter to the Commissioner of Police and the Director of Public Prosecutions and inform the Commission and the Supervisory Authority of same.

(4) The enforcement officer shall report to the Commission for the purpose of suspending or revoking a licence and such other purposes in this Act.

(5) The enforcement officer seeking to exercise a power under this Act shall produce evidence of his identity and authority to the person who appears to the enforcement officer to have management, responsibility or control of the relevant premises.

(6) The enforcement officer shall provide a written report to the Commission on all matters for which he has responsibility or on any matters coming to his attention in relation to any class of licence within thirty days.

(7) An enforcement officer shall perform such other duties and have such other functions as are specified under this Act or as may be authorised by the Commission so long as such functions are in accordance with the provisions of this Act.

(8) An enforcement officer may, in accordance with the condition of the licence, enter any licensed premises in order to carry out any activity under subsection (2).

(9) An enforcement officer may enter licensed premises in respect of which an application for a licence has been made, to assess, having regard to the licensing objectives, the likely effects of the activity to be carried on in reliance of the licence.

69. A Magistrate may, on application of an Issue of warrant enforcement officer, issue a warrant authorising the enforcement officer to enter upon licensed premises if the Magistrate is satisfied that—

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

70. Within forty-eight hours of entry onto licensed Submission of report premises, the authorised officer shall produce a written report for the information of the Commission, providing details of the inspection that was undertaken, including—

- (a) a list of all persons present at the time of the inspection;
- (b) details of the time and location of the inspection;
- (c) a list of documents and other records examined or removed;
- (d) details of any incidents occurring during the inspection;
- (e) details of all conversations between the authorised officer and anyone present at the inspection; and

- (f) any other information that the authorised officer considers pertinent to the inspection, examination or investigation.

PART VIII

OFFENCES AND PENALTIES

Division 1—Gaming and Betting Offences

Use of premises

71. (1) A person commits an offence if, without a licence, he uses or causes or permits premises to be used to—

- (a) operate a betting shop, casino, gaming lounge or any gambling establishment;
- (b) make a gambling machine or gambling device available for use;
- (c) provide facilities of any kind for betting or gaming;
- (d) manufacture, fabricate, assemble, programme, modify or repair any betting or gaming machine, or any equipment or device associated with gambling; or
- (e) store, sell, supply or distribute a gambling machine, a gambling device or any equipment or device associated with gambling generally.

(2) A person who commits an offence under subsection (1) is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years; or
- (b) conviction on indictment to a fine of three million dollars and to imprisonment for seven years.

Restrictions on gambling

72. (1) A person who, without a licence—

- (a) conducts gambling;

- (b) operates as a bookmaker or promoter;
- (c) manufactures, fabricates, assembles, programmes, modifies, tests or repairs a gambling machine, gambling equipment or device associated generally with gambling;
- (d) imports, sells, supplies or operates a gambling machine or gambling device or associated equipment;
- (e) leases a gambling device to an operator in exchange for remuneration based on earning profit from a gambling activity;
- (f) manufactures, supplies, installs and adapts gambling software;
- (g) provides facilities for gambling of any kind;
or
- (h) acts as an agent for a person referred to in paragraphs (a) to (g),

commits an offence and is liable on—

- (i) summary conviction to a fine of five million dollars and to imprisonment for five years; or
- (ii) conviction on indictment to a fine of ten million dollars and to imprisonment for ten years.

(2) A licensee who—

- (a) conducts gambling contrary to the terms and conditions of the licence issued for the purpose;
- (b) fails to place all licences issued to him pertaining to all gambling activities for which licences are issued under this Act in a conspicuous place on the licensed premises;

- (c) 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;
- (d) operates an unlicensed gambling machine; or
- (e) operates a licensed gambling machine contrary to the terms and conditions of his licence,

commits an offence and is liable on—

- (i) summary conviction to a fine of five hundred thousand dollars and to imprisonment for five years; or
- (ii) conviction on indictment to a fine of three million dollars and to imprisonment for seven years.

Gambling software

73. (1) A person commits an offence, if in the course of a business, he manufactures, supplies, installs or adapts gambling software without a licence.

(2) For the purposes of this section, “gambling software” means computer software for use in connection with gambling but does not include anything in connection with a gambling machine that is not related to gambling, or any component prescribed by regulations made under this Act as not being part of the gaming machine.

(3) A person who commits an offence under subsection (1) is liable on—

- (a) summary conviction to a fine of five hundred thousand dollars and to imprisonment for five years; or
- (b) conviction on indictment to a fine of three million dollars and to imprisonment for seven years.

74. (1) A person shall not cheat at any gambling ^{Cheating} activity, and shall not aid, abet or conspire to cheat in any gambling activity.

(2) For the purposes of this Act, “cheating” includes the alteration of the selection criteria which determines—

- (a) the result of a game or race; or
- (b) the amount or frequency of payment in a game or race.

(3) A person shall not—

- (a) alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure, but before it is revealed to the players;
- (b) place, increase, or decrease a bet or determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing, or decreasing a bet or determining the course of play contingent upon that event or outcome;
- (c) claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from any gambling activity with the intent to defraud and without having made a wager contingent thereon, or to claim, collect or take, an amount greater than the amount that was won;
- (d) knowingly entice or induce another person to go to any place where gaming is being conducted or operated contrary to the provisions of this Act, with the intent that the other person play or participate in that gaming activity;

- (e) place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets;
- (f) reduce the amount wagered or cancel a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets;
- (g) manipulate, with the intent to cheat, any component of a gambling device in any manner contrary to the designed and normal operational purpose of the component, including but not limited to, varying the pull of a handle of a slot machine, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game;
- (h) by any trick or sleight of hand performance, or by fraud or fraudulent scheme, cards, equipment or device, for himself or another, win or attempt to win money or property or a representative of either, or reduce a losing wager or attempt to reduce a losing wager in conjunction with gaming;
- (i) conduct any gambling operation without a licence;
- (j) conduct any gambling on unlicensed premises;
- (k) permit any gambling game or equipment to be conducted, operated, dealt, or carried on in any gambling premises by a person other than a person licensed for such purposes pursuant to this Act;
- (l) place any gambling games or gambling devices into play or display such games or devices without the approval of the Commission;

- (*m*) employ or continue to employ any person in a gambling operation who is not duly licensed in a position whose duties would require a licence pursuant to this Act; or
- (*n*) without first obtaining the requisite licence pursuant to this Act, employ, work, or otherwise act in a position whose duties would require licensing pursuant to this Act.

(4) A person, at a licensed gambling establishment, shall not use, or possess with the intent to use, any equipment or device to assist in—

- (*a*) projecting the outcome of the game;
- (*b*) keeping track of the cards played; or
- (*c*) analysing the strategy to be used in a game, except as permitted by the Commission.

(5) A licensee, employee, or other person shall not use counterfeit gambling instruments in any gambling activity.

(6) A person shall not, in playing or using any gambling game or gambling device designed to be played with, or to receive, or to be operated by, any gambling instrumentalities approved by the Commission or by lawful coin of Trinidad and Tobago—

- (*a*) knowingly use anything other than chips or tokens approved by the Commission or lawful coin, or use coin not of the same denomination as the coin intended to be used in that gambling activity; or
- (*b*) use any device or means contrary to the provisions of this Act.

(7) A person shall not possess any equipment or material which he knows has been manufactured, distributed, sold, tampered with, or serviced contrary to the provisions of this Act.

(8) A person, not being a duly authorised employee of a licensee acting in furtherance of his employment within a gambling establishment, shall not have on his person or in his possession any equipment intended to be used contrary to the provisions of this Act.

(9) A person, not being a duly authorised employee of a licensee acting in furtherance of his employment within the establishment, shall not have on his person or in his possession while on the premises of any licensed gambling establishment any key or device known to have been designed for the purpose of, and suitable for, opening, entering or affecting the operation of any gambling activity, drop box, or electronic or mechanical device connected thereto, or for removing money or other contents therefrom.

(10) Possession of more than one of the devices, equipment, products, or materials described in subsections (8) and (9) may give rise to a rebuttable presumption that the possessor intended to use them for cheating so long as other circumstances exist in support of that presumption.

(11) A person shall not use or possess while in a gambling premises, any equipment for the purposes of cheating, including, but not limited to, tools, drills, wires, coins or tokens or other gambling instrumentalities attached to strings or wires, or electronic or magnetic devices, to facilitate the alignment of any winning combination or to facilitate removing from any slot machine any money or contents thereof, unless the person is a duly authorised employee of the licensee, acting in furtherance of his employment.

(12) A person, playing any licensed gambling game in a licensed gambling establishment, shall not knowingly—

- (a) conduct, carry on, operate, deal or allow to be conducted, carried on, operated or dealt any cheating or thieving game or equipment; or

(b) deal, conduct, carry on, operate, or expose for play any game or games, or any mechanical device, or any combination of games or devices, which have in any manner been marked or tampered with or placed in a condition or operated in a manner the result of which tends to deceive the public or tends to alter the normal random selection of characteristics or the normal chance of the game which could determine or alter the result of the game.

(13) A person shall not manufacture, sell or distribute any cards, chips, dice, game, or other device which is intended to violate any provision of this Act.

(14) A person shall not mark, alter or otherwise modify any associated equipment in a manner that—

- (a) affects the result of a wager by determining win or loss; or
- (b) alters the normal criteria of random selection, which affects the operation of a game or which determines the outcome of a game.

(15) A person shall not instruct another person in cheating or in the use of any equipment for that purpose, with the knowledge or intent that the information or use so conveyed may be employed contrary to the provisions of this Act.

(16) A person who contravenes any provision of this section commits an offence and is liable on—

- (a) summary conviction to a fine of one million dollars and to imprisonment for five years; or
- (b) conviction on indictment to a fine of two million dollars and to imprisonment for seven years.

75. (1) A person commits an offence if he provides facilities for gambling unless—

- (a) he holds a licence under section 30 authorising the activity and the activity is carried on in accordance with the terms and conditions of the licence; and
- (b) in relation to the use of premises by a person, the use is authorised by a premises licence held by him.

(2) A person provides facilities for gambling if he—

- (a) invites others to gamble in accordance with arrangements made by him;
- (b) provides, operates or administers arrangements for gambling by others; or
- (c) participates or assists in the operation or administration of gambling by others.

(3) A person does not provide facilities for gambling by virtue of—

- (a) providing an article, other than a gaming machine, to someone who intends to, or uses or may use it, for gambling; or
- (b) making facilities for remote communication available,

unless he knows or ought to have known that the articles or facilities may have been used for gambling.

(4) The Commission may add criteria for determining what constitutes or does not constitute the provision of facilities for gambling and shall publish in the *Gazette* and two newspapers in daily circulation in Trinidad and Tobago such additional criteria and make it available to all licensees and applicants.

(5) A person who contravenes any provision of this section commits an offence and is liable on—

- (a) summary conviction to a fine of five million dollars and to imprisonment for seven years; or

- (b) conviction on indictment to a fine of ten million dollars and to imprisonment for ten years.

76. (1) A person commits an offence if he does Remote facilities anything in Trinidad and Tobago or uses remote gambling equipment situated in Trinidad and Tobago for the purpose of inviting or enabling a person in a prohibited territory to participate in remote gambling.

(2) The Minister may by Order, subject to affirmative resolution of Parliament, amend this section for the purposes of permitting remote gambling.

(3) For the purposes of this section—

- (a) “prohibited territory” means any country outside of Trinidad and Tobago; and
- (b) “remote gambling equipment” means electronic or other equipment used by or on behalf of a person providing facilities for remote gambling using—
- (i) the internet;
 - (ii) telephone;
 - (iii) television; or
 - (iv) radio or other kind of electronic technology for facilitating communication.

(4) A person who commits an offence under this section is liable on—

- (a) summary conviction to a fine of five million dollars and to imprisonment for seven years; or
- (b) conviction on indictment to a fine of ten million dollars and to imprisonment for ten years.

77. (1) Subject to the subsection (2), a person who— Restrictions on use of premises for betting transactions

(a) uses any premises or causes or knowingly permits any premises to be used as a place

where persons may conduct betting transactions;

- (b) provides facilities at any premises for persons resorting thereto to effect betting transactions;
- (c) controls, occupies or uses or causes or knowingly permits another person to control, occupy or use, any premises for the purpose of—
 - (i) effecting betting transactions of any kind with persons resorting to those premises; or
 - (ii) facilitating the making of betting transactions between persons resorting to those premises,

without obtaining the appropriate licence from the Commission, commits an offence and is liable on—

- (i) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years; or
- (ii) conviction on indictment to a fine of three million dollars and to imprisonment for seven years.

(2) Any person who, for any purpose connected with the effecting of a betting transaction, resorts to any premises which are being used in contravention of subsection (1), commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years; or
- (b) conviction on indictment to a fine of three million dollars and to imprisonment for seven years.

(3) For the purposes of subsection (2), proof that any person was on any premises while they were being used as mentioned in that subsection shall be admissible as evidence that he resorted to the premises for such a purpose as is so mentioned.

78. (1) 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 commits an offence and is liable on—

- (a) summary conviction to a fine of twenty-five thousand dollars and to imprisonment for one year; or
- (b) conviction on indictment to a fine of three million dollars and to imprisonment for seven years.

(2) An enforcement officer may take into custody without a warrant, a person found committing an offence under this section, and may seize and detain any article found in his possession which the enforcement officer has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of such offence.

(3) In this section, the doorways and entrances of premises abutting upon, and any ground adjoining and open to a street, shall be treated as forming part of the street.

Division 2—Offences in relation to Children

79. (1) A person commits an offence if he knowingly invites, causes or permits, whether directly or indirectly, a child to gamble by any method electronic or otherwise.

(2) A person who commits an offence under subsection (1) is liable on—

- (a) summary conviction to a fine of three million dollars and to imprisonment for seven years; or

(b) conviction on indictment to a fine of five million dollars and to imprisonment for seven years.

Invitation to
gambling premises

80. A person who knowingly invites or permits or causes a child to enter licensed premises, other than a race track, commits an offence and is liable on—

(a) summary conviction to a fine of three million dollars and to imprisonment for five years; or

(b) conviction on indictment to a fine of five million dollars and to imprisonment for seven years.

Employment offences

81. (1) A person commits an offence if he knowingly employs a child to perform any function relating to gambling.

(2) A person commits an offence if he knowingly employs a child to perform any function on premises in respect of which any of the following have effect:

(a) a casino licence;

(b) a gaming lounge licence;

(c) a betting shop licence;

(d) a bookmaker's licence; or

(e) an off-track betting shop licence,

but no offence is committed if employment of the child takes place at a time when no activity is being carried on in reliance of the licence.

(3) Where a person is charged for an offence under this Part, it shall be a defence for the person to prove that he—

(a) took all reasonable steps to determine the individual's age; and

(b) reasonably believed that the individual was not a child.

(4) A person who commits an offence under this section is liable on—

- (a) summary conviction to a fine of three million dollars and to imprisonment for five years; or
- (b) conviction on indictment to a fine of five million dollars and to imprisonment for seven years.

Division 3—General Offences

82. (1) A person commits an offence if, without lawful Obstruction excuse, he obstructs or fails to cooperate with an authorised person in the exercise of his power under this Act, and is liable on—

- (a) summary conviction to a fine of five hundred thousand dollars and to imprisonment for five years; or
- (b) conviction on indictment to a fine of three million dollars and to imprisonment for seven years.

(2) A person who makes a false statement with intent to deceive or makes use of any book, account, record, return or other document which is false commits an offence and is liable on—

- (a) summary conviction to a fine of five million dollars and to imprisonment for seven years; or
- (b) conviction on indictment to a fine of ten million dollars and to imprisonment for ten years.

(3) A person who, not being the holder of an owner's or operator's licence or an enforcement officer, brings a firearm onto licensed premises, whether or not that firearm is licensed under the Firearms Act commits Chap. 16:01 an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years; or

(b) conviction on indictment to a fine of three million dollars and to imprisonment for seven years.

(4) A person who wilfully interferes with an investigation, by influencing, threatening, harming or impeding a potential witness, or by furnishing false information in or otherwise impeding an investigation commits an offence and is liable on—

(a) summary conviction to a fine of one hundred thousand dollars and to imprisonment for one year; or

(b) conviction on indictment to a fine of two hundred thousand dollars and to imprisonment for two years.

Penalties

83. (1) Notwithstanding section 63 of the Interpretation Act, where a person contravenes or fails to comply with any provision of this Act for which no penalty is expressly provided, he commits an offence and is liable on—

(a) summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years and to a further fine of ten thousand dollars for each day that the offence continues; or

(b) conviction on indictment to a fine of three million dollars and to imprisonment for seven years and to a further fine of twenty thousand dollars for each day that the offence continues.

(2) Notwithstanding section 63 of the Interpretation Act, regulations made under this Act may provide for offences which may carry the following penalty on—

(a) summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years and to a further fine of ten thousand dollars for each day that the offence continues; or

(b) conviction on indictment to a fine of three million dollars and to imprisonment seven years and to a further fine of twenty thousand dollars for each day that the offence continues.

84. (1) The Minister may by Order, subject to ^{Amendment of} negative resolution of Parliament, vary the ^{penalties} set out in this Act and regulations made pursuant thereto.

(2) The Minister may by Order, subject to negative resolution of Parliament, amend this Part to amend the list of actions, the commission of which constitutes an offence.

PART IX ADMINISTRATIVE FINES

85. (1) Notwithstanding the provisions of this Act, ^{Administrative fines} the Commission may, with the consent of the Director of Public Prosecutions, issue to any person who, there is reasonable cause to believe, has committed an offence referred to in Schedule 6, a notice offering the person ^{Schedule 6} the opportunity to dispense with any liability to conviction in respect of that offence by payment of the administrative fine specified for the offence in Schedule 6.

(2) Where a person is given a notice under this section, criminal proceedings shall not be taken against him for the offence specified in the notice until the expiration of twenty-one days commencing from the day after which the notice is served.

(3) Where a person fails to pay the administrative fine referred to in subsection (1), or where he pays the administrative fine but continues to commit the offence after the expiration of twenty-one days following the date of receipt of the notice referred to in subsection (1), that person is liable on conviction for the offence committed.

(4) Where a person paid an administrative fine under subsection (1), but continues to commit the offence and is convicted under subsection (3), he is liable to the criminal penalty prescribed in Schedule 6 from the date after which he made the payment.

(5) Payment of an administrative fine under this section shall be made to the Commission and a certificate that payment of the penalty was made to the Commission by the specified date shall, if the certificate purports to be signed by an officer authorised by the Commissioner, be admissible as evidence of the facts stated therein.

(6) All monies received under this section shall be paid to the Commission and credited to the Consolidated Fund.

(7) A notice under subsection (1) shall—

- (a) specify the offence alleged;
- (b) give such particulars of the offence as are necessary for giving reasonable information of the allegation; and
- (c) state—
 - (i) that criminal proceedings shall not be laid until the expiration of twenty-one days from the date of receipt of the notice where payment of the administrative fine is made and the commission of the offence is discontinued;
 - (ii) the amount of the administrative fine and the fact that it is to be paid to the Commission; and
 - (iii) that the Commission shall not accept any payments in respect of a notice under subsection (1) after the expiration of the twenty-one days.

(8) In any proceedings for an offence to which this section applies, no reference shall be made to the giving of any notice under this section or to the payment or non-payment of an administrative fine thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by, or on behalf of the accused to the giving of such a notice, or, as the case may be, to such payment.

(9) The Minister, after consultation with the Commission may by Order, vary an administrative fine specified for an offence listed in Schedule 6.

Schedule 6

PART X

MISCELLANEOUS PROVISIONS

86. The Minister may make Regulations subject to affirmative resolution of Parliament prescribing anything necessary or convenient for carrying out or giving effect to this Act.

Regulations

87. (1) No Board member, officer or employee of the Commission, or person acting under the direction of the Commission, shall 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.

Confidentiality

(2) Disclosures made by the Commission, its officers, employees or any other person under the direction of the Commission, pursuant to the provisions of this Act or which the Commission considers necessary in the discharge of its functions, shall not be deemed inconsistent with any duty imposed under this section.

(3) Nothing in this section authorises the Commission or any person acting under the direction of the Commission to disclose information about a particular licensee, except where such disclosure is required by any written law or ordered by the Court.

(4) Every person required under subsection (1) to deal with matters specified as confidential, who at any time communicates or attempts to communicate 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 to any person other than a person to whom he is authorised under this Act, commits an offence and is liable on—

- (a) summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years; or
- (b) conviction on indictment to a fine of three million dollars and to imprisonment seven years.

(5) This section does not apply to—

- (a) information which, at the time of disclosure, is made or has already been made available to the public from other sources;
- (b) information 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
- (c) the provision of a witness statement to—
 - (i) a police officer of the rank of Superintendent or above for the purposes of any criminal investigation or criminal proceedings; or
 - (ii) the Police Complaints Authority for the purposes of an investigation of criminal offences involving police officers, police corruption and serious police misconduct being conducted by it,

where the witness statement—

- (iii) relates to information disclosed under compulsion of law, this Act or any other written law; and
- (iv) is requested, in writing, by that police officer or the Police Complaints Authority with the prior written consent of the Director of Public Prosecutions.

(6) Notwithstanding any law to the contrary, it shall not be a contravention of the law, or a breach of contract or any duty of confidentiality, for a person or entity to disclose information pursuant to this section by way of a witness statement referred to in subsection (5)(c).

(7) No action or other proceeding shall be brought against a person or entity with respect to the disclosure by him or it, in good faith, of any information pursuant to this section.

PART XI

CONSEQUENTIAL AMENDMENTS

88. The written laws specified in Schedule 7 are amended to the extent specified in that Schedule. Consequential amendments Schedule 7

SCHEDULE 1

(Section 17)

STAFF OF THE COMMISSION

1. (1) Subject to subclause (2) and to the approval of the Commission, the appropriate Service Commission and the consent of the officer, any officer in the Public Service or a Statutory Authority may be seconded to the service of the Commission, on terms and conditions agreed between the officer and the Commission. Secondment to Commission

(2) Where a secondment referred to in subclause (1) is effected, arrangements shall be made to preserve the rights of the officer so transferred to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded to the service of the Commission.

(3) A period of secondment shall not, in any case, exceed three years.

Transfer to the
Commission

2. Subject to the approval of the Commission, the appropriate Service Commission and with the consent of the officer, an officer in the Public Service or a Statutory Authority may be transferred to the service of the Commission on terms and conditions no less favourable than those enjoyed by the officer in the Public Service or Statutory Authority, as the case may be.

Pension Fund

3. (1) The Commission shall establish a pension fund plan or where the establishment of a plan is not feasible, join an existing plan.

(2) All employees of the Commission shall be eligible to become members of the pension fund plan.

(3) Superannuation benefits which had accrued to a person who transferred in accordance with clause 2 shall be preserved as at the date of his employment by the Commission and such benefits shall continue to accrue under the relevant pension law up to the date of establishing or joining a pension fund plan on the basis of pay, pensionable emoluments or salary, as the case may be, applicable at the time of his transfer, to the office held by him immediately prior to his employment at the Commission.

(4) Where a person who is transferred in accordance with clause 2 dies, retires or his post in the Commission is abolished or he is retrenched by the Commission prior to establishing or joining the pension fund plan and, if at the date that his service is terminated by any of the above-mentioned methods he was in receipt of a salary higher than the pay, pensionable emoluments or salary referred to in subclause (3), the superannuation benefits payable to his estate or to him, as the case may be, shall be based on the higher salary.

(5) The difference between the superannuation benefits payable on the basis of the higher salary referred to in subclause (4) and the superannuation benefits payable under the relevant pension law, on the basis of the pay, pensionable emoluments or salary referred to in subclause (3), shall be paid by the Commission.

(6) Where a person, who is transferred in accordance with clause 2 dies, retires or his post in the Commission is abolished or he is retrenched from the Commission while being a member of the pension fund established by the Commission, he shall be paid superannuation benefits by the pension fund at the amount which, when combined with the superannuation benefits payable under the relevant pension law, is equivalent to the benefits based on his pensionable service in the Public Service or a Statutory Authority

combined with his service in the Commission and calculated at the final salary applicable to him on the date that his service was terminated by any of the methods identified herein.

(7) For the purposes of subclause (6) “final salary” shall have the meaning assigned to it in the pension fund plan.

(8) Where a person who is transferred in accordance with clause 2 dies, retires, his post in the Commission is abolished or he is retrenched from the Commission while being a member of a pension fund plan that the Commission joined, superannuation benefits payable under that plan shall be no less favourable than those payable in accordance with subclause (6).

4. Section 12 of the Act applies *mutatis mutandis* to the staff of Declaration staff of interest the Commission.

SCHEDULE 2

(Sections 33)

FIT AND PROPER CRITERIA

1. 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.

2. Every person who is, or is to be, an owner, director, beneficial owner, shareholder, associate, trustee, committee member, manager or key employee of the licensee must be adjudged to be a fit and proper person to hold the particular position which he holds or is to hold.

3. (1) 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—

- (a) integrity, fairness, honesty and reputation;
- (b) competence, diligence and capability, and soundness of judgment; and
- (c) financial soundness.

(2) Where the person, being assessed as to fitness and propriety, is a corporate entity, holds a minimum per cent share stake holding in the licensed operation, regard shall be had to credit—

- (a) its financial soundness and strength;
- (b) the nature and scope of its business;

- (c) the fitness and propriety of key personnel such as owners, directors, managers, controlling shareholders;
- (d) the group structure, if applicable and organisational chart; and
- (e) any other matter that the Board considers appropriate.

3. For the purpose of this section, “controlling shareholder” means any person, whether an individual or corporate entity that—

- (a) is entitled to control at least one-third of the voting power at any general meeting of the company; and
- (b) controls twenty-five per cent or more of the voting power at any general meeting.

4. The owner or Board of Directors of every licensed gambling establishment shall establish a fit and proper person policy, taking into account the fit and proper criteria set out in this Schedule and such policy shall be made available to the Commission as and when required. In addition, such owner or Board of Directors shall document the process used to assess a person’s fitness and propriety.

5. (1) Without prejudice to the generality of the foregoing provisions, regard may be had to the previous conduct and activities in business or financial matters of the person in question and in particular, to any evidence that the person has—

- (a) committed an offence involving fraud or financial crime or other dishonesty or violence;
- (b) contravened any provision made by, or under any law designed for protecting members of the public against financial loss due to dishonesty, incompetence, malpractice or the management of companies or businesses or against financial loss due to the conduct of discharged or undercharged bankrupts;
- (c) been the subject of any adverse findings or any settlement in civil proceedings, particularly in connection with banking or other financial business, misconduct or fraud;
- (d) engaged in any business practices appearing to the Board to be deceitful or oppressive or otherwise improper (whether unlawful or not) or which otherwise reflects discredit on his method of conducting business;
- (e) been the owner, beneficiary of, manager or director of a company, partnership or other organisation that has previously been refused a licence under this Act or has had a licence revoked or suspended;

- (f) an employment record which leads the Board to believe that the person carried out an act of impropriety in the handling of his employer's business;
- (g) been dismissed, asked to resign or resigned from employment or from a position of trust, fiduciary appointment or similar position because of questions about honesty and integrity;
- (h) been disqualified from acting as a director or serving in a managerial capacity because of wrongdoing; or
- (i) engaged in, or has been associated with any other business practices or otherwise conducted himself in such a way as to cast doubt on his competence and soundness of judgment and honesty.

(2) In assessing competence in furtherance of subclause (1)(i), all relevant factors shall be considered, including but not limited to—

- (a) whether the person has demonstrated, through qualifications and experience, the capacity to successfully undertake the responsibilities of the position;
- (b) whether the person has ever been disciplined by a professional, trade or regulatory body, dismissed or requested to resign from any position or office for negligence, incompetence, fraud or mismanagement; and
- (c) whether the person has a sound knowledge of the business and the responsibilities of the position.

6. An applicant shall not be considered to be conducting business in a financially sound manner unless the applicant can demonstrate that he will be able to—

- (a) maintain such net assets together with other financial resources which the Board considers—
 - (i) commensurate with the type, nature and class of business operated under the licence; and
 - (ii) sufficient to cover the risks inherent in the operations of the gambling establishment;
- (b) maintain adequate liquidity having regard to the relationship between the applicant's liquid assets and its actual and contingent liabilities and to the times at which those liabilities will fall due and when the assets will mature;

- (c) make adequate provision for depreciation or diminution of its assets and makes provision for bad or doubtful debts; and
- (d) maintain adequate and proper accounting systems and other systems of control.

7. (1) Fit and proper tests will be applied by the Commission when a person applies for a licence or on the occurrence of specified events, including but not limited to new appointment.

(2) The application of fitness, propriety or other qualification tests to managers, directors, trustees and controlling shareholders may vary depending on the degree of their influence and on their responsibilities in the affairs of the gaming establishment or betting office.

(3) The Commission may have regard to current, past and prospective matters when conducting fit and proper assessments of persons or entities. Each case will be considered on its own merit, taking into account all relevant factors including, but not limited to, the fit and proper criteria set out in this Schedule. Accordingly, certain matters which do not fall precisely within these specified factors may also be taken into account, for example, abuse of alcohol, drugs or other narcotic substances. In these circumstances, the Commission will consider whether such conduct is relevant to an assessment as to fitness and propriety.

(4) An assessment fitness and propriety test shall be done in a holistic manner after due consideration of all relevant issues. For instance, the Commission may determine whether a person who fails to qualify on the basis of several instances of misconduct which, if taken individually, may lead to a different conclusion. However, certain offences, for example, if a person is convicted of a crime under banking or insurance legislation or other financial impropriety, may lead to automatic disqualification.

(5) In cases where those being assessed are known to have connections in other jurisdictions, the Commission shall communicate with the regulatory bodies in those jurisdictions as part of the assessment procedure to the extent permitted by those jurisdictions.

SCHEDULE 3

[Section 52(2)]

INTERNAL CONTROLS AND ACCOUNTING SYSTEMS

1. Approved System of Controls and Procedures

(1) A licensed operator shall not conduct operations on licensed premises unless the Commission has approved in writing a system of internal controls, administrative and accounting procedures for the gaming premises.

(2) Any such approval may be amended from time to time, as the Commission deems necessary, such approval or amendment to take effect on the date that notice of it is given in writing to the licensed operator.

(3) It shall be a condition of an operating licence that the licensee shall ensure that the system approved for the licensed premises is implemented.

(4) A system approved for a licensed activity or premises may contain different internal controls, or different administrative or accounting procedures, as the particular licensed activity requires.

2. Contents of approved system

(1) 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 following:

- (a) accounting controls and procedures, including the standardisation of forms and the definition of terms to be used in operations in the licensed premises, including but are not limited to the following:
 - (i) hold percentages and their calculation;
 - (ii) revenue handle;
 - (iii) expense and overhead schedules;
 - (iv) complimentary services;
 - (v) salary arrangements;
 - (vi) personnel practices;
 - (vii) junkets; and
 - (viii) cash equivalent transactions;
- (b) job descriptions and the system of organising personnel and chain of command on or in the licensed premises;
- (c) procedures for the conduct of gambling on the licensed premises;
- (d) procedures and standards for the security of gambling machines and for the payment and recording of prizes related thereto;
- (e) procedures within a cashier's cage for the receipt, storage and disbursement of tokens, chips and cash, the cashing of cheques, the redemption of tokens and chips and the recording of all transactions pertaining to gambling operations;
- (f) procedures for the collection and security of money at the table games and other places on or in the gaming premises where games are conducted;

- (g) procedures and forms for the transfer of cash, chips and other tokens to and from gaming tables and other places on or in a licensed premises to and from a cashier's cage;
- (h) procedures for the transfer of money from the table games and other places on or in the licensed premises where games are conducted to other areas of the gaming premises for counting;
- (i) procedures and security for the counting and recording of revenue;
- (j) procedures and security for the transfer of money from the licensed premises to a financial institution;
- (k) procedures for the security, storage and recording of chips and other tokens utilised in the licensed gaming activity;
- (l) procedures and standards for the maintenance, security and storage of gambling equipment;
- (m) procedures for the payment and recording of prizes associated with games where the prizes are paid by cash, cheque or in a non-monetary form other than chips;
- (n) procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;
- (o) procedures for the cashing of cheques and recording of transactions by cheque;
- (p) procedures for the establishment and use of deposit accounts, procedure for the use and maintenance of security and surveillance facilities, including closed circuit television systems;
- (q) procedures governing the utilisation of security personnel within the gaming premises; and
- (r) procedures for the control of keys used or for use in operations on or in the licensed premises.

(2) 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.

3. Banking

It shall be a condition of a licence that the licensed operator shall—

- (a) 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; and

- (b) from time to time provide the Commission, as required, and in a form approved by the Commission, with a written notice addressed to that financial institution authorising the said financial institution to comply with any requirements of an authorised officer exercising the powers conferred upon him.

4. Accounts to be kept

(1) 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.

(2) 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.

5. 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—

- (a) trading accounts, where applicable, for the financial year;
- (b) profit and loss accounts for the financial year; and
- (c) a balance-sheet as at the end of the financial year.

6. 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—

- (a) kept at the licensed premises; and
- (b) retained for not less than seven years after the completion of the transactions to which they relate.

7. Audit

(1) 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.

(2) The financial statements and accounts are to be prepared according to International Financial Reporting Standards and audited by a practising member of the Institute of Chartered Accountants of Trinidad and Tobago.

(3) It shall be a condition of a licence that the licensed operator shall cause the auditor's report to be lodged with the Commission within four months after the end of the financial year to which the report relates.

8. Submission of Reports

(1) 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.

(2) The accounting and administrative records and reports shall be submitted at such times and shall contain such information, as is specified by the Commission in writing, from time to time.

SCHEDULE 4

[Section 13(2)(f)]

DATA REQUIREMENTS TO BE MAINTAINED FOR EACH GAMING DEVICE OR MACHINE

The licensed operator shall install a system for recording each gambling device and machine in use at the licensed premises. Such system shall maintain a record of the following information:

- (1) General Information—
 - (a) device name;
 - (b) device type;
 - (c) device identification number;
 - (d) device serial number;
 - (e) hardware vendor name;
 - (f) software vendor name;
 - (g) date imported;
 - (h) date installed;
 - (i) date tested;
 - (j) payout ratio; and
 - (k) location of machine.
- (2) Revenue Information per device transaction—
 - (a) device type;
 - (b) device ID;
 - (c) handle;

- (d) payout;
 - (e) payout ratio (percentage);
 - (f) transaction take (handle minus payout);
 - (g) transaction date and time; and
 - (h) customer identification per transaction exceeding a sum to be designated by the Commission.
- (3) Daily, monthly and annual reports—summary for period per device—
- (a) device type;
 - (b) device ID;
 - (c) handle;
 - (d) payout;
 - (e) take (handle minus payout); and
 - (f) take as a percentage of handle.

SCHEDULE 5

[Section 63]

TAXES PAYABLE ON GAMBLING TABLES AND OTHER DEVICES

For every Baccarat Table	\$100,000.00 per annum
For every Black Jack Table	\$120,000.00 per annum
For every Caribbean Stud Poker Table	\$150,000.00 per annum
For every Dice Table	\$70,000.00 per annum
For every Poker Table	\$60,000.00 per annum
For every Roulette Table	\$120,000.00 per annum
For every Electronic Roulette Device	\$120,000.00 per annum
For every Rum 32 Table	\$150,000.00 per annum
For every Sip Sam Table	\$150,000.00 per annum
For every Slot Machine	\$24,000.00 per annum
For every other table or device not mentioned above	\$60,000.00 per annum

SCHEDULE 6

ADMINISTRATIVE FINES

(Section 85)

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 conducting various gambling activities	\$250,000	\$62,500
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	\$1000,000	\$250,000
74(6)	Failure to use chips or tokens approved by the Commission or lawful coin as well as the use of the wrong denomination of coin in a gambling activity	\$1000,000	\$250,000

SCHEDULE 6—*CONTINUED*

Section	General Description of Offence	Criminal Penalty (applicable on summary conviction)	Administrative Fine
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, 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	\$500,000 plus \$10,000 for each day that the offence continues	\$125,000
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

SCHEDULE 6—*CONTINUED*

Section	General Description of Offence	Criminal Penalty (applicable on summary conviction)	Administrative Fine
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

(Section 88)

CONSEQUENTIAL AMENDMENTS

Chap. 11:19
amended

1. (1) The Gambling and Betting Act is amended by repealing sections 4 to 16, sections 26 to 40 and the First, Second, Third and Fourth Schedules.

(2) The Gambling and Betting (Licences) Regulations are hereby repealed.

Chap. 11:27
amended

2. The Proceeds of Crime Act is amended in the First Schedule by inserting the following new item:

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

Chap. 21:01
amended

3. Sections 23, 23A, 23B and 23C of the Registration of Clubs Act and the Schedule thereto are hereby repealed.

Chap. 21:50
amended

4. Section 2 of the Trinidad and Tobago Racing Authority Act is amended by deleting the definition of “Minister” and substituting the following definition:

““Minister” means the Minister with responsibility for finance;”.

5. The Betting Levy Board Act is amended—

Chap. 21:53
amended

(a) by repealing the definition of “Minister” and substituting the following definition:

““Minister” means the Minister with responsibility for Finance;”;

(b) by repealing section 7 and substituting the following section:

<sup>Responsibilities
of Board</sup>

7. The Board shall be responsible for—

(a) the development and improvement of every aspect of horse and dog racing, including the breeding of race horses and dogs, and in respect of such development the Board shall have the right to petition the Development and Rehabilitation Funds Committee, established under the Gambling (Betting and Gaming) Control Act, 2021 for funding when required; and

(b) ensuring the provision of appropriate benefits for jockeys and stable lads.”;

(c) by repealing section 8 and substituting the following sections:

<sup>Pool betting
levy</sup>

8. (1) There shall be charged on all bets made by way of pool betting, a levy to be known as “pool betting levy”.

(2) The pool betting levy shall be at the rate of ten per cent payable every week by the Wednesday following the week in which the tax is deducted.

(3) Pool betting levy shall be paid by the promoter licensed under the Gambling (Gaming and Betting) Control Act, 2021.

(4) The provisions set out in the Schedule shall apply in relation to all bets, wherever made, where the promoter is the holder of a licence under the Gambling (Gaming and Betting) Control Act, 2021.

(5) Pool betting levy in respect of betting on live and simulcast horse and dog racing may be varied by the Minister by Order subject to negative resolution of Parliament.

Levy on bets at
fixed odds

8A. (1) There shall be charged upon all bets placed at fixed odds, a levy at the rate of ten per cent to be known as “fixed odds betting levy” or an annual levy of four hundred thousand dollars, whichever is greater.

(2) Fixed odds betting levy shall be paid to the Board by the bookmaker, licensed under the Gambling (Gaming and Betting) Control Act, 2021 every week by the Wednesday following the week in which the levy is deducted.

(3) The annual levy chargeable under subsection (1) shall be paid in four equal quarterly installments on or before January 2, April 1, July 1 and October 1 in each year.

(4) Where at the end of any quarter—

(a) the levy paid under subsection (3) is in excess of the fixed odds betting levy paid under subsection (2), the Board shall refund the fixed odds betting levy paid in that quarter; or

(b) the fixed odds betting levy paid under subsection (2) is greater than the levy paid under subsection (3), the Board shall make a refund of the quarterly installment of the annual levy.

(5) The annual levy may be varied by the Minister, by Order, subject to negative resolution of Parliament.

(6) A licensed bookmaker or licensed promoter who fails to charge the appropriate levy or pay such levy to the Board commits an offence and is

liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months and in addition the Board shall advise the Commission of this breach of licence condition and the Commission shall revoke the licence.”;

(d) by repealing section 9 and substituting the following section:

9. Funds received by way of betting levy from a promoter or a bookmaker shall be used to cover expenses related to such administrative, technical and other systems in place to ensure compliance with the provisions of this Act and any written law.”;

(e) by repealing section 12(1) and substituting the following subsection:

“ (1) The Board shall by means of monthly remittances pay one-half of the monies collected under section 9 into the Consolidated Fund.”;

(f) by adding the following Schedule:

“SCHEDULE

BETTING LEVY

1. The betting levy shall be paid to the Board by Wednesday of every week in such 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 totalisators, 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 clause 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 recklessly makes any statement which is 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,

commits 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.

4. Where a person is convicted of an offence under clause 3(d) or (e), the Court may, in lieu or in addition to ordering him to pay the said penalty, order him to be imprisoned for a term not exceeding two years.

5. Where a person is convicted under clause 3 in respect of a failure to comply with any of the provisions of clause 2 and the failure continues after the conviction, then, unless he has a reasonable excuse for the continuance of the failure, commits an offence under this Schedule.

6. Where an offence under this Schedule is committed by a company, every person, who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the company or was purporting to

act in any such capacity, shall be deemed to have committed that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

7. (1) Summary proceedings in respect of an offence under this Schedule notwithstanding anything to the contrary in the Summary Courts Act, may be taken at any time within six months from the date on which evidence comes to the knowledge of the Board or evidence which in its opinion is sufficient to justify the proceedings but no proceedings shall be taken more than three years after the commission of the offence.

(2) For the purposes of this paragraph, a certificate from the Board as to the date on which such evidence as mentioned in subclause (1) came to its knowledge shall be conclusive evidence thereof.” Chap. 72:01 amended

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

Passed in the Senate this day of ,
2021.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2021.

Clerk of the House

I confirm the above.

Speaker

No. 7 of 2021

FIRST SESSION
TWELFTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to provide for the regulation and control of gaming and betting and matters related thereto

Received and read the

First time

Second time

Third time