



JOINT SELECT COMMITTEE ON
**THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

REPORT

FIFTH SESSION ELEVENTH PARLIAMENT (2019/2020)



EXECUTIVE SUMMARY

The Gambling sector in Trinidad and Tobago is a thriving industry which yields approximately \$16 billion dollars annually and employs an estimated 7,000 persons. It is reported that there are over 200 private members' clubs operating in Trinidad and Tobago, and that over 20,000 amusement gaming machines may be found at Members Clubs, restaurants and bars throughout the country. While these statistics illustrate the significance of this sector to the economy of Trinidad and Tobago, it is alarming that the gambling sector has grown exponentially albeit unregulated.

At present, the gambling industry is governed by the *Gambling and Betting Act, Chap 11:19, Act No. 22 of 1963*, which is unable to address the expansive modern gambling industry which has experienced significant technological advancement since 1963. The existing legislation is incapable of sufficiently regulating the gambling sector which poses several risks and challenges to the economy and Trinidad and Tobago's reputation. Primary among these challenges has been Trinidad and Tobago's failure to meet its international obligations with respect to money laundering and terrorist financing. The deregulated environment creates apertures for the use of legitimately registered businesses (such as gaming establishments and members clubs) to engage in money laundering and terrorist financing. Moreover, very few gaming establishments pay the required taxes.

The Gambling (Gaming and Betting) Control Bill, 2016 aims to remedy some of the aforementioned challenges and is the amalgamation of efforts by successive governments to regulate the gaming sector. The Bill seeks to create a Gambling (Gaming and Betting) Control Commission which would regulate the industry and provide oversight to the gaming sector. The Commission would be responsible for instituting a licensing regime which would make it difficult for criminals and their associates to own, manage or control gaming establishments.

The collection of taxes would also be within the remit of the Commission. It is also hoped that through a well-staffed Commission that is strengthened to enforce the regulations of the gaming industry, safe and sustainable employment would be provided for those who work in the industry.

The *Joint Select Committee on the Gambling (Gaming and Betting) Control Bill 2016*, worked arduously to produce legislation that was fit for purpose in a bipartisan

effort worthy of plaudits. Each clause of the Bill was meticulously examined, in light of international best practice, to ensure that the Bill did not merely copy OTHER legislation but was adapting these practices to the local context. Contributions from each member were deeply appreciated as they sought to guarantee the rights and liberties of Trinidad and Tobago citizens while ensuring that the vulnerabilities of the current system as well as the potential for nefarious activities were removed.

The Committee sourced the input of several stakeholders in its examination of the Bill and even sought international expertise from Governance Associates in delineating the powers of the Commission.

As the Committee concludes its work, I would like to extend sincere gratitude to all stakeholders, technocrats, experts and members of the public who participated in its proceedings, and contributed to the development of this Bill. The Committee is pleased to place the amended Bill before Parliament.

Colm Imbert
Chairman

Committee Mandate

Pursuant to resolutions of the House of Representatives on Wednesday October 2, 2019 and of the Senate on Friday October 25, 2019, a Joint Select Committee was established to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016.

Committee Membership

Mr. Colm Imbert, MP	Chairman
Mr. Faris Al-Rawi, MP	Member
Mr. Stuart Young, MP	Member
Ms. Nicole Olivierre, MP	Member
Mr. Ganga Singh, MP	Member
Mr. Rudranath Indarsingh, MP	Member
Mr. Foster Cummings	Member
Mr. Robert Le Hunte	Member
Mr. Wade Mark	Member
Ms. Allyson West	Member
Mr. Paul Richards	Member
Dr. Varma Deyalsingh ¹	Member

Secretariat Support

Ms. Chantal La Roche, Senior Legal Officer	Secretary
Ms. Sharla Elcock, Legal Officer I	Assistant Secretary
Mr. Jean-Marc Morris, Legal Officer I	
Mr. Kaleem Hosein, Legal Officer I	
Mrs. Susannah Gittens, Business Operations Assistant II	
Ms. Dionne Cedeno, Business Operations Assistant II	

Contact

The Secretary

Joint Select Committee Gambling (Gaming and Betting) Control Bill, 2016

Office of the Parliament

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Date Laid in HOR:

HOR Paper No.:

PARL No.: 14/3/70

Date Laid in Senate:

Senate Paper No.:

¹ w.e.f. November 27, 2018 in lieu of Melissa Ramkissoon

COMMITTEE MANDATE

1. Pursuant to resolutions of the House of Representatives on Wednesday October 2, 2019 and of the Senate on Friday October 25, 2019, a Joint Select Committee was established to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016.
2. The Bill was brought forward from the Fourth Session, and thus the Committee adopted as part of its records the work of the Joint Select Committee which considered this Bill during the Fourth Session.

CHAIRMANSHIP

3. At its **First** meeting on Wednesday November 6, 2019, your Committee elected Mr. Colm Imbert, MP to be its Chairman, in accordance with **Standing Order 97(3)** of the House of Representatives and **Standing Order 87(3)** of the Senate.
4. Your Committee also agreed to the appointment of Ms. Allyson West as Vice-Chairman.

SECRETARIAT

5. During the session Ms. Chantal La Roche, Senior Legal Officer and Ms. Sharla Elcock, Legal Officer I, were appointed to serve as Secretary and Assistant Secretary, respectively.

MEETINGS

6. Since its appointment, your Committee has held two (2) meetings on the following dates:
 - Wednesday November 6, 2019; and
 - Friday November 15, 2019.
7. The Attendance record and Minutes of the Meetings are attached at **Appendix I**.

CONSIDERATION OF ISSUES

8. At its **Second** meeting on Friday November 15, 2019, your Committee met with the Mr. Tony Clark, Consultant, from Governance Associates Limited to discuss the draft Regulations to be made under the Bill. Consequent on the submission of the Report of the Gambling Consultant, your Committee examined the following issues:

The Gambling (Gaming and Betting) Control (Application for Gaming Licenses) Regulations

- The Regulations should make clear who would be the arbitrator or mediator in the full cost recovery process.
- The disclosure of information regarding the outcome of applications, particularly the reason for refusal should be controlled.

The Gambling (Gaming and Betting) Control (License Denials, Disciplinary Actions and Hearings) Regulations, 2015

- A more expeditious and inexpensive method of review and appeal should be instituted.

The Gambling (Gaming and Betting) Control (Gaming Devices and Equipment) Regulations, 2015

- The Commission should have the flexibility to work with the industry to set appropriate standards.
- The Regulations should outline the process for resolving disputes regarding malfunctioning machines.

The Gambling (Gaming and Betting) Control (Amusement Machine Controls) Regulations, 2015

- The Commission should look into establishing thresholds which would preclude the granting of excessive licences or an undue concentration of licences.

The Gambling (Gaming and Betting) Control (Anti-Money Laundering) (Casino) Regulations

- Anti-money laundering provisions are addressed in other legislation.

9. The Committee agreed that the draft Regulations (once made after the passage of the Bill) would be circulated to stakeholders for further comments.

REPORT

10. In accordance with **Standing Orders 114(1)** and **104(1)** of the House of Representatives and the Senate respectively, your Committee wishes to report that it has completed its work.

RECOMMENDATION

11. Your Committee therefore recommends that:
 - (i) the Parliament agree with its proposals for amendments to the Bill;
 - (ii) the Parliament consider and adopt the **Gambling (Gaming and Betting) Control Bill, 2016**, as amended.
12. For ease of consideration, a consolidated versions of the amended **Gambling (Gaming and Betting) Control Bill, 2016** is attached at **Appendix III**.

Respectfully Submitted,

Sgd.

Mr. Colm Imbert, MP

Chairman

November 20, 2019

List of Appendices

Appendix I	Attendance Record and Minutes of Meetings
Appendix II	List of Recommended Amendments
Appendix III	Consolidated Version of the Bill with Amendments
Appendix IV	Report by the Consultant on the Regulations to be made under the Bill

Appendix I
Attendance Record and
Minutes of Meetings

JSC ON GAMBLING (GAMING AND BETTING CONTROL) BILL, 2016
5TH Session (2019-2020) Eleventh Parliament

Meetings	Mr. Colm Imbert	Mr. Faris Al-Rawi	Mr. Stuart Young	Ms. Nicole Olivierre	Mr. Ganga Singh	Mr. Rudranath Indarsingh	Dr. Varma Deyalsingh	Mr. Foster Cummings	Mr. Robert Le Hunte	Mr. Wade Mark	Ms. Allyson West	Mr. Paul Richards
First Meeting 08.11.2019	✓	EXCUSED	EXCUSED	EXCUSED	✓	EXCUSED	✓	✓	EXCUSED	EXCUSED	✓	✓
Second Meeting 15.11.2019	✓	✓	EXCUSED	✓	✓	EXCUSED	EXCUSED	✓	✓	✓	✓	✓



JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016

MINUTES OF THE FIRST MEETING HELD IN THE A.N.R. ROBINSON ROOM (WEST), LEVEL 9, OFFICE OF THE PARLIAMENT, TOWER D, INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN ON WEDNESDAY NOVEMBER 06, 2019 at 10:00 A.M.

PRESENT

Mr Nigel De Freitas - Vice President of the Senate

Committee Members

Mr. Colm Imbert, MP - Member
Mr. Ganga Singh, MP - Member
Mr. Foster Cummings - Member
Ms. Allyson West - Member
Mr. Paul Richards - Member
Dr. Varma Deyalsingh - Member

Secretariat

Ms. Chantal La Roche - Secretary
Ms. Sharla Elcock - Assistant Secretary

ABSENT/ EXCUSED

Mr. Faris Al-Rawi, MP - Member *[Excused]*
Mr. Stuart Young, MP - Member *[Excused]*
Ms. Nicole Olivierre, MP - Member *[Excused]*
Mr. Rudranath Indarsingh, MP - Member *[Excused]*
Mr. Wade Mark - Member *[Excused]*
Mr. Robert Le Hunte - Member *[Excused]*

COMMENCEMENT

1.1 The meeting was called to order by the Vice President of the Senate at 10:35 a.m.

ANNOUNCEMENTS BY THE VICE PRESIDENT OF THE SENATE

2.1 The Vice President informed Members that Ms. Chantal La Roche would serve the Committee as Secretary and Ms. Sharla Elcock would serve as Assistant Secretary.

ELECTION OF CHAIRMAN

- 3.1 The Vice President advised that his role was to facilitate the election of a Chairman and invited nominations.
- 3.2 Ms. Allyson West nominated Mr. Colm Imbert for the chairmanship and this nomination was seconded by Mr. Ganga Singh.
- 3.3 There being no further nominations, Mr. Colm Imbert was declared Chairman. The Vice President wished the Members productive and cooperative deliberations. Mr. Colm Imbert was invited to take the Chair.
(The Vice President exited the meeting and Mr. Colm Imbert assumed his role as Chairman)
- 3.4 The Chairman thanked Members for electing him to serve as the Chairman.

ELECTION OF THE VICE CHAIRMAN

- 4.1 Mr. Paul Richards nominated Ms. Allyson West for the vice chairmanship and this nomination was seconded by Dr. Deyalsingh.
- 4.2 There being no further nominations, Ms. Allyson West was declared Vice Chairman.

DISCUSSION ON THE WAY FORWARD

Second Meeting

- 5.1 The Chairman proposed and the Committee agreed that the Committee's Second meeting would be held on **Tuesday November 12, 2019 at 10:00 a.m.**

ADJOURNMENT

- 6.1 The Chairman thanked Members and adjourned the meeting to **Tuesday November 12, 2019 at 10:00 a.m.**
- 6.2 The adjournment was taken at 10:41 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

November 06, 2019



JOINT SELECT COMMITTEE ON THE GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016

MINUTES OF THE FIRST MEETING HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6, OFFICE OF THE PARLIAMENT, TOWER D, INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN ON WEDNESDAY NOVEMBER 15, 2019 at 10:00 A.M.

PRESENT

Committee Members

Mr. Colm Imbert	-	Member
Mr. Ganga Singh	-	Member
Mr. Foster Cummings	-	Member
Ms. Allyson West	-	Member
Mr. Paul Richards	-	Member
Mr. Faris Al-Rawi	-	Member
Ms. Nicole Olivierre	-	Member
Mr. Wade Mark	-	Member
Mr. Robert Le Hunte	-	Member

Secretariat

Ms. Chantal La Roche	-	Secretary
Ms. Sharla Elcock	-	Assistant Secretary

ABSENT/ EXCUSED

Dr. Varma Deyalsingh	-	Member <i>[Excused]</i>
Mr. Stuart Young	-	Member <i>[Excused]</i>
Mr. Rudranath Indarsingh	-	Member <i>[Excused]</i>

COMMENCEMENT

- 1.1 The meeting was called to order by the Chairman at 10:35 a.m.
- 1.2 The Committee agreed to defer the confirmation of the Minutes of the first meeting to later in the proceedings.

CONSIDERATION OF THE GAMBLING CONSULTANT'S REPORT ON THE REGULATIONS TO BE MADE UNDER THE GAMBLING (GAMING AND BETTING) CONTROL BILL 2016

Representatives of the Office of the Chief Parliamentary Counsel and Ministry of Finance were invited into the Meeting Room at this time

2.1 The Chairman welcomed the technocrats.

Representing the Office of the Chief Parliamentary Counsel was:

Ms. Laura Ramnath - Senior Parliamentary Counsel (Ag)

Representing the Ministry of Finance was:

Mr. Chevon Robinson - Project Manager, Strategic Management and Execution Office

2.2 The representative of Governance Associates Limited was also available via videoconferencing link. Representing Governance Associates Limited was:

Mr. Tony Clark - Principal Consultant

2.3 The review of the Gambling Consultants' Report proceeded as outlined in **Appendix I** of these Minutes.

CONFIRMATION OF MINUTES OF THE FIRST MEETING

3.1 The Committee examined the Minutes of the First Meeting held on Wednesday 6th November, 2019.

3.2 There being no amendments, the motion for the confirmation of the Minutes was moved by Ms. Allyson West and seconded by the Chairman.

WAY FORWARD

4.1 Discussion ensued on the way forward. The Chairman expressed a desire to have the Committee's Final Report presented in Parliament at the earliest opportunity.

4.2 Following interventions by Members in relation to stakeholder consultations on the Regulations, the Chairman gave an assurance that industry stakeholders would be provided with the opportunity to review and comment on the Regulations when they are finalised.

ADJOURNMENT

5.1 The adjournment was taken at 11:32 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

November 20, 2019

CONSIDERATION OF THE GAMBLING CONSULTANT’S REPORT ON THE REGULATIONS UNDER THE GAMBLING (GAMING AND BETTING) CONTROL BILL 2016

Regulations	Issue Raised
The Gambling (Gaming and Betting) Control (Code of Ethics) Regulations	<ul style="list-style-type: none"> ▪ Regulations are clear and elegantly written
The Gambling (Gaming and Betting) Control (Application for Gaming Licenses) Regulations	<ul style="list-style-type: none"> ▪ Whether the Regulations should be expanded to include the licensing of either premises or personnel involved in betting activities. ▪ Whether the Regulations should specify “who” would be the arbitrator or mediator or “who” is to choose or nominate the arbitrator or mediator. ▪ Whether the information regarding the outcome of the application, particularly the reason for the refusal, be disclosed.
The Gambling (Gaming and Betting) Control (License Denials, Disciplinary Actions and Hearings) Regulations, 2015	<ul style="list-style-type: none"> ▪ Whether the judicial officer should have the right to decide the case on its merits ▪ Whether the decision should be final ▪ Whether the scope for a further appeal on the merits should be limited ▪ Whether the decision should be “stayed” pending the appeal or review
Multi Jurisdictional Business Form; Multi Jurisdictional Gaming Application	<ul style="list-style-type: none"> ▪ The forms reflect international best practice
The Gambling (Gaming and Betting) Control (Gaming Devices and Equipment) Regulations, 2015	<ul style="list-style-type: none"> ▪ Whether the Commission should be given the flexibility to work with the industry to the set appropriate standards ▪ Whether the Commission should have the capacity to settle disputes regarding malfunctioning of machines ▪ Whether there should be there a limit to the cash pay-out for winnings
The Gambling (Gaming and Betting) Control (Amusement Machine Controls) Regulations, 2015	<ul style="list-style-type: none"> ▪ Whether there should be a threshold precluding the granting of excessive licences ▪ Whether a licence may be surrendered subject to “four weeks” notice in writing
The Gambling (Gaming and Betting) Control (Responsible Gambling) Regulations, 2015	<ul style="list-style-type: none"> ▪ Whether the Commission should have flexibility in the preparation and implementation of its Plans

Regulations	Issue Raised
The Gambling (Gaming and Betting) Control (Anti-Money Laundering) (Casino) Regulations, 2015	<ul style="list-style-type: none"><li data-bbox="586 233 1503 390">▪ Whether these Regulations should be made under the Gambling laws or under other legislation

Appendix II
LIST OF AMENDMENTS

THE GAMBLING (GAMING AND BETTING) CONTROL BILL, 2016

List of amendments to be moved in the House of Representatives by the Honourable Minister of Finance and the Economy at the Committee Stage of the Gambling (Gaming and Betting) Control Bill, 2016

NOTICE is hereby given that the Honourable Minister of Finance and the Economy will move in the House of Representatives the following amendments at the Committee Stage of the Gambling (Gaming and Betting) Control Bill, 2016:

<p align="center">First Column Clause</p>	<p align="center">Second Column Extent of Amendments</p>
<p align="center">Preamble</p>	<p>A. Delete recitals 1 to 5 and replace with the following recitals:</p> <p>“WHEREAS Trinidad and Tobago’s international anti-money laundering and counter-terrorist financing obligations demand a framework which addresses the gaming and betting industry’s vulnerability to money laundering and terrorist financing;</p> <p>And whereas the gaming and betting industry has the potential of contributing positively to the economy by creating employment in this and other sectors as well as generating significant tax revenues;</p> <p>And whereas gaming and betting have also been shown to have negative effects on vulnerable persons, including minors and problem gamblers;</p> <p>And whereas gaming and betting are commercial transactions which can be easily infiltrated by criminal elements;</p> <p>And whereas there is need to establish an up-to-date legal and regulatory framework that protects both gaming and betting operators and their consumers;”.</p>
<p align="center">4</p>	<p>A. In the definition of “authorised officer”-</p> <p>(a) delete the word “or” at the end of paragraph (b);</p>

<p style="text-align: center;">First Column Clause</p>	<p style="text-align: center;">Second Column Extent of Amendments</p>
	<p>(b) delete the word “or” at the end of paragraph (c);</p> <p>(c) insert after paragraph (c) the following new paragraph: <small>Chap. 25:04</small> “(d) a member of the Municipal Police Service appointed under the Municipal Corporation Act; or” and</p> <p>(d) renumber paragraph (d) as paragraph (e).</p> <p>B. Insert after the definition of “authorised officer” the following definition: “ “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;”.</p> <p>C. In the definition of “betting”- (a) delete the words “race, or” and replace with the word “,” ; and (b) insert after the word “event” the words “or other events”.</p> <p>D. In the definition of “casino game” delete the word “means” and replace with the word “includes”.</p> <p>E. Insert after the definition of “company” the following definition: “controlling shareholder” means a person who-</p> <p>(a) obtains an ownership, financial or equity interest in the licensee of five percent or greater; (b) has the ability to control the licensee; (c) has the ability to exercise significant influence over the licensee; or (d) loans any money or other thing of value to the licensee;”.</p> <p>F. Delete the definition of “enforcement officer”.</p>

<p style="text-align: center;">First Column</p> <p style="text-align: center;">Clause</p>	<p style="text-align: center;">Second Column</p> <p style="text-align: center;">Extent of Amendments</p>
	<p>G. In the definition of “equipment” in paragraph (d) insert after the word “device” the words “inclusive of software”.</p> <p>H. Insert after the definition of “gambling device” the following definition:</p> <p style="padding-left: 40px;">“ “gambling establishment” means premises licensed by the Commission to conduct gaming and betting activities pursuant to the provisions of this Act;”.</p> <p>I. Delete the definition of “game of chance” and replace with the following definition:</p> <p style="padding-left: 40px;">“ “game of chance” includes a game that-</p> <p style="padding-left: 80px;">(a) involves both an element of chance and an element of skill;</p> <p style="padding-left: 80px;">(b) involves an element of chance that can be eliminated by superlative skill; and</p> <p style="padding-left: 80px;">(c) is presented as involving an element of chance;”.</p> <p>J. Insert after the definition of “gaming machine” the following definition:</p> <p style="padding-left: 40px;">“ “key person”, in relation to a licensed business means, any person who –</p> <p style="padding-left: 80px;">(a) is an owner, director, controlling shareholder, associate, trustee, committee member or manager of the licensee; or</p> <p style="padding-left: 80px;">(b) has the ability, directly or indirectly, to exert a significant influence over the management or operations of a licensee;”.</p> <p>K. Delete the definition of “non-commercial gaming”.</p> <p>L. Delete the definition of “relative” and replace with the following definition:</p>

<p style="text-align: center;">First Column</p> <p style="text-align: center;">Clause</p>	<p style="text-align: center;">Second Column</p> <p style="text-align: center;">Extent of Amendments</p>
	<p style="text-align: center;">“relative”, in respect of any person, means the spouse, a cohabitant as defined in the Cohabitational Relationships Act, parent, grandparent, brother, sister, children, the children of a cohabitational relationship, adopted children and step-children of the person;”.</p> <p>“Chap. 45:55</p> <p>M. In subclause (3)(a) delete the words “; and” and replace with the words “including software; or”.</p>
<p style="text-align: center;">5</p>	<p>A. In paragraph (d)-</p> <p style="padding-left: 40px;">(a) delete the word “international” and replace with the words “written laws for”; and</p> <p style="padding-left: 40px;">(b) delete the word “regulations”.</p> <p>B. In paragraph (e) delete the word “and”.</p> <p>C. In paragraph (f) delete the word “.” and replace with the words “; and”.</p> <p>D. Insert after paragraph (f) the following new paragraph:</p> <p style="padding-left: 40px;">“(g) contribute to the economy by creating employment.”.</p>
<p style="text-align: center;">6</p>	<p>A. In subclause (2) insert after the words “appointed by the” the words “President on the advice of the”.</p> <p>B. In subclause (3) delete the word “eight” and replace with the words “not less than five nor more than nine”.</p> <p>C. Delete subclause (6) and replace with the following subclause:</p> <p style="padding-left: 40px;">“(6) A person who-</p> <p style="padding-left: 80px;">(a) has operated a gambling establishment prior to the coming into force of this Act;</p> <p style="padding-left: 80px;">(b) holds a licence issued under this Act;</p> <p style="padding-left: 80px;">(c) intends to apply for a licence pursuant to the provisions of this Act; or</p>

<p style="text-align: center;">First Column Clause</p>	<p style="text-align: center;">Second Column Extent of Amendments</p>
	<p style="text-align: center;">(d) has a financial interest in but does not operate a gambling establishment,</p> <p>shall not be eligible for appointment to the Board and, in the case of persons who hold positions 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.”.</p>
<p style="text-align: center;">7</p>	<p>A. In subclause (1)-</p> <p>(a) in paragraph (a) delete the word “four” and replace with the word “five”;</p> <p>(b) in paragraph (b) delete the word “three” and replace with the word “four”; and</p> <p>(c) in paragraph (c) delete the word “two” and replace with the word “three”.</p> <p>B. In subclause (2) delete the word “four” and replace with the word “five”.</p> <p>C. Delete subclauses (5), (6), (7) and (8) replace with the following subclauses:</p> <p>“(5) The appointment of any person to membership of the Board and the termination thereof, whether by-</p> <p style="padding-left: 40px;">(a) death;</p> <p style="padding-left: 40px;">(b) resignation;</p> <p style="padding-left: 40px;">(c) revocation;</p> <p style="padding-left: 40px;">(d) effluxion of time; or</p> <p style="padding-left: 40px;">(e) if that person becomes an employee or holds any financial interest in a company licenced under this Act or otherwise,</p> <p>shall be published in the <i>Gazette</i>.</p>

First Column Clause	Second Column Extent of Amendments
	<p>(6) A member of the Board may be removed from office by the Minister, where he-</p> <ul style="list-style-type: none"> (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 Commission without leave of the Commission 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.”.
8	In subclause (1) delete the word “three” and replace with the word “five”.
10	<ul style="list-style-type: none"> A. Renumber clause 10(1) as clause 10. B. Delete subclause (2).
12	In subclause (7) insert after the word “delegate” the words “by instrument in writing”.
13	<ul style="list-style-type: none"> A. In subclause (1) delete the words “whether or not he has an” and replace with the words “that he has no”. B. In subclause (2)- <ul style="list-style-type: none"> (a) delete all the words occurring from the word “whose” to the words “subsection (1)” and replace with the words “who has an actual or contingent pecuniary interest”; and (b) insert after the word “disclose” the words “in writing”. C. Delete subclause (4).
14	A. In subclause (1) in paragraph (c)-

<p style="text-align: center;">First Column</p> <p style="text-align: center;">Clause</p>	<p style="text-align: center;">Second Column</p> <p style="text-align: center;">Extent of Amendments</p>
	<p>(a) insert after the word “Rehabilitation” the word “Fund”; and</p> <p>(b) delete the word “Funds” and replace with the word “Fund”.</p> <p>B. In subclause (2)-</p> <p>(a) in paragraph (a) insert after the word “Act” the words “and regulations made hereunder”;</p> <p>(b) in paragraph (b) insert after the word “Act” the words “and regulations made hereunder”;</p> <p>(c) delete paragraph (c) and replace with the following paragraph:</p> <p style="padding-left: 40px;">“(c) engage in consultations as prescribed or pursuant to the objectives of this Act;”;</p> <p>(d) in paragraph (d) insert after the word “recommendations” the words “to the Minister”;</p> <p>(e) in paragraph (f) delete the word “the” in the second place where it occurs;</p> <p>(f) in paragraph (g) insert after the words “Schedule 4” the words “and regulations made under this Act”;</p> <p>(g) in paragraph (h) insert after the word “activities” the words “and all gambling activities conducted under this Act”;</p> <p>(h) in paragraph (o) insert after the word “inspect” the words “or cause to be inspected”;</p> <p>(i) in paragraph (p) delete the words “seize or impound” and replace with the words “impound or seize”; and</p> <p>(j) in paragraph (q) insert after the word “designate” the words “or cause to be designated”;</p> <p>(k) in paragraph (r) insert after the word “system” the words “or such other processes and procedures”; and</p>

First Column Clause	Second Column Extent of Amendments
	(l) in paragraph (t) insert after the word “duties” the words “and any other power given under this Act”.
15	In subclause (1) insert after the word “Officer” in the second place where it appears, the words “and shall be eligible for reappointment”.
16	In subclause 1 in paragraph (b) insert after the word “permitted” the words “to be done”.
17	Delete clause 17 and replace with the following clause: “17. 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.”
18	Delete clause 18.
21	In paragraph (d) delete the word “Commissioner” and replace with the words “Chief Executive Officer”.
24	In subclause (5) delete the word “fiscal” and replace with the word “financial”.
25	In subclause (1) delete the words “or such longer period as the Minister may in special circumstances approve,”.
26	Delete the word “June” and replace with the word “September”.
27	A. Delete subclause (2) and replace with the following subclause: “(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
29	Delete the words “or other best practice commercial standards”.
30	Delete all the words appearing after the words “provisions of” and replace with the words “any written law”.
32	A. In subclause (2)- (a) in paragraph (i) delete the word “and”;

First Column Clause	Second Column Extent of Amendments
	<p>(b) insert after paragraph (i) the following new paragraph:</p> <p>“(j) a Gaming Machine Manufacture Licence which shall permit a licensee to manufacture, fabricate, assemble and programme gambling equipment; and”;</p> <p>(c) renumber existing paragraph (j) as paragraph (k); and</p> <p>(d) in paragraph (k) as renumbered, insert after the word “necessary” the words “and related to the discharge of its duties and functions”.</p>
33	In subclause (3) delete the words “Operating License” and replace with the words “a licence under section 31”.
34	<p>A. In subclause (2)-</p> <p>(a) in paragraph (b) insert after the words “interview;” the word “or”;</p> <p>(b) in paragraph (c) delete words “; and” and replace with the word “.”; and</p> <p>(c) delete paragraph (d).</p> <p>B. Delete subclauses 3, 4, 5, 6 and 7.</p> <p>C. Renumber subclauses 8, 9 and 10 as subclauses 3, 4 and 5.</p>
35	<p>A. Insert after the word “decision” the words “once a week, for at least two weeks,”.</p> <p>B. Insert after the word “newspapers” the words “, in circulation in Trinidad and Tobago”.</p>
36	<p>In subclause 1 paragraph (b)-</p> <p>(a) insert after the word “specified” the word “gambling”; and</p> <p>(b) delete the word “others” and replace with the words “other gambling activities”.</p>

First Column Clause	Second Column Extent of Amendments
37	In paragraph (c) insert after the word “the” the word “gambling”.
38	<p>In subclause (1)-</p> <p>(a) in paragraph (b) delete the word “seven” and replace with the word “fourteen”.</p> <p>(b) in paragraph (d) delete all the words appearing after the word “under” and replace with the words “this Act or any other written law which carries a penalty of imprisonment for more than two years; and”.</p>
40	<p>A. Renumber clause 40 as clause 40(1).</p> <p>B. Insert after section 40(1) as renumbered the following new subclauses:</p> <p>“(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 meets the requirements—</p> <p style="padding-left: 40px;">(a) of any relevant regulations made under this Act;</p> <p style="padding-left: 40px;">(b) complies with any relevant guidance issued by the Commission; and</p> <p style="padding-left: 40px;">(c) is reasonably consistent with the licensing objectives.</p> <p>(3) The Commission may, in relation to a licensed premises review-</p> <p style="padding-left: 40px;">(a) the manner in which the licensee carries on the licensed activities; and</p> <p style="padding-left: 40px;">(b) relative to the premises, arrangements made by the landlord to ensure compliance with the conditions attached to the granting of the licenses.”.</p>
41	<p>A. In subclause (2)(j) insert after the word “prescribed” the words “by the Minister”.</p> <p>B. Delete subclause (4) and replace with the following subclause:</p>

<p style="text-align: center;">First Column Clause</p>	<p style="text-align: center;">Second Column Extent of Amendments</p>
	<p>“(4) A person who-</p> <p>(a) is found guilty of a summary offence under the Proceeds of Crime Act or the Anti-Terrorism Act;</p> <p>(b) is sentenced to imprisonment or is convicted of an offence involving fraud or dishonesty, whether in Trinidad and Tobago or elsewhere;</p> <p>(c) is a designated individual or entity under section 22B of the Anti-Terrorism Act or any order made under section 4 of the Economic Sanctions Act;</p> <p>(d) is found guilty of a criminal offence which carries a penalty of a term of imprisonment of three years or more; or</p> <p>(e) is found guilty of an offence under this Act,</p> <p>shall be disqualified from holding a Personal Licence.”.</p>
42	<p>In subclause (1) delete the word “the” in the first place where it occurs and replace with the word “an”.</p>
43	<p>Delete the word “automatically”.</p>
45	<p>A. In subclause (2) in paragraph (b) insert after the words “or a” the word “key”.</p> <p>B. In subclause (3) in paragraph (a) delete the word “or” and replace with the word “and”.</p> <p>C. In subclause (8) delete the words “subsection (7)” and replace with the words “subsection (6)”.</p>
46	<p>A. In subclause (3) delete the word “revoked” and replace with the word “suspended”.</p> <p>B. In subclause (4)-</p> <p>(a) delete the word “revoke” and replace with the word “suspend”; and</p>

<p style="text-align: center;">First Column</p> <p style="text-align: center;">Clause</p>	<p style="text-align: center;">Second Column</p> <p style="text-align: center;">Extent of Amendments</p>
	<p style="text-align: center;">(b) insert after the word “<i>Gazette</i>” the words “and once a week, for at least two weeks, in at least two newspapers in daily circulation in Trinidad and Tobago”.</p>
<p style="text-align: center;">47</p>	<p>In subclause (1) in paragraph (i) delete the word “management” and replace with the word “person”.</p>
<p style="text-align: center;">50</p>	<p>A. Renumber clause 50 as clause 50(1).</p> <p>B. Insert after section 50(1) as renumbered the following subclauses:</p> <p style="padding-left: 40px;">“(2) Where an application is made for the review of a decision of the Commission before the High Court and the Commission objects to the disclosure or production of protected information at the hearing, the Commission may apply to the High Court—</p> <ul style="list-style-type: none"> (a) and produce evidence through a Commission officer on the basis of a confidential affidavit that is not disclosed to one or more of the parties or any representative of those parties; (b) in camera, during which the Commission and each party to the proceeding has a right to make submissions; (c) at a hearing held without notice to, and without the presence of, one or more of the parties or any representative of those parties; or (d) by any combination of the methods set out in paragraphs (a), (b) and (c). <p style="padding-left: 40px;">(3) If the High Court is satisfied that it is not in the public interest to hear and determine the application for review by the method elected by the Commission, the High Court may hear and determine the application by any other method set out in subsection (2).</p> <p style="padding-left: 40px;">(4) In deciding which method to hear and determine the application for review, the High Court shall consider—</p>

<p style="text-align: center;">First Column</p> <p style="text-align: center;">Clause</p>	<p style="text-align: center;">Second Column</p> <p style="text-align: center;">Extent of Amendments</p>
	<p style="text-align: center;">(a) the public interest in protecting the confidentiality of investigative techniques of the Commission, the police or any other law enforcement agency, whether in Trinidad and Tobago or elsewhere, and of the protected information in the possession of the Commission; and</p> <p style="text-align: center;">(b) the extent to which the method of hearing and determining the matter may disclose any intelligence information, or document or thing which is protected information.</p> <p>(5) If the High Court decides to hear and determine the application for review by the method set out in subsection (2)(a), the High Court may require the Commission to provide the High Court with any further confidential affidavits that the High Court requires to determine the application.</p> <p>(6) In this section, “protected information” means any intelligence information, document or thing the production or inspection of which—</p> <p style="text-align: center;">(a) is likely to reveal the identity of a person –</p> <p style="text-align: center;">(i) who provided information on the basis of which the decision was made or puts that person’s safety at risk;</p> <p style="text-align: center;">(ii) who provided information held by the Commission and on the basis of which the decision was made or puts that person’s safety at risk;</p> <p style="text-align: center;">(iii) whose name appears in any evidence given or information provided to the Commission relating to an investigation, or puts that person's safety at risk; or</p> <p style="text-align: center;">(iv) who is or has been the subject of an investigation by the Commission or other law enforcement agency, whether in Trinidad and Tobago or elsewhere, or puts that person's safety at risk;</p>

<p style="text-align: center;">First Column</p> <p style="text-align: center;">Clause</p>	<p style="text-align: center;">Second Column</p> <p style="text-align: center;">Extent of Amendments</p>
	<p>(b) is likely to place at risk an ongoing investigation by the Commission or any law enforcement agency, whether in Trinidad and Tobago or elsewhere;</p> <p>(c) is likely to risk the disclosure of any investigative method used by the Commission or any law enforcement agency, whether in Trinidad and Tobago or elsewhere; or</p> <p>(d) is otherwise not in the public interest.</p> <p>(7) If the High Court decides to hear and determine an application for review at a hearing referred to in section (2)(c), the High Court may appoint a special counsel to represent the interests of a party to the proceeding.</p> <p>(8) A special counsel must be an Attorney-at-law admitted to practice in Trinidad and Tobago who, in the opinion of the High Court, has the appropriate skills and ability to represent the interests of the party at the hearing.</p> <p>(9) At any time before the special counsel attends the hearing or obtains any confidential affidavit in relation to the application, the special counsel may communicate with the party whose interests he is representing, or any representative of that party, for the purpose of obtaining information from the party or representative in relation to the proceeding.</p> <p>(10) At any time after the special counsel commences attending the hearing or obtains any confidential affidavit in relation to the application, the special counsel—</p> <p style="padding-left: 40px;">(a) shall not take instructions from the party whose interests he is representing, or from any representative of that party; and</p> <p style="padding-left: 40px;">(b) may communicate to that party or a representative of that party any order made by the High Court at or in relation to the hearing; and</p> <p style="padding-left: 40px;">(c) shall not communicate any other information in relation to the hearing to that party or a representative of that party without leave of the High Court.”.</p>

First Column Clause	Second Column Extent of Amendments
54	In subclause (1) delete the words “Operational Licence” and replace with the words “a licence under section 31”.
59	Delete subclause (3).
60	Delete clause 60.
61	Delete clause 61.
63	In subclause (1) delete the words “Operational Licence” and replace with the words “a licence under section 31”.
65	<p>A. Renumber section 65 as section 65(1).</p> <p>B. Insert after section 65(1) as renumbered the following new subsection:</p> <p style="padding-left: 40px;">(a) “(2) Subject to regulations made under this Act, a licensed bookmaker or pool betting provider may accept bets on horse racing, animal racing and sporting events only.”.</p>
66	<p>A. Delete the word “following”.</p> <p>B. Delete all the words occurring after the word “devices” and replace with the words “listed in Schedule 5.”.</p>
67	In subclause (4) delete the words “an annual basis” and replace with the words “or before 30th September of every year”.
69	<p>A. In subclause (2) delete the words “General Acceptable Accounting Principles” and replace with the words “International Financial Reporting Standards”.</p> <p>B. In subclause (6) delete the word “fiscal” and replace with the word “financial”.</p>
70	In subclause (4) insert after the word “licence” the words “within thirty days”.
73	In subclause (2) delete the words “one year” and replace with the words “twenty years”.

<p style="text-align: center;">First Column</p> <p style="text-align: center;">Clause</p>	<p style="text-align: center;">Second Column</p> <p style="text-align: center;">Extent of Amendments</p>
<p style="text-align: center;">74</p>	<p>A. In subclause (1)-</p> <p style="padding-left: 40px;">(a) in paragraph (e) delete the word “operation” and replace with the word “activity”;</p> <p style="padding-left: 40px;">(b) in paragraph (f) delete the word “or”;</p> <p style="padding-left: 40px;">(c) in paragraph (g) delete the word “,” and replace with the words “; or”; and</p> <p style="padding-left: 40px;">(d) insert after paragraph (g) the following new paragraph: “ (h) acts as an agent for persons referred to in paragraphs (a) to (g),”.</p> <p>B. In subclause (2) delete the words “six months” and replace with the words ‘twenty years”.</p>
<p style="text-align: center;">75</p>	<p>A. In subclause (2) delete all the words occurring after the words “gambling software” and replace with the words “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 the regulations made under this Act as not being part of the gaming machine.”.</p> <p>B. In subclause (3) delete the words “six months” and replace with the words ‘twenty years”.</p>
<p style="text-align: center;">76</p>	<p>A. Delete subclause (1) and replace with the following subclause:</p> <p style="padding-left: 40px;">“(1) A person shall not cheat at any gambling activity, and shall not aid, abet or conspire to cheat in any gambling activity.”.</p> <p>B. In subsection (2) delete the word “means to alter” and replace with the word “includes the alteration of”.</p>

First Column Clause	Second Column Extent of Amendments
77	<p>A. In subclause (1)(a) delete the words “operating license” and replace with the words “a licence under section 31”.</p> <p>B. In subclause (4) insert after the word “publish” the words “in the <i>Gazette</i> and two daily newspapers”.</p> <p>C. In subclause (5) delete the word “A” and replace with the words “Notwithstanding section 44 of the Summary Offences Act, a”.</p>
79	<p>In subclause (3) delete the words “for <i>bona fide</i> purposes which were” and replace with the words “with lawful excuse which was”.</p>
81	<p>In subclause (2) insert after word “gamble” the words “by any method, electronic or otherwise”.</p>
82	<p>Delete the words “, permits” and replace with the words “or permits”.</p>
84	<p>A. In subclause (1) delete the word “reasonable” and replace with the word “lawful”.</p> <p>B. Insert after subclause (3) the following new subclause:</p> <p>“(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 summary conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.”.</p>
85	<p>A. Renumber clause 85 as clause 85(1).</p> <p>B. In subclause (1) as renumbered-</p> <p>(b) delete the word “A” and replace with the words “Notwithstanding section 63 of the Interpretation Act, where a”; and</p> <p>(c) delete the words “or Regulations”.</p> <p>C. Insert after subclause (1) as renumbered the following new subclause:</p>

First Column Clause	Second Column Extent of Amendments
	“(2) Notwithstanding section 63 of the Interpretation Act, regulations made under this Act may provide for offences and penalties relative to such offences which may carry a penalty on summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years and in the case of a continuing offence, to a fine of ten thousand dollars for each day that the offence continues.”.
PART IX	In the heading delete the word “PENALTIES” and replace with the word “FINES”.
89	Delete the word “penalty” wherever it occurs and replace with the word “fine”.
90	In subsection (1) delete the word “penalty” and replace with the word “fine”.
92	Insert after the word “Regulations” the words “subject to affirmative resolution of Parliament”.
93	<p>A. Insert after subclause (3) the following new subclause:</p> <p>“(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 or affairs of a licensee or any of his or its 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 summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for ten years.”.</p>
Schedule 2	<p>A. In clause 5(1)(h) delete the words “whether the person has ever”.</p> <p>B. In clause 7(3) delete the word “Guideline” and replace with the word “Schedule”.</p>
Schedule 5	<p>A. Insert after Schedule 4 the following new Schedule:</p> <p style="text-align: center;">“SCHEDULE 5</p> <p style="text-align: right;">(Section 63)</p>

First Column Clause	Second Column Extent of Amendments
	<p>TAXES PAYABLE ON GAMBLING TABLES AND OTHER DEVICES</p> <p>For every Baccarat Table \$100,000.00 per annum</p> <p>For every Black Jack Table \$120,000.00 per annum</p> <p>For every Caribbean Stud Poker Table \$150,000.00 per annum</p> <p>For every Dice Table \$70,000.00 per annum</p> <p>For every Poker Table \$60,000.00 per annum</p> <p>For every Roulette Table \$120,000.00 per annum</p> <p>For every Electronic Roulette Device \$120,000.00 per annum</p> <p>For every Rum 32 Table \$150,000.00 per annum</p> <p>For every Sip Sam Table \$150,000.00 per annum</p> <p>For every Slot Machine \$24,000.00 per annum</p> <p>For every other table or device not mentioned above \$60,000.00 per annum”.</p> <p>B. Renumber existing Schedule 5 as Schedule 6.</p>
Schedule 6	<p>A. In clause 2 in the columns entitled “Gambling (Gaming and Betting) Control Act, 2015” and “Second Column Interpretation” delete the word “2015” and replace with the word “2019”.</p> <p>B. In clause 5(b)-</p> <p>(a) in proposed section 7(a) delete the word “2014” and replace with the word “2019”;</p> <p>(b) in proposed section 8(3) and (4) delete the word “2014” and replace with the word “2019”; and</p> <p>(c) in proposed section 8A(2) insert after the words “Act,” the word “2019”.</p>
19 to 59	Renumber clauses 19 to 59 as clauses 18 to 58.
62 to 94	Renumber clauses 62 to 94 as clauses 59 to 91.
19 renumbered	A. Delete the word “21” and replace with the word “20”.

First Column Clause	Second Column Extent of Amendments
	B. Delete the word “28” and replace with the word “27”.
21 renumbered	A. Delete the word “21” and replace with the word “20”. B. Delete the word “66” and replace with the word “63”.
30 renumbered	Delete the word “33” and replace with the word “32”.
33 renumbered	In subclause (5) delete the word “(9)” and replace with the word “(4)”.
44 renumbered	In subclause (5) in paragraph (b) delete the words “33(6)” and replace with the words “32(6).
45 renumbered	Delete the word “45” wherever it occurs and replace with the word “44”.
46 renumbered	In subclause (1) in paragraph (l) delete the word “45” and replace with the word “44”.
59 renumbered	Delete the word “31” and replace with the word “30”.
65 renumbered	Delete the word “67” and replace with the word “64”.
85 renumbered	Delete the word “87” wherever it occurs and replace with the word “84”.
86 renumbered	A. Delete the word “88” and replace with the word “85”. B. Delete the word “87” wherever it occurs and replace with the word “84”.
87 renumbered	A. In subclause 1 delete the word “89” and replace with the word “86”. B. In subclause (2), in paragraph (b) delete the word “87” and replace with the word “84”.
91 renumbered	Delete the word “5” and replace with the word “6”.
SCHEDULE 1	Delete the word “19” and replace with the word “18”.
SCHEDULE 2	Delete the words “33 and 42” and replace with the words “32 and 41”.

First Column Clause	Second Column Extent of Amendments
SCHEDULE 3	Delete the words “53(2)” and replace with the words “52(2)”.
SCHEDULE 4	Delete the words “14(2)(g)” and replace with the words “13(2)(g)”.
SCHEDULE 6	Delete the word “94” and replace with the word “91”.

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

Appendix III
CONSOLIDATED VERSION OF THE BILL WITH AMENDMENTS

**THE GAMBLING (GAMING AND BETTING)
CONTROL BILL, 2016**

ARRANGEMENT OF CLAUSES

PART I

PRELIMINARY

Clause

1. Short title
2. Commencement
3. Act inconsistent with Constitution
4. Interpretation
5. Objects of Act

PART II

**GAMBLING (GAMING AND BETTING) CONTROL
COMMISSION**

6. Establishment and constitution
7. Tenure
8. Corporate Secretary
9. The Seal
10. Service of documents
11. Proceedings
12. Appointment of committees
13. Declaration of members' interests
14. Powers and duties of the Commission
15. Appointment of Chief Executive Officer
16. Personal liability
17. Execution of policy
- ~~18.~~ ~~Inducement, concealment or connivance~~
- ~~19.~~ ~~18.~~ Staff of the Commission
- ~~20.~~ ~~19.~~ Funds of the Commission
- ~~21.~~ ~~20.~~ Allowable expenditure
- ~~22.~~ ~~21.~~ Accounts of the Commission
- ~~23.~~ ~~22.~~ Budget of the Commission
- ~~24.~~ ~~23.~~ Accounts and audit
- ~~25.~~ ~~24.~~ Annual report
- ~~26.~~ ~~25.~~ Financial year
- ~~27.~~ ~~26.~~ Exemption from tax
- ~~28.~~ ~~27.~~ Borrowing powers

- ~~29.~~ 28. Financial rules
- ~~30.~~ 29. Procurement procedures

PART III

LICENSING REGIME

- ~~31.~~ 30. Requirement for a licence
- ~~32.~~ 31. Categories of licences
- ~~33.~~ 32. Application for a licence
- ~~34.~~ 33. Investigations
- ~~35.~~ 34. Decision of the Commission
- ~~36.~~ 35. Power to approve or refuse
- ~~37.~~ 36. Form of licence
- ~~38.~~ 37. Conditions of licence
- ~~39.~~ 38. Publication of licence
- ~~40.~~ 39. Premises Licence
- ~~41.~~ 40. Personal Licence
- ~~42.~~ 41. Fit and proper criteria
- ~~43.~~ 42. Expiration
- ~~44.~~ 43. Renewal
- ~~45.~~ 44. Review of licence
- ~~46.~~ 45. Suspension
- ~~47.~~ 46. Revocation
- ~~48.~~ 47. Notice of change
- ~~49.~~ 48. Application to vary licence
- ~~50.~~ 49. Application for multiple licences
- ~~51.~~ 50. Appeals
- ~~52.~~ 51. Register
- ~~53.~~ 52. Internal controls

PART IV

GAMING

- ~~54.~~ 53. Transitional
- ~~55.~~ 54. Participation in a game of chance
- ~~56.~~ 55. Prize competitions
- ~~57.~~ 56. Designation of machines
- ~~58.~~ 57. Approval of games
- ~~59.~~ 58. Display of gaming rules
- ~~60.~~ ~~Private gaming~~
- ~~61.~~ ~~Charge for participation in gaming~~
- ~~62.~~ 59. Entertainment not held for private gain

PART V

BETTING

- ~~63.~~ 60. Transitional
- ~~64.~~ 61. Number of licences per applicant
- ~~65.~~ 62. Conduct of betting

PART VI

TAXES AND FUNDS

- ~~66.~~ 63. Payment of taxes
- ~~67.~~ 64. Rehabilitation **Fund** and Development **Funds Fund**
- ~~68.~~ 65. Rehabilitation and Development Funds Committee
- ~~69.~~ 66. Accounts and audit

PART VII

ENFORCEMENT

- ~~70.~~ 67. Authorised officers
- ~~71.~~ 68. Issue of warrant
- ~~72.~~ 69. Submission of report

PART VIII

OFFENCES AND PENALTIES

Division 1 - Gaming and Betting Offences

- ~~73.~~ 70. Use of premises
- ~~74.~~ 71. Restrictions on gambling
- ~~75.~~ 72. Gambling software
- ~~76.~~ 73. Cheating
- ~~77.~~ 74. Facilities for gambling
- ~~78.~~ 75. Remote facilities
- ~~79.~~ 76. Restrictions on use of premises for betting transactions
- ~~80.~~ 77. Prohibition of betting in streets and public places

Division 2 - Minors

- ~~81.~~ 78. Invitation to gamble
- ~~82.~~ 79. Invitation to gambling premises
- ~~83.~~ 80. Employment offences

Division 3 - General Offences

- ~~84.~~ 81. Obstruction
- ~~85.~~ 82. Penalties
- ~~86.~~ 83. Amendment of penalties

PART IX

**NOTIFICATION AND ADMINISTRATIVE ~~PENALTIES~~
FINES**

- ~~87.~~ 84. Notification of contravention of the Act
- ~~88.~~ 85. Enforcement against person duly notified
- ~~89.~~ 86. Imposition of ~~penalties~~ fines on person duly notified
- ~~90.~~ 87. Level of ~~penalty~~ fine
- ~~91.~~ 88. Administrative infringements by corporate body

PART X

MISCELLANEOUS

- ~~92.~~ 89. Regulations
- ~~93.~~ 90. Confidentiality

PART XI

CONSEQUENTIAL AMENDMENTS

- ~~94.~~ 91. Consequential amendments

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

SCHEDULE 4

~~SCHEDULE 5~~

~~SCHEDULE 5~~ SCHEDULE 6

A BILL

An Act to provide for the regulation and control of gaming and betting and matters related thereto

~~WHEREAS gaming and betting are commercial transactions which can be easily infiltrated by criminal elements;~~ Preamble

~~And whereas Trinidad and Tobago's international anti-money laundering and counter-terrorist financing obligations demand a framework which addresses the gaming and betting industry's vulnerability to money laundering and terrorist financing;~~

~~And whereas gaming and betting have also been shown to have negative effects on vulnerable persons, including minors and problem gamblers;~~

~~And whereas the gaming and betting industry has the potential of contributing positively to the economy by creating employment in this and other sectors as well as generating significant tax revenues;~~

~~And whereas there is need to establish an up-to-date legal and regulatory framework that protects both gaming and betting operators and their consumers;~~

WHEREAS Trinidad and Tobago's international anti-money laundering and counter-terrorist financing obligations demand a framework which addresses the gaming and betting industry's vulnerability to money laundering and terrorist financing;

And whereas the gaming and betting industry has the potential of contributing positively to the economy by creating employment in this and other sectors as well as generating significant tax revenues;

And whereas gaming and betting have also been shown to have negative effects on vulnerable persons, including minors and problem gamblers;

And whereas gaming and betting are commercial transactions which can be easily infiltrated by criminal elements;

And whereas there is need to establish an up-to-date legal and regulatory framework that protects both gaming and betting operators and their consumers;

And whereas it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly;

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House;

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution;

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

PART I

PRELIMINARY

Short title 1. This Act may be cited as the Gambling (Gaming and Betting) Control Act, 2016.

Commencement 2. Parts I, II and XI and Schedule 1 come into operation on the date of assent of this Act and the remaining provisions of this Act come into operation on such date or dates as the President may, by Proclamation, appoint.

Act inconsistent with Constitution 3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation 4. In this Act –

“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 -

- (a) a person appointed by the Commission to carry out the functions of an inspector pursuant to section 71;
- (b) a member of the Police Service; ~~or~~ Chap. 15:01
- (c) a constable appointed under the Supplemental Police Service Act; ~~or~~ Chap. 15:02
- (d) a member of the Municipal Police Service appointed under the Municipal Corporation Act; or;
- (~~d~~) (e) any other person duly authorized by the Commission;

“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;

“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 ~~race, or~~ , a sporting event or other events;

“betting shop” means premises in respect of which a General 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 6(3);

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

“Commission” means the Gambling (Gaming and Betting) Control Commission established under section 6(1);

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

Chap. 81:01

“controlling shareholder” means a person who-

(a) obtains an ownership, financial or equity interest in the licensee of five percent or greater;

(b) has the ability to control the licensee;

(c) has the ability to exercise significant influence over the licensee; or

(d) loans any money or other thing of value to the licensee;

“director” has the meaning assigned to it in section 4 of the Companies Act;

~~“enforcement officer” means-~~

~~(a) a member of the Police Service; or~~

~~(b) a constable appointed under the Supplemental Police Act;~~

“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;

“FIU” 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;

~~“game of chance” means 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;~~

“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 the provisions of this Act, to accommodate a maximum of twenty amusement machines;

“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;

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

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

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

“member” means a member of the Board of the Commission;

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

~~“non-commercial gaming” means gaming to raise funds for charitable purposes or gaming for entertainment and not for personal gain;~~

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

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

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

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

“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 license 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;

~~“relative”, in relation to a person, means the spouse, cohabitant within the meaning of the Cohabital Relationships Act, father, mother, brother, sister, son or daughter of the person ”,~~

“relative”, in respect of any person, means the spouse, a cohabitant as defined in the Cohabital Relationships Act, parent, grandparent, brother, sister, children, the children of a cohabital relationship, adopted children and step-children 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 8(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;

“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; and
- (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 ;~~and~~ 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.

5. The objects of this Act are to .

Objects of 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 international written laws for anti-money laundering and counter-terrorism financing regulations in line with the Financial Action Task Force Recommendations;
- (e) ensure consumer protection; and
- (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

Establishment
and constitution

6. (1) There is hereby established a body corporate to be known as "the Gambling (Gaming and Betting) Control Commission".

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

(3) The Board shall consist of a Chairman and **eight not less than five nor more than nine** other members, one of whom shall be appointed on the recommendation of the Chief Secretary of the Tobago House of Assembly in accordance with subsection (5).

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

(5) Persons shall be qualified to be members of the Board by reason of their work and experience in the gambling industry or fields relating to law, finance, information technology, economics, management, social work or law enforcement.

~~(6) A person who has operated a gambling establishment prior to the coming into force of this Act, who holds a licence issued under this Act or intend to apply for a licence pursuant to the provisions of this Act shall not eligible for appointment to the Board and, in the case of persons who hold positions on the Board, an application for a licence under this Act, shall be grounds for an automatic termination of the members' appointment on the Board.~~

(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 persons who hold positions 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.

7. (1) The first Board shall consist of –

Tenure

- (a) the Chairman, a Deputy Chairman and two other members, each appointed for a term of ~~four~~ five years;
- (b) three members, each appointed for a term of ~~three~~ four years; and
- (c) two members, each appointed for a term of ~~two~~ three 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~~ five years and shall not exceed, whether consecutively or not, ten 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 death, resignation, revocation, effluxion of time, if he becomes an employee or holds 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) is unable, unfit or unwilling to perform his functions;~~

~~(c) is absent from three consecutive meetings of the Commission without leave of the Commission or without reasonable cause;~~

~~(d) is guilty of misconduct in relation to his duties as a member; or~~

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

~~(7) Where a member is unable to participate in the business of the Board, by reason of illness or other cause, the Minister may appoint a person to act as a member in his stead for that occasion or until termination of the disability.~~

~~(8) A person appointed temporarily pursuant to subsection (7) may complete any unfinished business of the Commission in which he has taken part, notwithstanding the resumption of duty of the member in whose place he was appointed under this section.~~

(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) if that person becomes an employee or holds any financial interest in a company licenced under this Act or otherwise,

shall be published in the *Gazette*.

(6) A member of the Board 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 Commission without leave of the Commission 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.

8. (1) The Board shall appoint a Corporate Secretary for a period of not less than ~~three~~ five years on such terms and conditions as shall be agreed. Corporate Secretary

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

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

(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 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.

10. (1) 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. Service of documents

~~(2) Service upon the Commission of any document, by electronic means, shall be supported by hard copy as soon as possible thereafter.~~

11. (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. Proceedings

(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 Standing Orders, regulate its own proceedings.

Appointment of committees

12. (1) The Board may appoint committees to examine and report to it on any matter whatsoever 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) Other committees appointed by the Board 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 such 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 acting from time to time as occasion requires.

13. (1) Every member of the Board shall, on appointment and annually thereafter, submit to the Minister a declaration stating ~~whether or not he has an~~ **that he has no** actual or contingent pecuniary interest in any-

Declaration of members' interests

- (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 ~~whose has an actual or contingent pecuniary interest is likely to be affected in any way by a decision of the Board on any matter specified in subsection (1)~~ 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) For the purposes of this section, a person who, or a nominee or relative of whom, is a shareholder who owns in excess of five per cent of the shareholding, or is a partner in a company or other body of persons or who is an employee thereof, shall be treated as having an actual or contingent pecuniary interest.~~

(5) 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.

Powers and duties of the Commission

14. (1) The Commission shall –

- (a) regulate and control the operation of gambling in Trinidad and Tobago;
- (b) subject to section 93, provide such information to other regulatory and government agencies, including the Board of Inland Revenue, the Financial Intelligence Unit, the Integrity Commission, the Customs and Excise Division, the Commissioner of Police and the Betting Levy Board, as may be agreed between the Commission and those agencies;
- (c) seek to address, through the Rehabilitation Fund and Development Funds Fund, the harmful and negative effects of gambling; and
- (d) carry out such other actions in pursuance of the provisions of this Act or any regulations made hereunder.

(2) Without prejudice to the generality of the foregoing, the Commission shall –

- (a) grant licences pursuant to the provisions of this Act and regulations made hereunder;
- (b) impose conditions in the granting of licences subject to the provisions of this Act and regulations made hereunder;
- (c) ~~engage in consultations in accordance with prescribed~~ regulations 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 the Commission deems necessary;
- (f) regularly review the operations of the licensed gambling activity;
- (g) inspect or cause to be inspected any equipment or device associated with gaming or betting and which is being used or is proposed to be used in a licensed gambling establishment and, in furtherance of this function, the provisions of Schedule 4 and regulations made under this Act shall apply;
- (h) ensure that licensed activities and all gambling activities conducted under this Act are conducted in a fair and honest manner;
- (i) collect fees and levies;
- (j) advise the Minister on all matters relating to the operation of this Act;
- (k) require the production of any documents, records and information in the custody or control of a licensee or an associate;
- (l) 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;
- (m) formulate and implement policies, codes of practice and other documents for the

administration and control of the conduct of gaming and betting;

- (n) require verification of all income and other matters relevant to the business for which a license was granted under this Act;
- (o) inspect **or cause to be inspected** premises and all equipment where licensed activities are conducted;
- (p) ~~seize or impound~~ **impound or seize** any betting machine, gaming machine or gaming device or associated equipment, document or records for the purpose of examination or inspection;
- (q) designate **or cause to be designated** any machine or device to be a gaming or betting machine or device;
- (r) direct the implementation of a computerised internal enterprise network system **or such other processes and procedures** approved by the Commission to facilitate interrogation, validation and auditing of gaming and betting operations;
- (s) seek to resolve disputes between licensees and consumers; and
- (t) do all such other things as are in its opinion necessary for, or conducive to, the proper discharge of its powers and duties **and any other power given under this Act.**

Appointment of
Chief Executive
Officer

15. (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.**

(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*.

16. (1) No personal liability shall attach to any member of the Board for – Personal liability

- (a) any act or omission of the Board; or
- (b) anything done or permitted to be done in good faith, in the course of the operations of the Commission, under this Act.

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

(3) No personal liability shall attach to any member of staff of the Commission for –

- (a) any act or omission of the Board; or
- (b) anything done or permitted in good faith, in the course of the operations of the Commission, under this Act.

~~17. The Commission shall give effect to such general policy directions of the Minister, in relation to any matter relating to the regulation of gambling as appears to him to be of public interest.~~ Execution of policy

17. 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.

~~18. The provisions of the Prevention of Corruption Act apply where any person demands or accepts any fee, perquisite, bribe, gratuity, recompense or reward, whether pecuniary or otherwise, from any other person on account of anything done or to be done, omitted or to~~ Inducement, concealment or connivance
Chap. 11:11

~~be omitted by such person, in any way relating to his office or employment or, if such a person attempts to make any collusive agreement to neglect his duty or to conceal or connive at any act whereby any provision of this Act or any other law may be evaded or violated, such person commits an offence and is liable, on summary conviction to imprisonment and a penalty as stipulated in that Act.~~

Staff of the
Commission

~~19.~~ **18.** (1) The Commission may employ such persons as it considers necessary for the due and efficient performance of its functions and powers and on such terms and conditions as are agreed upon between the Commission and those persons, subject to such remuneration as the Board may determine.

(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.

Funds of the
Commission

~~20.~~ **19.** The funds of the Commission shall consist of –

- (a) such amounts as may be appropriated by Parliament for the purposes specified in section ~~21~~ **20**;
- (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 28 27.

~~21.~~ **20.** The funds of the Commission, in any financial year shall be applied in defraying the following expenditure: Allowable expenditure

- (a) the operating expenses of the Commission;
- (b) such capital expenditure as may be necessary;
- (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 ~~Commissioner~~ 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 authorised by this Act in relation to the Commission's discharge of its duties, functions and contractual obligations.

~~22.~~ **21.** (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 ~~21~~ 20. Accounts of the Commission

(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 ~~66~~ 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.

Budget of the
Commission

~~23.~~ 22. (1) For the purposes of this Part-

“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.

Accounts and
audit

~~24.~~ 23. (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 International Financial Reporting Standards or other best practice commercial standards.

(2) The accounts of the Commission are public accounts of Trinidad and Tobago 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.

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

(4) The Auditor's fees and expenses with respect to the audit shall be paid for by the Commission.

(5) Four months after the end of the Commission's ~~fiscal~~ financial year, the Commission shall submit a copy of the audited accounts to the Minister.

~~25.~~ 24. (1) The Commission shall, within four months after the end of each financial year ~~or such longer period as the Minister may in special circumstances approve,~~ cause to be made and transmit to the Minister a report dealing generally with the activities of the Commission during the preceding financial year. Annual report

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and 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.

~~26.~~ 25. The financial year of the Commission shall be the twelve-month period ending 30th June 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 ~~June~~ September next following, shall be deemed to be the first financial year. Financial year

~~27.~~ 26. (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. Exemption from tax

~~(2) Where—~~

~~(a) goods are imported by the Commission for, and on behalf of, the Commission; or~~

~~(b) the commercial sale of goods or services is required for the purposes of the Commission,~~

~~such goods and services shall be exempt from Value Added Tax.~~

(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.

Borrowing powers

~~28.~~ 27. (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 as to the source of borrowing and as to the terms on which the borrowing may be effected, 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 authorized borrowings of the Commission.

Financial rules

~~29.~~ 28. For the purpose of regulating and controlling the financial operations of the Commission, the Board may develop Accounting Procedures and Policies in accordance with International Financial Reporting Standards ~~or other best practice commercial standards.~~

Procurement procedures

~~30.~~ 29. The Commission shall, in the performance of its functions, be subject to the provisions of ~~the Central Tenders Board Act until such time as the Commission develops its own procurement policies and procedures~~ any written law.

PART III

THE LICENSING REGIME

Requirement for a licence

~~31.~~ 30. A person shall not participate in any aspect of the gaming and betting sectors, that is to say –

- (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 a licensed premises;
- (c) manufacture, fabricate, assemble, programme, modify or repair a equipment;
- (d) sell, import, supply or distribute a gaming machine or associated equipment;
- (e) lease gaming machines 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 and adapt gaming software;
- (g) provide facilities for betting of any kind; and
- (h) provide or utilize premises for the purpose of gaming or betting,

without first acquiring the necessary licence from the Commission pursuant to section ~~33~~ 32.

~~32.~~ 31. (1) The Commission shall issue licences in accordance with the provisions of this Act.

Categories of licences

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

- (a) a Gaming Operators Licence, which shall permit the licensee to operate a gaming establishment for the purpose of conducting gaming;
- (b) a Gaming Owners Licence, which shall permit the licensee to own a gaming establishment though not operate such establishment without first having obtained a Gaming Operators Licence;
- (c) a Bookmakers Licence, which shall permit the licensee to conduct betting activities other than pool betting;

- (d) a Promoters Licence which shall permit a licensee to stage live racing and conduct pool betting (*pari-mutuel*) activities;
- (e) a Gaming Machine Operating Licence, which shall permit the licensee to sell or lease gaming machines for use in premises approved by the Commission for the purpose, including casinos, gaming lounges and other premises licensed to conduct such activities;
- (f) a Gaming Machine Distributor Licence which shall permit a licensee to import, supply licensed gaming machines, prescribed gaming components and related equipment;
- (g) a Technical Operators Licence which shall permit the licensee to install, maintain or repair licensed gaming machines;
- (h) a Premises Licence, which shall permit activities approved by the Commission under an operating licence to be conducted at premises stipulated in the licence;
- (i) a Personal Licence, in respect of key employees within a licensed betting or gaming establishment; **and**
- (j) a Gaming Machine Manufacture Licence which shall permit a licensee to manufacture, fabricate, assemble and programme gambling equipment; **and**
- (k) 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 permitted to hold a Bookmakers Licence or a Promoters Licence.

(4) For the purposes of subsection (4), a “key stakeholder” includes race horse owners, trainers, jockeys and members of organisations affiliated with, or regulating the betting industry.

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

~~33-~~ 32. (1) Subject to subsection (2), the following persons may apply for a licence under this Act: Application for a licence

- (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 Owners Licence, Bookmakers Licence or a Promoters Licence.

(3) An application for a category of ~~Operating License~~ a licence under section 31 shall be made to the Commission in writing in such form as may be prescribed by the Commission and on payment of the prescribed fee.

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

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

(6) Objections to the grant of a licence may be made by the following persons, 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 within the area of the proposed licensed premises;
- (c) a representative of any religious group that is located in the area of the proposed licensed premises;
- (d) the Chief Secretary of the Tobago House of Assembly;

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

Investigations

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

(2) The applicant and 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; or
- (c) provide information or documents requested by the Commission that are pertinent to the application; and .

~~(d) — be required to have his photograph and his finger and palm prints taken.~~

~~(3) If any person referred to in subsection (1) fails to comply with a request under subsection (2), the Commission may reject the application.~~

~~(4) The Commission shall consider all objections made pursuant to section 33(5).~~

~~(5) The Commission shall, within fourteen days of the completion of its investigation, publish in at least two daily newspapers notice of the date, time and place of hearing of the application which hearing shall be open to the public.~~

~~(6) The Commission shall also cause notice of the date, time and place of consideration of the application to be sent to –~~

- ~~(a) — the applicant; and~~
- ~~(b) — any person who has submitted an objection.~~

~~(7) The Commission shall send to the Commissioner of Police a copy of the photograph, finger and palm prints, of the applicant or other person referred to in subsection (1) and a copy of the objection.~~

~~(8)~~ (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.

~~(9)~~ (4) The Commission shall make Rules for the conduct of the hearing of any application.

~~(10)~~ (5) Rules made pursuant to subsection ~~(9)~~ (4) shall be published in the *Gazette* and shall be available at the offices of the Commission.

~~35.~~ 34. 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 daily newspapers, **in circulation in Trinidad and Tobago**.

Decision of the Commission

~~36.~~ 35. (1) The Commission may –

Power to approve or refuse

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

(2) Upon approval of the application pursuant to the subsection (1), and upon payment of the prescribed fee, the Board shall issue a license to the applicant duly signed by the Secretary or Chairman.

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

~~37.~~ 36. A licence may specify one or more of the following:

Form of licence

- (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.

Conditions of
licence

~~38.~~ 37. (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) give ~~seven-~~ fourteen days prior notice of a change in the directors, management, control or circumstances of the licensee or licensed premises, notify the Commission in writing of such change;
- (c) comply with such directions, restrictions, conditions or requirements as the Commission may impose during the currency of the licence;
- (d) notify the Commission of the conviction of the licensee, an associate or any employee for any offence under ~~the law as may be specified by the Commission from time to time~~ this Act or any other written law which carries a penalty of imprisonment for more than two years; and
- (e) comply with any other written law relating to the prevention of money laundering and combatting the financing of terrorism.

conditions:

- (2) A licence may also contain the following
 - (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 statement 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. **38.** The grant of any licence, amendment, renewal, expiry or revocation shall be published in the *Gazette* and in at least two daily newspapers and, notwithstanding the date of publication, the licence shall take effect on the date specified therein.

Publication of licence

40. **39. (1)** In addition to the general conditions applicable to licences, a Premises Licence shall contain further conditions that require the licensee to –

Premises Licence

- (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 meets the requirements—

- (a) of any relevant regulations made under this Act;
- (b) complies with any relevant guidance issued by the Commission; and
- (c) is 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) relative to the premises, arrangements made by the landlord to ensure compliance with the conditions attached to the granting of the licenses.

Personal Licence

~~41.~~ **40.** (1) For the purposes of this Act, a “Personal Licence” is a licence which authorizes 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 Premises Licence or any other licence granted pursuant to this Act is required, unless having first obtained a Personal Licence:

- (a) a director;
- (b) an associate;
- (c) key employees and officers;
- (d) security staff at all levels;
- (e) internal compliance personnel including game supervisors and inspectors;

- (f) accounting staff including cashiers, clerks, assistants and any person dealing with, or recording credit, cash chips, tokens and coins;
- (g) any person involved in managing, monitoring, supervising or directing any activities;
- (h) any person administering a game on behalf of the licensee including a croupier;
- (i) any person operating any gaming equipment directly or indirectly connected to the licensed activities; and
- (j) such other persons as may be prescribed by the Minister.

(3) The Board may vary the list of persons listed in subsection (2) either generally or in a particular case or for a particular purpose.

~~(4) An applicant under this section shall submit to having his photograph, finger prints and palm prints taken.~~

(4) A person who-

- (a) is found guilty of a summary offence under the Proceeds of Crime Act or the Anti-Terrorism Act;
- (b) is sentenced to imprisonment or is convicted of an offence involving fraud or dishonesty, whether in Trinidad and Tobago or elsewhere;
- (c) is a designated individual or entity under section 22B of the Anti-Terrorism Act or any order made under section 4 of the Economic Sanctions Act;
- (d) is found guilty of a criminal offence which carries a penalty of a term of imprisonment of three years or more; or
- (e) is found guilty of an offence under this Act,

shall be disqualified from holding a Personal Licence.

Fit and proper
criteria
Schedule 2

42. **41.** (1) The Commission shall assess ~~the~~ **an** applicant as fit and proper, pursuant to the criteria set out in Schedule 2, as a condition to the granting of a licence.

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

(3) The Commission may, if it deems such action to be necessary, demand from the 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.

Expiration

43. **42.** A licence shall ~~automatically~~ expire –

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

Renewal

44. **43.** (1) A licence holder shall notify the Board of his intention to renew the licence six months before expiration.

(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 renewal procedures of the Commission shall replicate the application procedures for the original licence.

(4) In addition to the procedures required pursuant to subsection (3), the applicant shall provide such consent and authorization as may be required by the Commission, including the granting to the authorized officer of the Commission 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.

~~45.~~ **44.** (1) The Commission may, in relation to licences Review of licence
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 the Commission –

- (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; ~~or~~ 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 him 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 other persons as referred to in section ~~33(6)~~ 32(6) an opportunity to make representations.

(6) Following a review under subsection (1) or (2), the Commission may –

- (a) give the holder of the licence 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 determines to take action under subsection (1) 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) the Commission's reasons.

(8) In determining what action to take under ~~subsection (7)~~ subsection (6), the Commission may have regard to a warning given to the licensee under that subsection following an earlier review (whether or not of that licence).

~~46.~~ **45.** (1) The Commission may suspend a licence if, ^{Suspension} following a review under section ~~45~~ 44, the Commission has reason to believe that any of the conditions specified in subsection (7) applies.

(2) The Commission may suspend an licence if at the time of deciding to conduct a review under section ~~45~~ 44 or at any time during the course of a review the Commission suspects that any of the conditions specified in subsection (7) may apply.

(3) Before suspending a licence, the Board shall give the licensee notice in writing of its intention so to do, specifying the grounds upon which it proposes to suspend the licence and where the licensee proposes to challenge that decision, the licensee shall submit a written statement to the Board within seven days of such notice showing cause why the licence should not be ~~revoked~~ suspended.

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

(5) 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.

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

(7) The conditions referred to in subsections (1) and (2) of this section, leading to a suspension of the licensee, 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 45 44; or
- (d) that the licensee is unsuitable to carry on the licensed activity.

(8) In considering a licensee's suitability for the purpose of subsection (7)(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 pursuit of 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.

(9) A licensee aggrieved by the decision of the Board 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 appeal.

47. 46. (1) The Commission may revoke a licence where – Revocation

- (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, 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 license 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 member of the key management person or any associate has been convicted of a criminal offence whether in relation to said business or not;
- (j) the licensee has been struck off the Register of Companies;
- (k) the licensee has been convicted of an offence under this Act or any offence involving fraud or dishonesty;
- (l) the Board considers suspension an insufficient response to the finding of the review conducted under section 45 44;
- (m) the licensee has failed to comply with any obligations imposed on it by the Act or Regulations made hereunder or with the terms upon which the license has been granted; or
- (n) the licensee has failed to comply with any other written law relating to the prevention of money laundering and combatting the financing of terrorism.

(2) Before revoking a licence, the Board shall give the licensee notice in writing of its intention so to do, specifying the grounds upon which it proposes to revoke the licence and where the licensee proposes to challenge that decision, the licensee shall submit a written statement to the Board within twenty-eight days of such notice showing cause why the licence should not be revoked.

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

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

(5) 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 appeal and the decision of the Commission shall be stayed pending the outcome of the appeal process.

48. **47.** (1) A licensee shall notify the Commission of any change in its circumstances and provide details of the change. Notice of change

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

- (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 licensee; or
- (f) change of business address relative to the licensed activities.

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

49. **48.** (1) A licensee may apply to the Commission to vary or amend the licence or insert or remove a condition. Application to vary licence

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

- (a) a statement of the variation sought;

- (b) the licence sought to be varied; and
- (c) the fee prescribed by the Commission.

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

(4) Notice of variation of a licence shall be published in the *Gazette* and at least two daily newspapers.

Application for multiple licences

~~50.~~ 49. Subject to the provisions of this Part, a person may apply for more than one type of licence and the Commission shall take into consideration such matters as it considers relevant to the making of its determination.

Appeals

~~51.~~ 50.(1) Any person aggrieved by a decision of the Commission under this Part may, within thirty days of receipt of the

~~52.~~ Commission's decision in respect thereof, appeal to the High Court.

(2) Where an application is made for the review of a decision of the Commission before the High Court and the Commission objects to the disclosure or production of protected information at the hearing, the Commission may apply to the High Court—

- (a) and produce evidence through a Commission officer on the basis of a confidential affidavit that is not disclosed to one or more of the parties or any representative of those parties;
- (b) in camera, during which the Commission and each party to the proceeding has a right to make submissions;
- (c) at a hearing held without notice to, and without the presence of, one or more of the parties or any representative of those parties; or
- (d) by any combination of the methods set out in paragraphs (a), (b) and (c).

(3) If the High Court is satisfied that it is not in the public interest to hear and determine the application for review by the method elected by the Commission, the High Court may hear and

determine the application by any other method set out in subsection (2).

(4) In deciding which method to hear and determine the application for review, the High Court shall consider—

- (a) the public interest in protecting the confidentiality of investigative techniques of the Commission, the police or any other law enforcement agency, whether in Trinidad and Tobago or elsewhere, and of the protected information in the possession of the Commission; and
- (b) the extent to which the method of hearing and determining the matter may disclose any intelligence information, or document or thing which is protected information.

(5) If the High Court decides to hear and determine the application for review by the method set out in subsection (2)(a), the High Court may require the Commission to provide the High Court with any further confidential affidavits that the High Court requires to determine the application.

(6) In this section, “protected information” means any intelligence information, document or thing the production or inspection of which—

- (a) is likely to reveal the identity of a person —
 - (i) who provided information on the basis of which the decision was made or puts that person’s safety at risk;
 - (ii) who provided information held by the Commission and on the basis of which the decision was made or puts that person’s safety at risk;
 - (iii) whose name appears in any evidence given or information provided to the Commission relating to an investigation, or puts that person’s safety at risk; or

(iv) who is or has been the subject of an investigation by the Commission or other law enforcement agency, whether in Trinidad and Tobago or elsewhere, or puts that person's safety at risk;

(b) is likely to place at risk an ongoing investigation by the Commission or any law enforcement agency, whether in Trinidad and Tobago or elsewhere;

(c) is likely to risk the disclosure of any investigative method used by the Commission or any law enforcement agency, whether in Trinidad and Tobago or elsewhere; or

(d) is otherwise not in the public interest.

(7) If the High Court decides to hear and determine an application for review at a hearing referred to in section (2)(c), the High Court may appoint a special counsel to represent the interests of a party to the proceeding.

(8) A special counsel must be an Attorney-at-law admitted to practice in Trinidad and Tobago who, in the opinion of the High Court, has the appropriate skills and ability to represent the interests of the party at the hearing.

(9) At any time before the special counsel attends the hearing or obtains any confidential affidavit in relation to the application, the special counsel may communicate with the party whose interests he is representing, or any representative of that party, for the purpose of obtaining information from the party or representative in relation to the proceeding.

(10) At any time after the special counsel commences attending the hearing or obtains any confidential affidavit in relation to the application, the special counsel—

(a) shall not take instructions from the party whose interests he is representing, or from any representative of that party; and

(b) may communicate to that party or a representative of that party any order made by

the High Court at or in relation to the hearing;
and

- (c) shall not communicate any other information in relation to the hearing to that party or a representative of that party without leave of the High Court.

53. 51. The Commission shall keep a register containing – Register

- (a) the name of every person to whom a licence is granted;
- (b) a list of every gaming machine and gambling device for which a license is granted;
- (c) the address of every premises in respect of which a licence is granted; and
- (d) all matters pertaining to the Licence and Licensee to which this Part refers.

54. 52. (1) The holder of a licence shall put in place a system of controls and accounting procedures when mandated by the Commission. Internal controls

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

- (a) accounting procedures and practices including procedures for the collection, security, storage and transfer of funds;
- (b) auditing 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) 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 transactions to which such books and records relate;

- (d) keeping of Closed Circuit Television footage of the interior and exterior of the licensed premises for fourteen days or 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 on 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 Board may require, pursuant to the provisions of this Act and regulations made hereunder.

PART IV

GAMING

Transitional
Chap. 16:01
Chap. 21:01

55. **53.** (1) A person who, at the commencement of this Act, owns or operates a gaming establishment or owns or operates gaming machines, subject to the provisions of the Liquor Licences Act, and the Registration of Clubs Act, shall within three months of the commencement of this Act, notify the Commission of the existence of its establishment and machines, providing such proof

of existence and operation as the Commission may prescribe, and thereafter shall apply for an ~~Operational-Licence~~ a licence under section 31 within such time frame as the Commission, in accordance with the provisions of this Act, shall determine.

(2) Until such time as the Commission makes a decision regarding the approval or otherwise of an application, the gaming establishment shall continue to operate.

(3) Where the Commission discovers the existence of a gaming establishment and the operation of gaming machines, whose owner has failed to notify the Commission of their existence and operation under subsection (1), the Commission shall immediately report the matter to the police.

(4) 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.

~~56.~~ 54. A person shall not participate in a game of chance if he is not present on the premises at the time when the gaming takes place.

Participation in a game of chance

~~57.~~ 55. Participation in a competition or other 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.

Prize competitions

~~58.~~ 56. The Commission shall have the power to designate any machine to be an amusement machine or a gaming machine.

Designation of machines

~~59.~~ 57. (1) A game of chance shall not be played in a gaming establishment unless –

Approval of games

- (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

~~60.~~ **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.

~~(3) The licensee or his representatives shall provide such guidance and assistance to patrons as to enable them to decide on the merits of playing a game.~~

Private gaming

~~61.~~ (1) Gaming shall be exempt from the provisions of this Act if it is private gaming.

(2) For the purposes of this Act, gaming is private gaming if—

~~(a) it takes place in a private dwelling;~~

~~(b) members of the public have no access, whether on payment or not, to the place where the gaming occurs;~~

~~(c) no charge, however described and whether in money or money's worth, is made for participation in the gaming; and~~

~~(d) it is equal chance gaming.~~

Charge for participation in gaming

~~(1) Without prejudice to the generality of section 60(2)(c)~~

~~(a) an amount deducted or levied by a person providing facilities for gaming from sums staked or won in the course of gaming is a charge for participation in the gaming; and~~

~~(b) a charge for admission to premises where gaming takes place is a charge for participation in the gaming.~~

~~(2) For the avoidance of doubt, a stake is not a charge for participation in gaming for the purposes of section 60(2)(e).~~

~~63.~~ **59.** (1) Where gaming is carried on as an entertainment, the requirements of section ~~34~~ 30 shall not apply, so however the conditions set out in subsection (2) shall be observed in connection with the promotion and conduct of that entertainment.

Entertainment
not held for
private gain

that –

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

- (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 said proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purpose of the games.

are-

(3) The entertainments to which this section applies

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

PART V

BETTING

~~64.~~ **60.** (1) A person who, at the commencement of this Act, owns or operates a betting shop or other premises where betting activities are carried on and owns or operates machines used for the purpose of betting activities, licensed under the Gambling and Betting Act, shall within three months of the commencement of this Act, notify the Commission of the existence of the establishment, premises or machines, providing such proof of existence and operation as the Commission may require, and

Transitional
Chap. 11:19

thereafter shall apply for an ~~Operational Licence~~ a licence under section 31 in accordance with the provisions of this Act.

(2) Until such time as the Board makes a decision regarding the approval or otherwise of an application to operate a betting shop or other premises where betting activities are conducted, the applicant may continue to use the betting shop for effecting betting transactions by either himself or through any employee or agent of his.

(3) 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.

(4) Where the Commission discovers the existence of a betting shop, other premises used for the promotion of betting activities or machines used in respect thereof, and the owner has failed to notify the Commission of the existence and operation of said office, premises or machines, the transitional provision at subsection (1) shall not apply and the Commission shall immediately notify the police.

Number of licences per applicant

~~65.~~ 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

~~66.~~ 62. (1) The conduct of betting business shall be stipulated in the licence as a condition thereof.

(2) Subject to regulations made under this Act, a licensed bookmaker or pools betting provider may accept bets on horse racing, animal racing and sporting events only.

PART VI

TAXES AND FUNDS

Payment of taxes

~~67.~~ 63. A licensee who holds a Gaming Owners Licence shall pay to the Commission the following taxes on gambling tables and other devices listed in Schedule 5.

~~(a) for every Baccarat Table, — \$50,000.00 per annum~~

~~(b) for every Black Jack Table, — \$60,000.00 per annum~~

- ~~(e) for every Caribbean Stud — \$75,000.00 per annum
Poker Table,~~
- ~~(d) for every Dice Table, — \$35,000.00 per annum~~
- ~~(e) for every regular — \$30,000.00 per annum
Poker Table,—~~
- ~~(f) for every Roulette Table, — \$60,000.00 per annum~~
- ~~(g) for every Rum 32 Table, — \$75,000.00 per annum~~
- ~~(h) for every Sip San Table, — \$75,000.00 per annum~~
- ~~(i) for every Slot Machine, — \$12,000.00 per annum~~
- ~~(j) for every other table or — \$30,000.00 per annum
device not mentioned above~~

(2) The Commission shall not collect any levy on bets made on live and simulcast horse and dog racing, the collection of which shall remain the responsibility of the Betting Levy Board.

(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.

~~68.~~ **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.

Rehabilitation
Fund and
Development
Funds

(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 ~~an annual basis 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.

~~69.~~ **65.** (1) The Minister shall appoint a committee to be known as “the Rehabilitation and Development Funds Committee”, for the purpose of considering applications for funding and disbursing of funds to organisations and groups engaged in activities related to the purposes set out in section ~~67~~ **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 of Finance.

(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 funds.

(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 Funds and the Minister shall in turn report to Parliament.

Accounts and
audit

70. 66. (1) All accounts relating to the Rehabilitation and Development Funds 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 ~~General Acceptable Accounting Principles~~ International Financial Reporting Standards or other best practice commercial standards.

(3) The accounts of the Committee are public accounts of Trinidad and Tobago 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 authorized 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 Auditor's fees and expenses with respect to the audit shall be paid for by the Committee.

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

PART VII

ENFORCEMENT

~~74.~~ 67. (1) An authorised officer may undertake activities for the purpose of assessing – Authorised officers

- (a) compliance with the provision of this Act;
- (b) compliance with any other written law relating to the prevention of money laundering 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 issued.

(2) In pursuance of the activities under subsection (1) 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) take copies of any document, record or information, however stored, in such form as he requires;
- (e) monitor and record the collection of funds;
- (f) investigate complaints from customers and clients of licensees;
- (g) remove and retain anything he reasonably believes is being used or has been used to commit an offence under this Act;
- (h) question any person on the premises, whether at the premises or at the offices of the Commission;
- (i) conduct detailed and complex criminal, regulatory, administrative and background investigations;
- (j) collect intelligence information regarding individuals engaged in organised crime and other activities relating to gambling; or
- (k) require assistance from other regulatory bodies, including the Financial Intelligence Unit, the Financial Investigations Bureau, the Board of Inland Revenue and the Customs and Excise Division, with respect to gambling and other related matters.

(3) 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 person to have management, responsibility or control of the relevant premises.

(4) 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**.

(5) 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.

(6) An authorised officer may enter any licensed premises in order to carry out any activity under subsection (2).

(7) An authorised officer may also enter a 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.

71. 68. (1) A magistrate may, on application of an authorised officer, issue a warrant authorising such officer to enter upon a licensed premises if the Magistrate is satisfied that – Issue of warrant

- (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 authorised officer has requested and 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

authorised officer can secure immediate entry; or

- (f) there is no person on the premises capable of granting admission.

Submission of report

~~72.~~ **69.** Within forty-eight hours of entry onto a licensed premises, the authorised officer shall produce a written report for the information of the Commission, which report shall provide 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 investigation.

PART VIII

OFFENCES AND PENALTIES

Division 1 – Gaming and Betting Offences

Use of premises

~~73.~~ **70.** (1) A person commits an offence if, without a licence issued under this Act, he uses or causes or permits premises to be used to –

- (a) operate a betting shop, casino, a 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; and
- (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 contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ~~one~~ **year twenty years**.

~~74.~~ **71.** (1) A person who –

Restrictions on gambling

- (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 gambling devices to an operator in exchange for remuneration based on earning profit from a gambling ~~operation~~ **activity**;
- (f) manufactures, supplies, installs and adapts gambling software; ~~or~~

- (g) provides facilities for gambling of any kind; ; or
- (h) acts as an agent for persons referred to in paragraphs (a) to (g),

commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for two years unless such person has been granted the appropriate licence under the terms of this Act.

(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 unlicensed gambling machines; or
- (e) operates licensed gambling machines contrary to the terms and conditions of his licence,

commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for ~~six months~~ twenty years .

Gambling
software

~~75.~~ 72. (1) A person commits an offence, if in the course of a business, he manufactures, supplies, installs or adapts gambling software without a licence issued under this Act.

(2) For the purposes of this section, “gambling software” ~~means computer software for use in connection with gambling but does not include anything for use solely in connection with a~~

~~gambling machine~~ 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 the regulations made under this Act as not being part of the gaming machine.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for ~~six months~~ twenty years.

~~76. (1) A person, whether a licensee or associate of an employee or patron in, a gambling establishment, shall not cheat at any gambling activity.~~

Cheating

73. (1) A person shall not cheat at any gambling activity, and shall not aid, abet or conspire to cheat in any gambling activity.

(2) For the purposes of this Act, “cheating” ~~means to alter~~ includes the alteration of the selection criteria which determine –

- (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 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 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 valid licence;

- (j) conduct any gambling on an 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 premises 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 or registered in a position whose duties would require a license, registration or other approval by the Commission pursuant to this Act; or
- (n) without first obtaining the requisite licence, registration or approval pursuant to the provisions of this Act, employ, work, or otherwise act in a position whose duties would require licensing, registration, or other approval pursuant to the provisions of 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 the 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 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 authorized employee of a licensee acting in furtherance of his employment within a gambling establishment, shall 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 authorized employee of a licensee acting in furtherance of his employment within the establishment, shall 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 this 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 gaming employee, acting in furtherance of his or her employment.

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

- (a) knowingly conduct, carry on, operate, or deal or allow to be conducted, carried on, operated, or dealt any cheating or thieving game or equipment;
- (b) knowingly 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 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 summary conviction to a fine of one million dollars and to imprisonment for one year.

~~77.~~ 74. (1) A person commits an offence if he provides facilities for gambling unless –

- (a) he holds an ~~operating licence~~ a licence under section 31 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 daily newspapers such additional criteria and make it available to all licensees and applicants.

(5) A Notwithstanding section 44 of the Summary Offences Act, a person who contravenes any provision of this

section commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for two years.

~~78.~~ 75. (1) A person commits an offence if he does 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.

Remote facilities

(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 purpose 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 contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for two years.

~~79.~~ 76. (1) Subject to the subsection (2), a person who –

(a) uses any premises or causes or knowingly permits any premises to be used as a place where persons may conduct betting transactions;

Restrictions on use of premises for 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 first obtaining the appropriate licence from the Commission, commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year.

(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 summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year.

(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 evidence that he resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for *bona fide* purposes which were with lawful excuse which was not connected with the effecting of a betting transaction.

Prohibition of betting in streets and public places

80. 77. (1) Any person frequenting or loitering in a street or public place, on behalf either of himself or of any other person, for the purposes of bookmaking, betting, agreeing to bet or paying, receiving or settling bets commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year.

(2) An authorised officer may take into custody without warrant, a person found committing an offence under this section,

and may seize and detain any article found in his possession which the authorised 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 – Minors

81. 78. (1) For the purposes of this Act, a minor is a person who is under than eighteen years of age. Invitation to gamble

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

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

82. 79. A person who knowingly invites, ~~permits or permits~~ or causes a minor to enter licensed premises, other than a race track, commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years. Invitation to gambling premises

83. 80. (1) A person commits an offence if he knowingly employs a minor to perform any function relating to gambling. Employment offences

(2) A person commits an offence if he knowingly employs a minor 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,

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

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for two years.

Division 3 – General Offences

Obstruction

84. 81. (1) A person commits an offence if, without ~~reasonable-lawful~~ excuse, he obstructs or fails to cooperate with an authorised person in the exercise of his power under of this Act, and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for six months.

(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 summary conviction to a fine of five million dollars and to imprisonment for five years.

(3) A person who, not being the holder of an owner's or operator's licence or an authorised officer under this Act, brings a firearm onto licensed premises, whether or not that firearm is licensed under the Firearms Act, commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for one year.

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(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 summary conviction to a fine of one hundred thousand dollars and to imprisonment for twenty years.

Penalties

85. 82. (1) Notwithstanding section 63 of the Interpretation Act, where a person contravenes or fails to comply with any provision of this Act ~~or Regulations~~ made pursuant thereto, for which no other penalty is expressly provided, commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years and in the case of a continuing offence, to a fine of ten 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 and penalties relative to such offences which may carry a penalty on summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years and in the case of a continuing offence, to a fine of ten thousand dollars for each day that the offence continues.

86. 83. (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. Amendment of penalties

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

PART IX

NOTIFICATIONS AND ADMINISTRATIVE ~~PENALTIES~~ FINES

87. 84. (1) Where the Commission determines that there are reasonable grounds for believing that a person has contravened or is contravening any provision of this Act, or any conditions of any licence or any other authorisation granted pursuant to this Act, or fails to comply with any direction or decision given by the Commission, whether under this Act or any other law which the Commission is entitled to enforce, the Commission may issue a notification to that person under this section. Notification of contravention of the Act

(2) A notification under this section is one which –

- (a) sets out the determination made by the Commission;

- (b) specifies the provision or condition and contravention in respect of which that determination has been made; and
- (c) specifies the period during which the person notified has the opportunity to respond to the notification in the manner specified in subsection (3).

(3) The Commission may require the person to whom it has sent a notification to respond in one or more of the following ways:

- (a) making representations about the matter notified;
- (b) complying with the notified provisions or conditions of licence in respect of which he is in contravention; or
- (c) remedying the consequences of the notified contravention.

(4) Subject to subsections (5), (6) and (7), the period to respond as specified in subsection (2) shall be twenty working days beginning with the day after the date on which the notification was received by the person to whom the notification was sent.

(5) The Commission may, if it considers it necessary, allow a longer period to respond either –

- (a) by specifying a longer period in the notification; or
- (b) by subsequently, on one or more occasion, extending the specified period.

(6) The person notified shall have a shorter period in which to respond if a shorter period is agreed between the Commission and the person.

(7) The person shall also have a shorter period to respond if the Commission has reasonable grounds to believe that the contravention is a repeated contravention and in the circumstances therefore, a short period is appropriate, provided

however that the Commission notifies the person of the shorter period to be applied.

(8) A notification under this section may be given in respect of more than one contravention or in respect of a continuing contravention.

(9) For the purposes of this section, a contravention is a repeated contravention, if -

- (a) a previous notification under this section has been given in respect of the same contravention or in respect of another contravention of the same provision or condition; or
- (b) the subsequent notification is given no more than twelve months after the day of the making by the Commission of a determination, for the purposes of this section, that the contravention to which the previous notification related, did occur.

~~88.~~ 85. (1) This section applies where -

Enforcement
against person
duly notified

- (a) a person (in this Part, the "notified person") has been given a notification under section ~~87~~ 84;
- (b) the Commission has allowed the notified person an opportunity of making representations about the matters notified; or
- (c) the period allowed for the making of the representations has expired.

(2) The Commission may give the notified person an enforcement notification if it is satisfied that

- (a) the notified person has, in one or more respects, been in contravention of a provision or condition or failed to comply with any direction or decision

given by the Commission as specified in the notification under section 87 84; or

- (b) the notified person has not, during the period allowed under that section, taken all such steps as the Commission considers appropriate to -
 - (i) comply with the provision or condition;
 - (ii) comply with the direction or decision; or
 - (iii) remedy the consequences of the notified contravention of that provision or condition.

(3) An enforcement notification is a notification which imposes one or both of the following requirements on the notified person a requirement to take such steps for:

- (a) complying with the notified condition or direction as may be specified in the notification; or
- (b) remedying the consequences of the notified contravention as may be so specified.

(4) A decision of the Commission to give an enforcement notification to a person shall –

- (a) be conveyed to that person, together with the reasons for the decision, no later than one week after the day on which the decision was taken; and
- (b) fix a reasonable period for the taking of the steps required by the notification.

(5) It shall be the duty of a person to whom an enforcement notification has been given to comply with it and that duty shall be enforceable in civil proceedings by the Commission for –

- (a) an injunction;

- (b) specific performance; or
- (c) any other appropriate remedy or relief.

89. 86. (1) This section applies in addition to the provisions of section **88 85** where –

Imposition of penalties fines on person duly notified

- (a) a person (“the notified person”) has been given a notification under section **87 84**;
- (b) the Commission has allowed the notified person an opportunity of making representations about the matters notified; and
- (c) the period allowed for the making of the representations has expired.

(2) The Commission may impose an administrative penalty fine on the notified person if it is satisfied that –

- (a) the notified person has, in one or more of the respects notified, been in contravention of a provision or condition or failed to comply with any direction or decision given by the Commission as specified in the notification under section **87 84**;
- (b) that the notified person has been given a notification under section **87 84**; or
- (c) the notified person has not, during the period allowed under section **87 84**, taken the steps the Commission considers appropriate for –
 - (i) complying with the provision or condition which is the subject of the notification; or
 - (ii) remedying the consequences of the contravention of that provision or condition which is the subject of the notification.

(3) Where a notification under section ~~87~~ ~~84~~ relates to more than one contravention, a separate **penalty fine** may be imposed in respect of each contravention.

(4) Where such a notification relates to a continuing contravention, no more than one **penalty fine** may be imposed in respect of the period of contravention specified in the notification.

(5) The Commission may also impose an administrative **penalty fine** on the notified person if he has contravened or is contravening a requirement of an enforcement notification given under section ~~87~~ ~~84~~ in respect of the notified contravention.

(6) Where the Commission imposes a **penalty fine** on a person under this section, it shall –

- (a) within one week of making its decision to impose the **penalty fine**, notify the person of that decision, the penalty in respect thereto, and of its reasons therefore; and
- (b) in that notification, fix a reasonable period after the giving of the notification as the period within which the **penalty fine** is to be paid.

(7) A **penalty fine** imposed under this section -

- (a) shall be paid to the Comptroller of Accounts; and
- (b) if not paid within the period fixed by the Commission, shall be recoverable as a civil debt.

(8) Notwithstanding anything to the contrary, in all cases where the Commission imposes an administrative **penalty fine** in respect of anything done or omitted to be done by any person and such act or omission also constitutes a criminal offence, no proceedings may be taken or continued against that person in respect of such criminal offence.

Level of **penalty fine**

~~90.~~ ~~87.~~ (1) The amount of a **penalty fine** imposed under section ~~89~~ ~~86~~ shall not exceed the maximum penalty that may be

imposed by the High Court for the same or similar offence as the Commission determines to be

- (a) appropriate; and
- (b) proportionate to the contravention in respect of which it is imposed.

(2) In making that determination, the Commission shall have regard to -

- (a) any representations made to it by the notified person;
- (b) any steps taken by the notified person towards complying with the provision and conditions, the contravention of which was notified under section 87 84;
- (c) its estimate of the cost of the contravention;
- (d) its estimate of the economic benefit of the contravention to the notified person;
- (e) the period during which the contravention was in effect, if continuing; and
- (f) the number and seriousness of other contraventions if any, committed by the notified person.

~~91.~~ **88.** Where a contravention of any provision of this Act or a condition of a licence or any other law which the Commission is entitled to enforce is committed by a corporate body and is proved to have been committed with the consent or involvement of or to be attributable to any gross negligence on the part of a person being a director, manager, secretary or other officer however so described, of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be liable to be proceeded against and punished as if he were responsible for said infringement.

Administrative
infringements by
corporate body

PART X

MISCELLANEOUS PROVISIONS

Regulations **92.** **89.** 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.

Confidentiality **93.** **90.** (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 or affairs of a licensee or any of its affiliates, obtained in the course of carrying out the official duties and functions of the Commission.

(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 any Regulations made hereunder 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 authorizes 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 or affairs 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 summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for ten years.

PART XI

CONSEQUENTIAL AMENDMENTS

Consequential amendments Schedule **5 6** **94.** **91.** The written laws specified in Schedule **5 6** are amended to the extent specified in that Schedule.

SCHEDULE 1

(Section 19 18)

STAFF OF THE COMMISSION

Secondment to
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.

(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 an Statutory Authority may be transferred to the service of the Commission on terms and conditions no less favorable 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 section 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).

Declaration
of interest

4. Clause 11 applies *mutatis mutandis* to the staff of the Commission.

SCHEDULE 2

[Sections ~~33 and 42~~ 32 and 41]

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, 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 Gambling 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) ~~whether the person has ever~~ been disqualified from acting as a director or serving in a managerial capacity because of wrongdoing; and
- (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 Gaming and Betting 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 Guideline 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 Gaming and Betting 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 (e.g., 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 ~~53(2)~~-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 Gaming Control 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 license 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 standardization of forms and the definition of terms, to be used in operations in the licensed premises, include 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 organizing personnel and chain of command on/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/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/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/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 utilized 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 utilization of security personnel within the gaming premises; and
- (r) procedures for the control of keys used or for use in operations on/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;
- (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 practicing 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 ~~14(2)(g)~~ 13(2)(g)]

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 5 SCHEDULE 6

Section 94-91

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, 2015-2019	First Column	Second Column
	Type of Business	Interpretation
	Gaming and Betting	A Business licensed under the Gambling (Gaming and Betting) Control Act, 2015 2019-and amusement games.

Chap. 21:01 amended 3. Sections 23, 23A, 23B and 23 C 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;”.

Chap. 21:53 amended 5. The Betting Levy Board Act is 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:

“7. The Board shall be responsible for-

“Responsibilities of Board	(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, 2014 2019—for funding when required; and

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

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

Pool betting levy

“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, 2014 2019.

(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, 2014 2019.

(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

(2) Fixed odds betting levy shall be paid to the Board by the bookmaker, licensed under the Gambling (Gaming and Betting) Control Act, 2019 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 02, April 01, July 01 and October 01 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;

(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”.

(c) 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”

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

" 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.";

(d) 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.”.

(e) 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 paragraph 2;

(c) obstructs any officer in the exercise of his functions in relation to the betting levy;

(d) in connection with the betting levy, makes any statement which he knows to be false in a material particular or 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,

is guilty of an offence under this Schedule and liable on summary conviction to a fine equal to treble the amount of the levy which is unpaid or payment of which is sought to be evaded, as the case may be.

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 he shall be guilty of 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 be guilty of 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 is in its opinion is sufficient to justify the proceedings but no proceedings shall be taken more than three years after 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."

Passed in the House of Representatives this day of , 2015

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of _____ members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this _____ day of _____, 2015.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of _____ Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

Appendix IV
Report by the Consultant on the Regulations to be made under
the Bill

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Report to the Parliament of Trinidad and Tobago, Joint Select Committee on Gambling (Gaming and Betting) Control Bill 2016

on

The Regulations to be made under the Bill

Authorised by:

Tony Clark

Date:

4 November 2019



Presentation of Report - Regulations

In the course of delivering our Report on the draft Bill, we were asked to review the early drafts of the Regulations.

The draft Regulations were in a very early form and, with the principal focus being on the draft Bill, the Regulations were yet to be further reviewed, developed and refined by drafting officers and policy officials.

Accordingly, it may well be that many of our suggestions or comments have been anticipated by other commentators and officials and changes made.

We also take the view that the Regulations were not necessarily to be regarded as representing a settled policy – and far less as a settled form of words. The drafts are better regarded as indications of basic regulatory directions than as a final, settled approach.

Finally, the minor drafting errors would be picked up by the Drafting Officer at his or her next pass at the Drafts. We shall not mention them.

Instead, we are looking for policy or regulatory or, indeed, drafting approaches that may have an impact on the deployment of the new scheme.

Having considered the drafts, we offer the following overarching comments.

- They provide a workable foundation for the new regulatory scheme. We would recommend that the settled Regulations be the subject of consultation with the industry to ensure there are no unexpected issues.
- As a matter of approach, we suggest that the Commission be given greater flexibility over the commencement of new functions or requirements. The Regulations currently favour specified dates or time periods for the commencement of key functions. These may be better left to the determination of the Commission.
- As a matter of approach, it is suggested that care be taken to give the Commission discretion in the exercise of its functions.

The establishment of the new Commission brings with it some immovable priorities. Processing licenses under the new scheme is an immediate priority because this is required by the draft Bill to be completed within a specified time period.

There are practical and logistical tasks around establishing the new Commission, as well as the more challenging task of building the Commission's knowledge base about the local gambling industry and developing the specialised expertise required for regulating the industry.

As the Regulations that will need speedy introduction are those dealing with licensing and the Code of Conduct, we offer more detailed drafting suggestions in this area. The principal policy question that emerges in this category is the appeal and review structure for persons seeking a review of a Commission decision.



There are also Regulations that appear to be continuations of current rules. We support their carrying-forward without amendment. It is assumed that these provisions have shaped current recordkeeping and reporting practices of the local industry. Unless there is a pressing need, it would appear sensible to defer any reform of current regulatory practices until the Commission is placed to act on them.

We ask whether the proposed Anti-Money Laundering Regulation might not be better made and administered by the FIU under the AML legal framework, rather than by the Gambling Commission.

The most pressing issues yet to be determined are the (related) questions of Technical Standards and the Central Monitoring System (CMS). There is no question that these will need to be addressed, but as a matter of drafting, the provisions may be more open.

The Regulations currently envisage all “gaming devices and equipment” being tested and/or approved before use. Importantly, it envisages the testing of equipment by an independent testing laboratory. The independent testing laboratory is to certify that any “device, software, hardware other technology” complies with technical standards approved by the Commission.

While it is expected that these “technical standards” will be consonant with technical standards applied in other jurisdictions, the technical standards are yet to be defined. Such definition must occur before the testing and approval of gaming equipment by independent testing laboratories can be undertaken. The laboratories need to know the standards against which the equipment is to be tested.

“Any device, a software, hardware or other technology” must be submitted for scientific testing and technical evaluation by the independent testing laboratory.

It is suggested that these kinds of provisions may be appropriate for a jurisdiction that is introducing the gaming into the community. However, that is not the case in Trinidad and Tobago, with possibly thousands of gaming machines and associated gaming equipment already in operation.

The requirement for an independent testing laboratory can be problematic and costly. There are very few independent testing laboratories worldwide. Manufacturers will submit new gaming machines to these laboratories for certification against nominated technical standards. The technical standards may vary in part between jurisdictions. However, the costs of testing are amortized against the size of the market. In other words, these costs are readily absorbed if the machine is intended to be sold into a large market such as the United States, where sales volume will readily accommodate testing costs.

However, those costs are likely to be significant in the case of a small jurisdiction that sets its own particular standards. For this reason, we would expect Trinidad and Tobago to adopt the technical standards that apply in other jurisdictions.

We would also strongly recommend that Trinidad and Tobago recognize certification given by other countries to the same kinds of machines. This will avoid time delays and costs.

However, the Commission will need to undertake some preliminary work to understand the size of the task. For example, we would expect the Commission would need to undertake a full inventory of all gaming machines that are currently in Trinidad and Tobago.



We would expect the machines to fall into three broad categories - new machines approved for use in other jurisdictions, second-hand machines approved for use in other jurisdictions, and finally machines imported from countries such as China which do not require independent testing, or locally made machines using imported “mother-boards” that have not been tested.

Depending on the result of the inventory, there may be a need for transitional provisions to allow for the continued use of current gaming machines and associated gaming equipment before the implementation of these kinds of provisions.

However, in terms of the Regulations, we suggest that the provisions referencing the technical standards be crafted to allow the Commission discretion – “From such time as the Commission determines, then...” the technical standards will apply, and the Commission “may” recognise certification given by other countries to the same kinds of machines.

The CMS may only be deployed to machines that are able to communicate with it. It may also be that the data-sets able to be monitored by the CMS vary from machine to machine. These requirements turn in large part on the technical standards.

In an ideal world, all machines use the same communication protocol. The reality is otherwise. The question becomes whether the CMS should be scoped such that it recognises the prevalent communications protocols (which makes it more expensive) or if all machines should be migrated to a single system over time. The costs and benefits of either option will become clearer after the Commission conducts its gaming machine inventory.

The Regulatory Agenda

In terms of in terms of areas that may be the subject of Regulation-making, they represent different regulatory risk profiles areas and different claims to priority. If, under the Act, the Commission *may* address the subject matter by way of Regulation, that should not be interpreted as saying the Commission *must* necessarily issue those Regulations.

We suggest the best approach is that *regulatory reform should drive the preparation of Regulations*, and not that *the existence of Regulations should drive regulatory reform*. Regulations are the legislative expression of a developed and considered scheme and are therefore better regarded as the endpoint of good policy development rather than its prompt.

As noted above, the Commission’s immediate priorities will be its formation and establishment, the training of staff, and the administration of new systems and procedures. Given the statutory terms, processing licenses under the new scheme is an immediate priority.

Regulations impose costs on both industry and government, and in considering the merits of any form of Regulation, it should be demonstrably practical, cost-effective, and necessary.

It is vital the Regulations are developed to meet specific conditions of Trinidad and Tobago. This calls for an intimate knowledge of the local industry and understanding of the costs and benefits of the available policy options. In short, good Regulations require local knowledge.



We suggest the new Gambling Commission must be permitted sufficient time to gain that knowledge and understanding, to enable it to take informed action when it moves to introduce more contemporary Regulations in any particular area.

Accordingly, while we would expect there to be an initial period during which the Commission is properly focused on more immediate priorities, the new Commission may be expected to give early attention to the development of a Regulatory Agenda, identifying those Regulations which require priority, with the associated tasks of undertaking a full policy analysis, practical assessment and project planning. In the light of this, the Commission may decide, having regard to its priorities, budget, staff and forward commitments, the order within which the Regulations should be made.



The Regulations As Provided

The Gambling (Gaming and Betting) Control (Code of Ethics) Regulations

These Regulations commit officers and agents of the Commission to meet the highest standards of ethical conduct in the manner in which they carry out their activities.

We commend the introduction of such a Regulation. Integrity is central to the successful introduction and operation of a gambling regulator.

The Regulation sets out clear statements of the standards to be expected, and the procedures for resolving any real or perceived conflict of interest should they arise.

Overall, this is an elegantly written Regulation.

It is apposite to comment on the policy decision to extend many of the obligations to avoid real or perceived conflicts of interest to the immediate family of a Commission member, employee or agent - namely the spouse, parent, child, brother or sister of an individual. Whilst not common, this is not an unusual restriction in the context of oversight of gambling regulators, and could be said to formalise expected practice in this regard.

This has been the result of careful consideration, as shown by the wording of Clause 8 which notes that the provisions apply to lineal relations of commission staff only, and it is to be practically and pragmatically interpreted.

As this Regulation is almost finalised, we would offer some suggestions for some very minor amendments that may be of assistance:

- a. The statement of purpose in Clause 1 may be more succinctly and directly expressed.
 - i. In paragraph one, the word "loyalty" may be substituted with the word "integrity";
 - ii. Paragraph two may be deleted;
 - iii. In paragraph three, the word "assure" maybe substituted with the word "ensure";
- b. In Clause 2, the definition clause, the definitions for "direct or indirect interest" and for "financial interest" may be amended by deleting the word "means" and substituting it with the word "includes". This is to avoid unnecessary technical disputes about whether a particular legal form amounted to a "beneficial interest" within the meaning of the definition;
- c. In Clause 4, the opening sentence may be amended to require each Commissioner employee and consultant to "conduct their activities in accordance with this Code".
- d. The Regulation should be reviewed to ensure consistency in scope. Some, but not all, of the provisions apply to members, employees and "agents".
- e. Clause 24 may be introduced with "Without limiting any other legal action that may be taken, violation of this Code etc.". Although this clause speaks to consequences for employment of violations of the Code, it is appropriate to remind persons bound by the Code that other legal action, either civil or criminal, may be taken for inappropriate conduct.



The Gambling (Gaming and Betting) Control (Application for Gaming Licenses) Regulations

The first observation is that this Regulation is limited to applications for gaming licenses, be they premises licenses or personal licenses, but does not include the licensing of either premises or personnel involved in betting activities.

The definition section, section 2, refers to a “gaming employee” which means all persons who hold a “personal licence” as defined in section 40 (1) of the Act.

Section 41 of the Act sets out a range of persons who are required to hold a personal licence, either by virtue of their position or function. It is noted that these are not necessarily “employees” (for example, directors or associates), and it is therefore suggested that term “gaming employee” be deleted or replaced with a more generic description that references the categories of licenses the set out in the Act.

These may be referenced in Regulation 3, which is intended to specify the categories of licenses of the Commission may grant.

Regulation 4 would require an applicant for any category of licence to apply using the form “prescribed” by the Commission. “Prescribed” connotes some extended form of approval, for example, gazettal of the form. It is suggested the application form be “as approved by the Commission from time to time”, giving the Commission greater flexibility to amend the form as circumstances require and to speedily implement the new form after approval. In this regard it is noted that Regulation 4(2) refers to the “application form approved by the Commission” and so the suggested change ensures the consistency of terminology.

It is noted that the Commission intends to apply a full cost recovery process for the investigation of licence applications. Sub-clause (8) provides that where the amount of costs is disputed and the dispute is unable to be resolved between the Commission and the applicant, the dispute may be referred for mediation or arbitration. Although a question may be raised about the utility of mediation as (1) the mediator is unable to impose a binding ruling and (2) the issue has already been discussed between the parties, the draft clause is silent on “who” is to be the arbitrator or mediator, or who is to choose or nominate the arbitrator or mediator. Do both parties need to agree who is to be nominated to the role?

Regulation 7 provides exemptions from disclosure under FOI legislation. It is suggested that information or intelligence received from another government agency (eg, police intelligence) should also be exempt from disclosure. This would be consistent with Regulation 7(7) which exempts confidential information “received from another jurisdiction”.

Also, Regulation 7(4) is written in absolute terms (eg, “Notwithstanding any other law... the Commission shall provide”). While the nominated heads of information are, in general terms, non-contentious, it does include “the amount of the wagering tax and admission tax” paid by the licensee. In general terms, taxes paid by individual taxpayer are often considered confidential and are not provided to “any person...on request”. (See further, the exemption of “proprietary commercial information” in 7(8)).



Regulation 7(8) concerns information “submitted, collected or gathered” in the course of the application. It requires an applicant to “clearly identify” information deemed confidential. However, the Commission may then rule the information to not be confidential and permit its disclosure.

Overall, the policy question that arises with this Regulation is: what information may be provided to “any person” “on request”? It is unclear why information other than the identity of the applicant and the decision of the Commission on the application should be disclosed. Why should the “reason for denial or revocation for a disciplinary action” be deemed “non-confidential” (see Reg 7(5))? The public is entitled to know the licence has been refused, but it is not immediately clear why the reasons – usually, unique to each application, and which may include such matters as criminal history, financial history etc - are necessarily a matter for public disclosure.

The application process is necessarily detailed and, to an extent, intrusive (eg, full disclosure of financial history). It is not clear how the public interest is served by *opening the possibility* of disclosure to a third party, even if, in the usual course, the request is refused. This appears to risk diversion of the Commission limited resources to address requests for information that may well be refused. Furthermore, Regulation 8(5) exempts similar information received from “a party to a lease” with the applicant from disclosure.

Regulation 9 concerning untrue statements may also include “false or misleading information”. There is a significant body of law around the meaning of this phrase which would assist with its application to any facts.

Regulation 10 permits the withdrawal of any application at the discretion of the Commission. However, the applicant is then precluded from re-applying for a licence for a period of 1 year. It is suggested that the Commission also have the discretion to waive this restriction in appropriate cases. Part 2 of the Regulations sets out some of the reporting obligations of licensees. These are generally appropriate, noting that the licence conditions may be amended to include new reporting obligations either generally for a class of licensees (eg, an obligation to reporting suspecting match-fixing betting patterns for betting providers) or individually as required (eg, an obligation to report on customers funds held on account, by comparison to operating funds available to the business).



The Gambling (Gaming and Betting) Control (License Denials, Disciplinary Actions and Hearings) Regulations, 2015

We suggest that this Regulation may be expanded in its scope and made more precise in its application.

At the moment, it sets out a rigorous procedure for appealing licence denials and disciplinary hearings. This sees a judicial officer (a judge or a magistrate) conducting a hearing and making a report to the Commission. The Commission may accept or reject the recommendation of the judicial officer. This is likely to be a costly process, either for the appellant, the Commission, or both.

We suggest that attention may be given to the type of decision that is the subject of challenge, ranging from the relatively minor decisions regarding, for example, the imposition of a condition on a licence, through to more major decisions such as the decision to reject a licence application.

Likewise, a distinction may be drawn between the administrative review of a decision, through to how an appeal “on the merits” is to be dealt with.

By way of introduction, we would repeat the observation made in respect of the Applications Regulations, namely that this Regulation should explicitly cover all forms of licenses issued under the Act, so as to include the licensing of either premises or personnel involved in gaming and betting activities.

We turn now to the questions of appeals and reviews.

At the most basic level, we would expect low-level licensing decisions to be made by, for example, the Director of Gaming or the Chief Executive Officer, under delegation from the Commission. The scope of decisions to be made under delegation will be a matter for the Commission.

In the case of delegated decisions, we suggest providing a simple and inexpensive right to seek a review of the decision by the full Commission.

Consideration should then be given to further rights of appeal. For example, it may be that the aggrieved person may still be entitled to exercise a right of appeal from the Commission’s decision, or it may be that the Commission’s decision in these cases is final with only a right to seek judicial review (ie, where the appellant argues the process was flawed because the Commission either took improper factors into consideration or failed to take proper factors into consideration, and the decision is referred back to the Commission to effectively “re-do” the decision-making process.)

Turning to the more significant decisions, again the question arises of whether a simple and less expensive right of review should be provided for (using the judicial officer), alongside a right of appeal on the merits of any decision.

Two important policy questions raise:

- (1) Should the judicial officer have the right to decide the case on its merits? At the moment, the findings of the judicial officer on any appeal are referred to the Commission for decision.

Obviously, an argument can be mounted in favour of allowing the external decision-maker on appeal to make a decision on the merits and to substitute its decision for that of the Commission - to avoid perceptions of a Commission “closed shop” or “favouritism” for some applicants or market participants.



However, there are a number of good reasons for referral back to the Commission, as this is a specialised area calling for informed judgement on the part of the decision-maker. Often, external decision-makers, be they a judicial officer, a court or tribunal, will make a decision based on their best efforts but lack the in-depth knowledge to make a decision consistent with wider gambling policy.

(2) Should the decision be final?

Again, there are arguments either way. Well-funded applicants can tie up the Commission with further appeals and simply exhaust the Commission's funds available for litigation. On the other hand, the right to an appeal is a basic expectation of any legal system.

Overall, our view, based on international gambling regulation practice (and we acknowledge this is our judgement and is not definitive), is that there should be a right of appeal but, as set out in the draft Regulation, it should be limited with the decision on the merits being ultimately decided by the Commission. This would still allow an application for judicial review to the wider court-system if there is a case for improper process being followed in making the decision.

We support limiting the scope for a further appeal on the merits.

We suggest that to save costs and not unduly impose on limited judicial resources, consideration be given to allowing the hearing to also be conducted by a barrister admitted to practice in Trinidad and Tobago. The Commission may form a panel of barristers eligible for the purpose. A judge or magistrate may be appointed in more serious cases.

A related issue is whether the decision is "stayed" pending the appeal or review. We suggest that the presumption is that the decision takes effect pending any appeal or review, although the Commission should have the discretion to stay the decision in appropriate cases.



Trinidad and Tobago - Multi Jurisdictional Business Form
Trinidad and Tobago - Multi-Jurisdictional Gaming Application

These Regulations adopt the Forms prepared by the International Association of Gaming Regulators (“IAGR”).

While there are arguments that these inquiries are unnecessarily intrusive, requiring extensive information about the applicant’s financial and personal history going back over a number of years, we support their use in making licence applications.

They reflect international best practice.

While the applicant must gather information to complete the relevant Form, this reinforces the understanding that a gambling licence is a privilege not a right.

The Commission may use its discretion as to how extensively it verifies the information contained in the Form. For low-level employees, it may decide to test and verify only basic aspects of the data (eg, conduct a Police check). For more important licence applications, it may be expected to verify all key aspects of the Form.

Regardless of how the Commission treats the application, the Form provides a base-line of data, against which later changes in personal circumstances may be assessed (eg, “from where did the applicant generate the funds to buy recent expensive assets?”).

The use of these Forms is supported.



The Gambling (Gaming and Betting) Control (Gaming Devices and Equipment) Regulations 2015

There are two major policy issues that arise with this Regulation.

The first is the need for prior approval or certification for any gaming equipment to be used by an independent testing laboratory. The second is the amount of detail specified in the Regulation of the regarding the approval of relatively minor gaming equipment.

The Regulation envisages all “gaming devices and equipment” being tested and/or approved before use. Importantly, it envisages the testing of equipment by an independent testing laboratory, with costs being paid for by the licensee.

The independent testing laboratory is to certify that any “device, software, hardware other technology” complies with technical standards approved by the Commission. While it is expected that these “technical standards” will be consonant with technical standards applied in other jurisdictions, the technical standards are yet to be defined. Such definition must occur before the testing and approval of gaming equipment by independent testing laboratories can be undertaken. The laboratories need to know the standards against which the equipment is to be tested.

Regulation 3 is very comprehensive in terms of the scope of equipment it covers – namely, *“a slot machine, bill token or coin acceptor, player tracking system, monitoring system, card table with electronic or electromechanical components, mechanical shuffling device, card shoes, cards, chips or tokens or other gaming equipment”* designated by the Commission. None of this equipment may be used *“before the Commission authorises their inclusion in the Commission’s database of approved items and technologies.”*

In terms of equipment, each individual slot machine, progressive system and card table *“must be approved by the Commission before it is used for gaming.”*

Under Regulation 4, a manufacturer or vendor of *“any device, a software, hardware or other technology”* must submit the device for scientific testing and technical evaluation by the independent testing laboratory. The cost of such testing is to be paid for by those licensees “requesting approval”. It is suggested that these kinds of provisions may be appropriate the for a jurisdiction that is introducing the gaming into the community. However, that is not the case in Trinidad and Tobago, with possibly thousands of gaming machines and associated gaming equipment already in operation.

In short, it is suggested there is a need for transitional provisions to allow for the continued use of current gaming machines and associated in gaming equipment before the implementation of these kinds of provisions.

At the moment, the Regulation is framed requiring the Commission to set its technical standards, nominate an independent testing laboratory, and for any equipment to have received certification of successful testing. This would take months if not years.

While it is noted that for “good cause shown”, the Commission may waive any of the requirements imposed by this regulation (sub-clause 8), and may approve an *“expedited process for inclusion of systems in place prior to the effective date of this rule”* so long as it ensures the integrity of the system *“and established documentation that the system is operating in conformance with technical standards*



approved by the Commission" (sub-clause9), it is noted that these provisions allow for expedited approval rather than easy transition.

The requirement for an independent testing laboratory can be problematic and costly. There are very few independent testing laboratories worldwide. Manufacturers will submit new gaming machines to these laboratories for certification against nominated technical standards. The technical standards may vary in part between jurisdictions. However, the costs of testing are amortized against the size of the market. In other words, these costs are readily absorbed if the machine is intended to be sold into a large market such as the United States, where sales volume will readily accommodate testing costs.

However, those costs are likely to be significant in the case of a small jurisdiction that sets its own particular standards. For this reason, we would expect Trinidad and Tobago to adopt the technical standards that apply in other jurisdictions.

We would also strongly recommend that Trinidad and Tobago recognize certification given by other countries to the same kinds of machines. This will avoid time delay and costs.

However, the Commission will need to undertake some preliminary work to understand the size of the task. For example, we would expect the Commission would need to undertake a full inventory of all gaming machines that are currently in Trinidad and Tobago.

We would expect the machines to fall into three broad categories - new machines approved for use in other jurisdictions, second-hand machines approved for use in other jurisdictions, and finally machines imported from countries such as China which do not require independent testing, or locally made machines that have not been tested.

This is before consideration is given to any modification made to any particular gaming machine after it received certification. Thus, the game rules and RTP ("Return To Player") percentage that form part of the certification and for a particular machine (to nominate just 2 key features) may have been altered by changes to either an EPROM or other Program Storage device.

To put it another way, the Commission may also need to understand the of the source and extent of new machine purchases. Are local venues undertaking bulk purchases of machines approved for use in say, the United States, or is there a minimal investment in new machines pending the establishment of the new Commission? Where do the new machines come from, and what percentage of those machines has been certified?

Then other key unknown is the extent of any later modifications. Has there been any significant modification of key gaming components between the time of machine manufacture and the deployment of the machine in Trinidad and Tobago? Finally, how will any modifications be tested?

Furthermore, it may be desirable to tie technical requirements for new gaming machines to include the capacity for communicating with the proposed Central Monitoring System.

In short, this is no small task. It needs to be undertaken after careful planning, assessment and costing, to avoid imposing very high and arguably unnecessary costs on industry, while at the same time burdening the Commission with cosmetic rather than substantive regulatory tasks.

Regulations 6 concerns of the transport of electronic gaming equipment. Under the proposed rule, an operator or vendor or must notify the Commission of the proposed shipment at least seven days



in advance, “unless a time is otherwise approved by the Commission.” As this rule requires notification rather than approval, it is not clear why there should be a seven day notification period. As presently understood, the purpose of this rule is to enable the Commission to keep track of the location of any gaming equipment in Trinidad and Tobago or being brought into the country.

Accordingly, it may be sufficient to simply say that notification must occur before the transportation of any electronic gaming equipment is undertaken.

Regulation 8 requires every licensee to file every 30 days “with the commission’s agent in the casino facility”, comprehensive lists of the electronic gaming equipment on its gaming floor. The list is to include:-

- (1) the machine model and serial number,
- (2) the computer program number,
- (3) the denomination,
- (4) the manufacturer and machine type, noting whether the machine has a bill validator or bill changer attached, or is a progressive machine,
- (5) whether the machine has an activated EFT feature or an activated voucher feature, and
- (6) the area within the gaming facility where the device is located for each device included on the list.

There is no difficulty with a comprehensive list being maintained. The issue is whether the (broadly the same) information needs to be provided every 30 days. Instead, the Commission’s agent in the casino should be advised of any changes to the equipment or its location as and when it occurs, so that the Commission’s records may be updated. The accuracy of these records may be verified in the course of any external inspection or audit.

Regulation 10 requires a licensee to notify and receive the approval of the Commission “at least five days before moving electronic gaming equipment within a gaming floor”, except in the case of the malfunction of a machine. Regulations 11 and 12 together, would appear to require the immediate shut down of a malfunctioning machine and a consequent report to the Commission.

The latter point prompts the question of what is not covered directly in the Regulations, which is what is to occur in the event of the malfunction of machine?

Does the operator pay or not? Who decides? (Is this a matter for the Commission?)

In some jurisdictions, the Commission may become involved, and the provision of immediate referral to the Commission helps defuse any local dispute in the venue, if the operator refuses to pay.

Set out below is a sample provision:

Malfunction of gaming machines

(1) A machine manager shall refuse:

(a) to make payment; or

(b) to allow payment to be made,

to a person in respect of a bet made, or gaming machine credits accumulated, on a gaming machine installed on licensed premises in respect of which he or she is machine manager, where the machine manager is satisfied that the gaming machine failed to function in the way in which it was designed and programmed to function.

(2) Subsection (1) applies irrespective of the reason for the failure of the gaming machine to function in the way in which it was designed and programmed to function.



(3) A machine manager who refuses to make or allow payment under subsection (1) shall:
(a) not allow, other than for testing purposes, the gaming machine to be played until it is functioning in the way in which it was designed and programmed to function;
(b) not later than the close of business on the following working day, forward to the Commission a report in the form determined by the Commission in respect of the refusal; and
(c) give the licensee a copy of the report referred to in paragraph (b).
(4) A licensee:
(a) may, on review of the copy of the report referred to in subsection (3); or
(b) shall, if so directed by the Commission;
overrule a refusal referred to in subsection (1) and make the payment that has been refused.

It may well be that local current practice is another way – ie, that no payments can be entertained for a malfunctioning machine, or that it is a matter for the licensee to decide.

Either way, the Regulations are silent on the consequences of a malfunctioning machine, and what is to occur if, say, the machine has awarded the maximum jackpot several times in an afternoon... is it malfunctioning or simply a statistical anomaly that is theoretically within the operating parameters of the RNG and the machine? Must the licensee make the payment? Who is to resolve the dispute between the licensee and a patron, and how?

Regulation 17 looks to the deployment of “third party authentication tools approved by the Commission” commencing on a specified date, as does Regulation 18. It is suggested that the commencement of these provisions be at a date determined by the Commission rather than as specified in the Regulation, to enable the Commission to examine and decide upon the authentication tools it wishes to require, their costs and benefits to all stakeholders, their current prevalence in the local market, and to internally prepare for receipt of requests for approval. This will take time.

The Table Game provisions are very good.

The Electronic Gaming Equipment provisions are also clearly drafted and reflect appropriate controls.

It is assumed that the proposed requirements in, for example, controls for tournament operation, broadly accord with current practice.

The only provision to give pause is Regulation 49(12), which requires a venue to maintain the “minimum cash reserve as prescribed in the mandatory internal control procedures established by the Commission...”, to be able pay all progressive jackpot gaming machine liabilities. It may be expected that the Commission will give careful consideration to the risks to both the venue and the winner in holding large amounts of cash.

It may also be appropriate to require the venue to nominate its cash holding and payment procedures for approval by the Commission, as well as giving the Commission the power to prescribe basic cash requirements. (A similar comment may be made in respect of Regulation 50(1) where tournament requirements are set by the Commission, rather than by the tournament organiser and approved by the Commission.)

Though the power to set “mandatory internal control procedures” is supported, it is suggested the Commission be cautious in setting out too much detail as to how an objective is to be achieved, to avoid the risk of micromanaging the business processes.



The Gambling (Gaming and Betting) Control (Amusement Machine Controls) Regulations, 2015

In general terms, these are elegantly written provisions.

We note the policy decision to enable the Commission to control market concentration.

The Commission, in deciding whether to issue or renew an amusement terminal operator license, must consider whether the issuance or renewal will result in undue economic concentration.

"Undue economic concentration" means that *an individual or entity, independently or in coordination or aligned combination with one or more individuals or entities, would have such actual or potential domination of amusement gaming in Trinidad and Tobago as to:*

- a) substantially impede or suppress competition among holders of terminal operator licenses;*
 - b) adversely impact the economic stability of the gaming industry in Trinidad and Tobago; or*
 - c) negatively impact the purposes of the Act, including collection of government revenues and development of the gaming industry in Trinidad and Tobago.*
- 7) In determining whether the issuance or renewal of an amusement terminal operator license will result in undue economic concentration, the Commission shall consider the following criteria:*
- a) The percentage share of the market presently owned or controlled by the applicant or licensee in each of the following categories:*
 - i) number of licensed amusement gaming locations in Trinidad and Tobago;*
 - ii) number of amusement gaming terminals in Trinidad and Tobago;*
 - iii) total net terminal income*
 - iv) total amount wagered; and*
 - v) other factors the Commission deems relevant to the evaluation of the health of the gaming industry and the best interests of the people of Trinidad and Tobago.*
 - b) The relative position of other individuals or entities that own or control terminal operator licenses in Trinidad and Tobago, as evidenced by the market shares of each terminal operator license in the categories in subsection (7)(a).*
 - c) The current and projected financial condition of the gaming industry.*
 - d) Current market conditions, including proximity and level of competition, consumer demand, market concentration, and any other relevant characteristics of the market.*
 - e) Whether the amusement terminal operator licensee or applicant has a common or related organizational or financial structure, or common or related assets, obligations, or ownership with other licensees.*
 - f) The potential impact on the projected future growth and development of the gaming industry, the local communities in which licenses are located, and the people of Trinidad and Tobago.*
 - g) The barriers to entry into the amusement gaming industry, including the licensure requirements of the Act and this Part, and whether the issuance or renewal of an amusement terminal operator license will operate as a barrier to new entities and individuals desiring to enter the market as amusement terminal operators or in any of the other licensed categories under the Act.*
 - h) Whether the issuance or renewal of the amusement terminal operator license will adversely affect consumer interests, or whether that issuance or renewal is likely to result in enhancing the quality and customer appeal of products and services offered by amusement terminal operators and other licensees under the Act in order to maintain or increase their respective market shares.*
 - i) Whether a restriction or denial of the issuance or renewal of an amusement terminal operator license is necessary in order to encourage and preserve competition in amusement gaming operations.*
 - j) The current and projected financial condition of the terminal operator.*



k) Any other information deemed relevant by the Commission.

The Regulation would vest the Commission with the authority to place restrictions on a licence to prevent or eliminate undue economic concentration, including, but not limited to, setting a limit on the maximum amount of use agreements an amusement terminal operator may have.

A licensee may contest a Commission order but any hearing “shall be limited to the reasonableness of the restrictions or qualifications placed on the amusement terminal operator license to avert undue economic concentration.”

Firstly, we suggest that while the policy is clear and understandable, it will be difficult to apply and any decision is at risk of legal challenge. The reason it will be difficult to apply is the legal uncertainty around the concept of “competition” and the proper definition of “the market”. These are concepts which are highly technical, have encouraged a high level of litigation in respect of trade practices, and which rely on an exercise of judgement (especially trying to forecast the “future market”).

Instead, it is suggested that consideration be given to setting out clear thresholds which would preclude the granting of excessive licenses, or an undue concentration of licenses. These could be:-

- (a) A maximum number of machines, or
- (b) A maximum percentage of machines

permitted in any designated area.

With respect to Regulation 11, it is noted that disclosure requirements are imposed when an institutional investor individually or jointly with others cumulatively acquires, directly or indirectly, “5% or more but less than 20%” of any class of publicly traded securities. It is unclear why “less than 20% is relevant.

Regulation 17 permits a licence to “be surrendered without leave of the Commission if written notification of surrender is received”, unless the intended surrender is objected to by the Chief Executive Officer. The following Regulation requires “leave of the Commission” if an objection is made.

This is a sensible requirement, but it is suggested that the licence may be surrendered subject to, say, “four weeks’ notice in writing”. This would make it clear that a licensee cannot just walk away from his or her responsibilities, and enable sufficient time for the Commission to decide whether or not to object to the surrender. It may also be appropriate to consider whether the Commission be empowered to appoint an administrator or manager to wind up the licensee’s activities, at the licensee’s cost, in appropriate cases.

It is noted that (Reg 19 and 20) that if a licence is withdrawn, surrendered or denied, the applicant may not reapply within one year “without leave of the Commission”. It is suggested this mechanism for leave be available for the Licensing Regulations considered above.

Regulation 26 which specifies that licenses “do not constitute property, shall not be subject to attachment, and shall not be alienable or transferable” is strongly supported.

Part 3, Regulation 5(a) places the obligation on a licensed distributor to buy, sell or lease only “amusement gaming terminals that have been tested and certified for use in Trinidad and Tobago”.

For the reasons given in relation to the Gaming Devices Regulations (see below), that the word “tested” be deleted. Testing may take a long period of time and will be expensive. Instead, the



Commission can simply “certify” a terminal for use in Trinidad and Tobago, which could include testing in a particular case, if such testing has been completed by or on behalf of another jurisdiction.

In Part 4, Regulation 6 (b) imposes the obligation on an operator to “maintain and provide, either directly or through a licensed manufacturer, distributor, supplier, licensed technician, or licensed terminal handler, an inventory of associated amusement gaming equipment”

It is suggested that the responsibility simply falls on the operator. Enabling the other categories of participants to undertake or assist in this important role is likely to see task not be completed as the operator may “assume” the technician or handler will have maintained the inventory. In practice, the operator may seek the assistance of these other categories of participants in keeping the inventory up-to-date, but the Regulation should be unambiguous in placing the responsibility on the operator. 6(f) and (g) requires the operator to “assume responsibility for terminal and associated amusement gaming equipment malfunctions” and to “promptly notify” the Commission of any malfunctions. It is suggested that the Regulation make it plain that the operator must immediately shut down the machine and prohibit any further play on the terminal.

This is consistent with the later Regulation (p) which requires the operator to “remove all amusement gaming terminals from the restricted area of play” if they have “been out of service or otherwise inoperable for more than 72 hours”.

Part 4, Regulation (3), enables the CEO (Commission) to determine whether two or more adjacent businesses are a single business, then the maximum number of amusement gaming terminals shall be the number for one business. This is appropriate and is supported.

Part 7, Payout Devices and Requirements, is currently in drafted in such a manner as to assume the existence of technical standards, and to set out a timeframe for adoption that may not be appropriate.

As discussed in relation to an earlier Regulation, the setting of technical standards and the use of testing laboratories is a step to be taken cautiously. It is therefore suggested that throughout the Regulations, care is taken to give the Commission flexibility as to the timing and roll-out of Regulations in this area. The Commission should set the standards after it has a thorough understanding of the current local gaming machine population, and its capacity to speedily comply with any new standards.

So Part 7 (1) provides, “Each licensed amusement gaming location at which amusement gaming terminals are available shall have a payout device that complies with technical standards approved by the Commission.” Although arguably implied, this may be better expressed to require compliance with “any” technical standards as may be issued by the Commission from time to time.

Part 7 (7) provides, *Each approved payout device shall:*

- a) ensure against manipulation, alteration or change of the approved payout device;*
- b) be operated in such a manner as to cause immediate notification to the central communication system of any malfunction that affects the integrity of the approved payout device;*
- c) provide for on-line real-time monitoring effective three years after the passage of the Act; and*
- d) be subject to testing by an independent laboratory and review by the Commission as deemed necessary or appropriate to ensure the continued integrity of the approved payout device or any of its component parts.*

As drafted, provision speaks in the imperative - that each device “shall” provide immediate notification to a CMS, provide for real-time monitoring in 3 years and “be subject to testing by an independent laboratory”.



Three of these assume the completion of two major projects the Commission must complete: - the provision of a CMS, and the setting of technical standards.

As a matter of form, it is likely one of these will precede the other, and the provision should allow for this. In other words, they should be in separate clauses, each taking effect as and when it is ready.

It suggested that the Commission be given more flexibility as timing – thus, *“provide for on-line real-time monitoring effective from a date prescribed by the Commission”*. The Commission will need to have a CMS deployed (or close to it), before it commences requirements affecting purchasing future decisions by businesses.

Finally, with regard to *“testing laboratories”*, it is suggested that the Commission adopt the practice – at least as an interim step pending the setting of relevant technical standards - of *“approving”* the make or style of a *“payout device”*. It may take into account any testing undertaken by any testing laboratory if it is available, in making its decision.

In this way, it will not mandate compliance with standards that are not yet settled, and which will need to take account of current technical capability in the local market. However, it will have a regularised regulatory oversight of this piece of equipment.

The Commission may move for the adoption of both a CMS and technical standards with a high level of confidence, once it has undertaken the inventory of current equipment, understood the impact that any change will have, and fairly assessed the capacity of any business to meet the costs of any change.

This will take some time, and so Regulations referring to technical standards and similar should be drawn for *future* application, commencing at a time decided by the Commission. Thus, the Commission *“may”* provide for technical standards, and a licensee shall comply with *“any, as may be established from time to time”*. The key is flexibility.



The Gambling (Gaming and Betting) Control (Betting and Wagering) Regulations, 2017

These Regulations are in two Parts.

Part A is understood to adopt existing provisions covering the acceptance and recording of bets, and the preparation and submission of associated Reports and Returns.

Although some cosmetic changes may be made, these are not essential, and we do not support change for change's sake.

Part B concerns Electronic and Telephone betting provisions. Again, these are understood to reflect current practice, and refinements to these provisions may be made at a later time.



Gambling (Gaming and Betting) Control (Accounting and Internal Control) Regulations, 2015

These are largely machinery provisions, setting out requirements for the maintenance and audit of records, and the application of a licensee’s internal control procedures.

As to the first, the record keeping requirements appear appropriate.

It is suggested that Part 3, Internal Control Procedures, Reg 11 should be amended to allow the cut-off date, after which all applications must include written internal control plans for Commission approval, to be set by the Commission rather than being set in the Regulation. This is to enable the Commission to have some control over when it rolls out the different administrative requirements for which it has responsibility. It will also allow the Commission time to work with industry, to educate it to coming changes and to discuss expectations about what is required.

We are supportive of Regulation 13 requiring each licensee to maintain, in such manner and amount as the Commission approve or require, cash or cash equivalents in an amount sufficient to protect the licensee against defaults in gaming debts owed by the licensee. We note *“(2) The Commission shall distribute to licensees a formula by which licensees determine the minimum bankroll requirements of this regulation.”*

We suggest this be regarded as the minimum amount to be retained, and it be made explicit that the Commission may impose extra conditions on a licensee as a term of an individual licence.

The formulaic approach has the advantage (and disadvantage) of treating all licensees the same way. It is supported as fair – an agreed percentage of projected gaming risk should be held in reserve.

However, the financial risk profile of individual licensees will vary significantly, and the Commission may well seek to impose additional financial reporting requirements or other controls to give “early warning” of a risk of failure. This is able to be imposed as a term of the particular licence.

The remainder of the Regulation is well cast. The Commission shall “approve” internal control standards and any variance to them. This is the recommended approach throughout.

Likewise, we are supportive of the approach with 23. (1) *When the commission determines such requirements are applicable, each gaming operator’s internal control system shall include internal controls for information technology standards.”*



The Gambling (Gambling and Betting) Control (Responsible Gambling) Regulations, 2015

These are excellent Regulations.

They set out in some detail the administration of the problem-gambler self-exclusion scheme.

They are innovative and adopt best practice by requiring for example, the creation of an Office of Responsible Gambling and the formation of the Responsible Gambling Alliance.

We suggest that *"From a date to be decided by the Commission, [E]ach applicant for a Gambling Operators licence, Bookmakers licence, Promoters licence, Gambling Machine Operating licence or other licence as determined by the Commission shall submit a Responsible Gambling Plan to the Commission at the time of first application. The licence applicant's Responsible Gambling Plan must be approved by the Commission prior to the issuance of a licence etc."* (Reg 4)

The industry may need some Guidance as to the preparation and implementation of its Plans.

Likewise, the deployment of a self-exclusion program requires a deal of preparation on the part of the Commission and industry.

The Regulations contain some deft touches, including ensuring that a licensee shall *"in cooperation with the Commission, and where reasonably possible, determine the amount wagered and lost by an individual who is prohibited from Gambling. The monetary value of the losses shall be paid to the commission for deposit into the Rehabilitation Fund within 45 days."*

While this is an effective deterrent to a licensee tacitly permitting entry, and an incentive for licensees to be vigilant, it must be noted that the compliance rates for prohibiting problem gamblers from re-entering venues is quite low. They are likely to attempt re-entry in breach of their undertaking, and it can be difficult for licensees to identify a person from just a photograph.

Overall, this is an excellent statement of the scheme.



Gambling (Gaming and Betting) Control (Anti-Money Laundering) (Casino) Regulations

This proposed regulation sets out a reporting system for aggregate cash transactions of over \$10,000 and requires customer identification for transactions above that threshold.

While a strong focus on Anti-Money laundering controls is to be welcomed, it is not immediately apparent why this regulation should be made under the Gambling laws rather than under the auspices of the FIU and the orthodox Anti-Money laundering law.

Current AML Scheme

It is understood the Financial Intelligence Unit of Trinidad and Tobago has the primary responsibility for the administration of AML laws over “*Gaming Houses, a business conducting betting transactions, on-line gambling and betting, pool betting business, the National Lotteries Control Board (“the NLCB”) and Private Members Clubs.*” (FIU Guidance Note 2017)

The AML/CFT laws of Trinidad and Tobago impose obligations on those entities to:

- I. *Register with the FIU;*
- II. *Submit Reports to the FIU;*
- III. *Not to “Tip-off”;*
- IV. *Keep Records;*
- V. *Ascertain client identity;*
- VI. *Ascertain whether the client is acting for a Third Party;*
- VII. *Appoint a Compliance Officer and an Alternate Compliance Officer;*
- VIII. *Develop and implement a written compliance programme approved by senior management and reasonably designed to ensure compliance with the law.*

It is noted that entities are required to send to the FIU only two (2) types of reports:

- (1) reports of Suspicious Transactions or Activities; and
- (2) reports of Terrorist Funds in possession.

Notably, this does not include threshold transaction reports, for example, cash transactions over a certain threshold.

The Gambling (Anti-Money Laundering) Regulation

The proposed Gambling Regulation would

- (a) deal with cash transactions, a threshold report not immediately required by the FIU
- (b) require a licensee to report to the Gambling Commission (not the FIU)
 - a. cash transactions over \$10,000 and
 - b. to file a Suspicious Activities Report for Casinos of any suspicious transaction if it involves more than \$10,000.
- (c) Require a licensee to undertake certain customer identification

While the merits of the Regulation are clear – on its face it appears a prudent and measured requirement that is complementary to current AML regulation - the question is whether it should be administered by the FIU as part of the current AML legal framework, or by the Gambling Commission as principal regulator of casinos.



On balance, we would lean towards the FIU retaining primary responsibility for this area of the law. If this Regulation is to be made, we recommend it be made under the Anti-Money Laundering statute and be administered by the FIU.

Our reasons are as follows:

- It promotes consistency and efficiency in AML oversight.
- The FIU already has a relationship with the broader gambling industry as well as those entities which will be “casinos” and the subject of this Regulation. The subject of the proposed regulation augments but also duplicates some of the requirements already set out as AML/CTF obligations.

In terms of augmentation, the reporting of threshold cash transaction reports and suspicious activity related to cash transactions is an express new measure would be expected to be of assistance in the detection of money laundering or terrorist financing.

However, in terms of duplication, such as regarding reporting and the customer identification obligations, the benefits are not so clear.

The Regulation proposes reports be submitted to the Gambling Commission. It may be expected that lodgement of those reports directly to the FIU would generate better AML/CTF intelligence because they would be read in the context of other reports lodged with the FIU. By contrast, the Commission would have more limited visibility of related intelligence.

In terms of duplication, it would be expected that circumstances requiring the submission of a Suspicious Activities Report to the Gambling Commission would also trigger the lodgement of a similar report with the FIU. Further, if the Gambling Commission was to receive such a report and the report was reasonably indicative of money laundering, it is highly likely that part of its response would be to notify the FIU of the report. In short, the need to report to the Commission rather than, or as well as, to the FIU is not efficient.

Whilst AML expertise within the Gambling Commission is something to be encouraged and fostered, we consider the actual day-to-day administration of AML law should remain with the FIU. Even so, this issue underlines why it is vital that law enforcement agencies work closely together to combat money laundering.

However, regardless of which agency administers the Regulation, there’s also a need for careful consistency. For example, the AML/CTF laws explicitly include reporting obligations for “attempted transactions” and provide more encompassing guidance for “suspicious activities” than is necessarily articulated in the form of words contained in the Regulation. This draft Regulation should be reviewed against the AML law, and redrafted to use the language of the AML/CTF statutes in relation to key concepts.