

CHAPTER 134A

BETTING AND GAMING

1984-33

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Amended by:

This Act has not been amended

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The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

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CHAPTER 134A

**BETTING AND GAMING
1984-33**

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FIRST SCHEDULE

CONSTITUTION OF THE BETTING AND GAMING COMMITTEE

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STATUTES AFFECTED

**BARBADOS****BETTING AND GAMING
1984-33**

An Act to revise and consolidate the law relating to betting and gaming and provide for related matters.

CITATION**Short title**

1. This Act may be cited as the *Betting and Gaming Act*.

INTERPRETATION**Definitions**

2. In this Act,
“Administrative Appeal Tribunal” means the Administrative Appeal Tribunal established by the *Administrative Appeal Tribunal Act*, Cap. 109A;
“amusement arcade” means any approved premises, other than an hotel, containing more than 2 gaming machines;
“amusement machine licence” means a licence issued in respect of a machine that is used for the purposes only of amusement;

“approved national organisation” means a national organisation in respect of which an order is made under section 44(1);

“approved premises” means any premises licensed under the *Liquor Licences Act*, Cap. 182, and approved by the Committee for the purposes of this Act;

“approved racecourse” means any ground in respect of which there is in force a certificate of approval of that ground as a racecourse issued by the Minister under section 26(a);

“bet” does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming;

“betting transaction” includes the collection or payment of winnings on a bet and any transaction in which 1 or more parties are acting as a bookmaker;

“bingo” means the lottery commonly known as bingo;

“bingo club premises” means premises in respect of which a licence under this Act is in force, where the club specified in the licence is one to which section 21 applies;

“bookmaker” means a person who,

- (a) whether on his own account or as servant or agent of any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets at declared odds; or
- (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 at declared odds;

but does not include a person that operates, or is employed in operating a totalisator;

“bookmaking business” means any business in the course of which bets on horse races or greyhound races are received or negotiated, or stake money or winnings in respect of any such bets are collected or paid, but does not

include business operated by the Barbados Turf Club at or in connection with a race meeting held under the auspices of that Club;

“certificate of registration” means a certificate of registration issued in respect of a pool betting business or bookmaking business, as the case may be;

“Committee” means the Betting and Gaming Committee established under section 3;

“Comptroller” means the Comptroller of Customs;

“declared odds” means declared odds within the meaning of section 32(2);

“game of chance” includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, however organised, but does not include any athletic game or sport;

“gaming” means playing at any game whether of skill or chance, for money or money’s worth;

“gaming machine” means a machine to which Part VII of this Act applies, and includes any apparatus that is used for gaming;

“gaming machine licence” means a licence issued in respect of a machine that is used other than for the purposes of amusement;

“instrument or appliances for gaming” includes all articles that are used in and for purposes of gaming or lottery;

“licensee” means the holder of a form of licence required under this Act;

“licensed betting office” means premises in respect of which a betting office licence is in force;

“licensed premises” means premises in respect of which a licence under this Act or under any other enactment is in force;

“licensed track” means a track in respect of which a track betting licence is in force;

“lottery” includes any game, method or device whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, held, drawn, exercised or managed whether in Barbados or elsewhere;

“lottery ticket” includes any paper, figure, writing, symbol or other article, that either expressly or tacitly entitles the holder or any person to receive money or money’s worth on the happening of any event or contingency connected with any public lottery;

“money” includes a cheque, bank-note, currency note, coin, postal order, money order or other valuable security;

“organiser” in relation to a game of bingo, lottery or sweepstake, means the person or body of persons who organises or controls the game of bingo, lottery or sweepstake;

“place” means any house, office, room or building, and any place, or spot, whether open or enclosed, and includes a ship, boat or other vessel, whether afloat or not, and any vehicle;

“player”, in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game stake, play or bet;

“pool betting” has the meaning prescribed by section 32;

“pool betting business” means business involving the receiving or negotiating of bets made by way of pool betting;

“postal packet” has the meaning prescribed by the *Post Office Act*, Cap. 27A;

“premises” includes any place;

“promoter”, in relation to a pool betting business, means the person to whom the persons making the bets look for payment of their winnings;

“proprietor”, in relation to any bookmaking business, includes a manager or any person for the time being having immediate control over any such business,

and in the case of a company, includes any director, manager, secretary or other principal officer of the company;

“public lottery” means a lottery to which the public or any class of the public has or may have access;

“qualified accountant” means a chartered accountant, a certified accountant or a person possessing such other qualification in accounting as the Minister of Education approves in writing;

“ticket” includes any card, paper or writing;

“totalisator” means the contrivance for betting known as a totalisator or parimutuel, or any other machine or instrument of like nature, whether mechanically operated or not;

“track” means premises on which races of any description take place;

“track betting licence” means a licence granted by the Minister under section 26(b);

“winnings” includes winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

PART I

ESTABLISHMENT AND CONSTITUTION OF THE BETTING AND GAMING COMMITTEE

Establishment and constitution of Committee

3.(1) There is established for the purposes of this Act, a committee to be known as the Betting and Gaming Committee.

(2) The First Schedule has effect with respect to the constitution of the Committee and otherwise in relation thereto.

Functions of the Committee

- 4.** The functions of the Committee are
- (a) to hear and determine all applications for licences to hold lotteries;
 - (b) to consider all applications and grant or refuse approval for the issue by the Comptroller of licences in respect of the importation and use of gaming machines in Barbados;
 - (c) to determine the suitability of any premises licensed under the *Liquor Licences Act*, Cap. 182 for purposes of issuing a licence for gaming;
 - (d) to prescribe the number of gaming machines that may be made available for gaming on approved premises;
 - (e) to enquire into complaints made against licensees; and
 - (f) to perform such other functions as may be required for the proper administration of this Act.

Application to the Committee

- 5.(1)** A person who desires to obtain
- (a) a licence to import gaming machines;
 - (b) approval for the use under licence of a gaming machine on approved premises;
 - (c) a declaration that certain premises are approved for the purposes of this Act;
 - (d) a licence to hold a lottery; or
 - (e) a licence in respect of any premises for gaming under Part III,
- shall apply to the Committee for the purpose.

(2) Every application made under subsection (1) must be in such form as the Committee approves, and in the case of an application relating to

- (a) the importation of gaming machines, must contain such particulars as to number, value, country of manufacture and general description of the machines to be imported; and
- (b) the use of gaming machines on any premises, must contain such particulars as to the premises on which it is proposed to use the machines and such other information respecting the machines,

as the Committee may require.

(3) On receiving an application under this section, the Committee may cause such investigations to be made as it considers necessary for the purposes of determining the application.

(4) Where the Committee is satisfied that the applicant is a fit and proper person to hold a licence, or that the premises in respect of which an application is made are suitable for the purpose, it may, subject to this Act, issue the licence, or grant approval for the issue of a licence by the Comptroller, or it may approve the premises, as the case may be.

(5) A licence issued in accordance with subsection (4) is subject to such conditions as the Committee may consider necessary having regard to the circumstances, and the conditions shall be specified in the licence.

(6) Notwithstanding anything contained in this Act, the Committee may for good cause cancel or suspend for any period not exceeding 6 months any licence issued in accordance with this section, and the fact of the cancellation or suspension of the licence shall be published in the *Official Gazette*.

(7) A person aggrieved by any decision of the Committee may appeal to the Administrative Appeal Tribunal within 14 days of being notified of the decision, and the Tribunal may confirm or vary the decision.

- (8) Any person who
- (a) in connection with an application under this section, makes any statement that he knows to be false in a material particular;
 - (b) recklessly makes any statement that is false in a material particular; or
 - (c) fails to comply with any of the conditions of a licence issued to him in accordance with this Act,
- is guilty of an offence.

PART II

GAMING ELSEWHERE THAN ON PREMISES LICENSED UNDER PART III OR ON PREMISES IN RESPECT OF WHICH A CLUB IS REGISTERED UNDER ANOTHER ENACTMENT

Application of Part II

- 6.(1) Except as provided by subsection (2), this Part applies to all gaming that takes place elsewhere than on licensed premises or on premises in respect of which a club is registered under another enactment.
- (2) This Part does not apply to
- (a) gaming by means of gaming machines;
 - (b) gaming to which section 44 or 45 applies; or
 - (c) gaming that constitutes the provision of amusement with prizes in the circumstances specified in sections 43 and 44.

Nature of game

- 7.(1) Subject to this section, no gaming to which this Part applies shall take place where
- (a) the game involves playing or staking against a bank, whether the bank is held by 1 of the players or not;

- (b) the nature of the game is such that the chances in the game are not equally favourable to all the players;
 - (c) the nature of the game is such that the chances in it lie between the player and some other person, or, if there are 2 or more players, lie wholly or partly between the players and some other person, and those chances are not as favourable to the player or players as they are to that other person.
- (2) Subsection (1) does not apply to gaming that takes place on a domestic occasion in a private dwelling.

No charge for taking part in gaming

8.(1) No gaming to which this Part applies shall take place in circumstances where, apart from any stakes hazarded, a charge, in money or money's worth, is made in respect of that gaming.

(2) An admission charge shall, unless the contrary is proved, be taken to be a charge made as mentioned in subsection (1), but

- (a) a payment that constitutes payment of, or of a quarterly or half-yearly instalment of, an annual subscription to a club; or
- (b) a payment that constitutes payment of an entrance subscription for membership of a club,

shall not be taken to be a charge made as mentioned in subsection (1).

(3) Subsection (2) does not apply to a club unless it is shown that the club is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character, and, in relation to an entrance subscription, does not apply unless it is shown that the payment is not made in respect of temporary membership of the club.

No levy on stakes or winnings

9. Without limiting or affecting the operation of section 8, no gaming to which this Part applies shall take place where a levy is charged on any of the stakes or on the winnings of any of the players, whether by way of direct payment or deduction, or by the exchange of tokens at a lower rate than the rate at which they were issued, or by any other means.

Special provisions as to persons under 18

10. No person under the age of 18 years shall take part in gaming to which this Part of this Act applies.

Offences and penalties under Part II

11.(1) Where any gaming takes place in contravention of any of the provisions of sections 7 to 9, every person concerned in the organisation or management of the gaming is guilty of an offence.

(2) For the purposes of subsection (1), any person who takes part in procuring the assembly of the players is deemed to be concerned in the organisation of the gaming.

(3) Without limiting or affecting subsections (1) and (2), where gaming takes place on any premises, or in any vessel or vehicle, in contravention of any of the provisions of sections 7 to 9, any person who, knowing or having reasonable cause to suspect that the premises, vessel or vehicle would be used for gaming in contravention of any of those sections,

- (a) allowed the premises, vessel or vehicle to be used for the purposes of gaming; or
- (b) let, or let on hire, the premises, vessel or vehicle, or otherwise made the premises, vessel or vehicle available, to any person by whom an offence under subsection (1) is committed in connection with the gaming,

is guilty of an offence.

(4) A person guilty of an offence under subsection (1) or (3) is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months or both.

(5) Any person who contravenes section 10 is guilty of an offence and liable on summary conviction to a fine of \$200 or to imprisonment for a term of 1 month or both.

PART III

GAMING ON PREMISES LICENSED UNDER THIS PART OR ON PREMISES IN RESPECT OF WHICH A CLUB IS REGISTERED UNDER ANOTHER ENACTMENT

Application of Part III

12. This Part applies to all gaming that takes place on premises in respect of which

- (a) a licence under this Act is for the time being in force; or
- (b) a club is for the time being registered under another enactment,

and which is not gaming by means of any gaming machine to which Part VII applies.

Who may participate in gaming to which this Part applies

13.(1) Subject to this section and to section 21, where gaming to which this Part applies takes place on any premises, no person shall participate in the gaming

- (a) if he is not present on the premises at the time when the gaming takes place there; or
- (b) on behalf of another person who is not present on the premises at that time.

(2) Where gaming to which this Part applies takes place on premises in respect of which a licence issued under this Act is in force, then, no person shall participate in the gaming unless

- (a) he is a member of the club specified in the licence who at the time when he begins to take part in the gaming, is eligible to take part in it; or
- (b) he is a *bona fide* guest of a person who is a member of that club and who, at the time when the guest begins to take part in the gaming, is eligible to take part in it,

and neither the holder of the licence nor any person acting on his behalf or employed on the premises in question shall participate in the gaming.

(3) For the purposes of subsection (2), a member of the club specified in a licence is eligible to take part in the gaming at any particular time if

- (a) he was admitted to membership of the club in pursuance of an application in writing made by him in person on the premises in question, and at that time at least 48 hours have elapsed since he applied for membership of the club; or
- (b) since becoming a member of the club he has given notice in writing in person on those premises to the holder of the licence, or to a person acting on behalf of the holder of the licence, of his intention to take part in gaming on those premises, and at that time at least 48 hours have elapsed since he gave that notice.

(4) Where gaming takes place on premises in respect of which a licence under this Act is for the time being in force, and consists of a game that involves playing or staking against a bank, nothing in subsection (1) or (2) prevents the holder of the licence or a person acting on his behalf from holding the bank or having a share or interest in it.

(5) For the purposes of subsection (2), a person is not precluded from being a *bona fide* guest as mentioned in paragraph (b) of that subsection by reason only that he makes a payment which is lawfully required in accordance with section 15.

(6) Where gaming to which this part applies takes place on premises in respect of which a club has been registered under another enactment, no person shall participate in the gaming unless

- (a) he is a member of the club and there has been an interval of at least 48 hours between the time when he applied or was nominated for membership of the club and the time when he begins to take part in the gaming; or
- (b) he is a *bona fide* guest of a person who is a member of the club and there has been an interval of at least 48 hours between the time when that person applied or was nominated for membership of the club and the time when the guest begins to take part in the gaming,

and for the purposes of paragraph (b), a person is not a *bona fide* guest if he himself makes any payment required for enabling him to obtain access to the premises, or to a part of them which is a part in which the gaming takes place, or if, apart from any stakes hazarded and the payment of any losses incurred by him in the gaming, he makes any payment in money or money's worth in respect of the gaming.

(7) For the purposes of this section, a person participates in the gaming

- (a) if he takes part in the gaming as a player; or
- (b) where the game involves playing or staking against a bank, if he holds the bank or has a share or interest in it.

Restrictions on games to be played

14. Subject to any regulations to the contrary, no gaming to which this Part applies shall take place where any one or more of the conditions specified in section 7(1) are fulfilled.

Charges for taking part in gaming

15. Subject to regulations providing for charges to be made, section 8 has effect in relation to gaming to which this Part applies as it has effect in relation to gaming to which Part II applies.

Levy on stakes or winnings

16. Subject to regulations providing for a levy to be charged on the stakes or winnings of players, section 9 has effect in relation to gaming to which this Part applies as it has effect in relation to gaming to which Part II applies.

Provision of credit for gaming

17.(1) Subject to subsection (2), where gaming to which this Part applies takes place on licensed premises, neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall make any loan or otherwise provide or allow to any person any credit, or release, or discharge on another person's behalf, the whole or part of any debt,

- (a) for enabling any person to take part in the gaming; or
- (b) in respect to any losses incurred by any person in the gaming.

(2) Neither the holder of the licence nor any person acting on his behalf or under any arrangement with him shall accept a cheque and give in exchange for it cash or tokens for enabling any person to take part in the gaming unless the following conditions are fulfilled:

- (a) the cheque is not a post-dated cheque; and
- (b) it is exchanged for cash to an amount equal to the amount for which it is drawn, or is exchanged for tokens at the same rate as would apply if cash, to the amount for which the cheque is drawn, were given in exchange for them;

but, where those conditions are fulfilled, the giving of cash or tokens in exchange for a cheque is not a contravention of subsection (1).

(3) Where the holder of a licence under this Act, or a person acting on behalf of or under any arrangement with the holder of such a licence, accepts a cheque in exchange for cash or tokens to be used by a player in gaming to which this Part applies, he shall not more than 2 business days later cause the cheque to be delivered to a bank for payment or collection.

(4) Nothing contained in Part VIII affects the validity of, or any remedy in respect of, any cheque that is accepted in exchange for cash or tokens to be used by a player in gaming to which this Part applies.

(5) In this section “business day” means a business day in accordance with section 93 of the *Bills of Exchange Act*, Cap. 304.

Exclusion of minors

18. Except as provided by section 21 or 22, no minor shall be present in any room while gaming to which this Part applies takes place in that room.

Gaming on Sundays

19.(1) No gaming shall take place on a Sunday on any licensed premises between 06.00 hours and 19.30 hours.

(2) A person who contravenes this section is guilty of an offence.

Approval by Committee of certain persons connected with gaming

20.(1) Where gaming takes place on licensed premises, no person shall in pursuance of any service agreement perform any function to which this subsection applies unless there is in force a certificate issued by the Committee, certifying that he has been approved by the Committee under this section in respect of the performance of that function on those premises.

(2) Subsection (1) applies to any function that is performed on the premises in question and consists of

(a) taking part in the gaming as a player;

- (b) assisting the gaming by operating or handling any apparatus, cards, tokens or other articles used in the gaming;
- (c) issuing, receiving or recording cash or tokens used in the gaming or cheques given in respect of any such cash or tokens or in respect of sums won or lost in the gaming; or
- (d) watching, otherwise than as manager, organiser or supervisor, the gaming or the performance by any person in pursuance of any service agreement of any function falling within paragraphs (a) to (c).

(3) In the case of any licensed premises, the Committee may serve a notice on any person, whether the holder of the licence or not, who appears to the Committee to be acting in any capacity as manager, organiser or supervisor in relation to the gaming or in relation to persons who in pursuance of service agreements perform any functions to which subsection (1) applies.

(4) A notice under subsection (3) shall require the person on whom it is served, before the expiration of a period not being less than 21 days from the date of service of the notice as may be specified in the notice, to obtain the approval of the Committee to his acting in relation to those premises in the capacity mentioned in subsection (3); and, after the expiration of that period, the person on whom the notice is served shall not act in any such capacity in relation to those premises unless there is in force a certificate issued by the Committee certifying that he has been approved by the Committee under this section for acting in that capacity in relation to those premises.

(5) In this section “service agreement” means any contract of service or of apprenticeship and any contract or arrangement for the rendering of services which is not a contract of service or of apprenticeship.

Bingo club

21.(1) This section applies to any club specified in a licence under this Act in which gaming under this Part is limited to the playing of bingo by virtue of restrictions imposed on the issue or renewal of the licence.

(2) Where a game of bingo is played simultaneously on different bingo club premises in circumstances where

- (a) all the players take part in the same game at the same time and all are present at that time on 1 or other of those premises;
- (b) the draw takes place on 1 or other of those premises while the game is being played; and
- (c) any claim of 1 of the players to have won is indicated to all the other players before the next number is called,

then, if the conditions specified in subsection (3) are fulfilled, section 13(1) has effect in relation to that game as if those different premises were the same premises.

(3) The conditions referred to in subsection (2) in relation to a game of bingo played simultaneously on different premises, are that

- (a) the aggregate amount paid to players as winnings in respect of that game does not exceed the aggregate amount of the stakes hazarded by the players in playing that game; and
- (b) the aggregate amount paid to players as winnings in respect of that game, together with the aggregate amount paid to players as winnings in respect of all games of bingo which, in the circumstances specified in subsection (2), have previously been played in the same week and have been so played on premises consisting of, or including any of, those premises, does not exceed the prescribed amount.

(4) Where subsection (2) has effect in relation to a game of bingo played simultaneously on different premises, then, for the purposes of the application of section 13(2) and (3) in relation to each of those premises, regard shall be had only to such of the players as are present on those particular premises.

(5) In relation to any club to which this section applies, section 13(3) has effect as if

(a) in paragraph (a), the words from “he was admitted” to “the premises in question, and” were omitted, and for the words “48 hours” there were substituted the words “24 hours”; and

(b) *[paragraph (b) were omitted.]*

(6) In relation to gaming that takes place on bingo club premises, section 18 is not to be construed so as to prevent minors from being present in any room while a game of bingo is played there, if they do not take part in the game as players.

(7) In relation to any bingo club premises, section 20 has effect as if, in subsection (2), for the words from “and consists of” to the end of the subsection, there were substituted the words “and is a function of a kind prescribed by regulations”.

(8) Without limiting or affecting the operation of subsections (2) to (4), the aggregate amount paid to players as winnings in respect of all games of bingo played in any 1 week on any particular bingo club premises shall not exceed the aggregate amount of the stakes hazarded by the players in playing those games by more than the prescribed amount.

(9) In this section,

(a) “week” means a period of 7 days beginning with Monday;

(b) any reference to an aggregate amount shall be construed as including a reference to an aggregate value in money’s worth, and any reference to an aggregate amount paid shall be construed accordingly.

Gaming for prizes

22.(1) This section applies to any gaming which is gaming for prizes in respect of which the conditions specified in subsection (2) are fulfilled and which is gaming to which this Part applies.

- (2) The conditions referred to in subsection (1) are that
- (a) the amount paid by any person for any 1 chance to win a prize does not exceed the prescribed amount;
 - (b) the aggregate amount taken by way of the sale of chances in any one determination of winners of prizes does not exceed the prescribed amount, and the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and at the time when, the game is played;
 - (c) no money prize exceeding the prescribed amount is distributed or offered;
 - (d) the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether subject to a further payment by him or not, to any further opportunity to win money or money's worth by taking part in any other gaming or in any lottery; and
 - (e) the aggregate amount or value of the prizes on any one determination of winners does not exceed the prescribed amount.
- (3) Section 14 does not apply in relation to any gaming to which this section applies that takes place on premises in respect of which a licence under this Act is in force and, in relation to any such gaming, section 8 as applied by section 15 shall not be taken to be contravened by reason only that a person pays for a chance to win a prize.
- (4) Where any gaming to which this section applies takes place on any bingo club premises, section 18 shall not operate so as to prevent minors from being present in any room on those premises while the gaming takes place there, if they do not take part in the gaming as players.
- (5) Where on the issue or renewal of a licence under this Act in respect of any premises the Committee imposes restrictions under the regulations whereby gaming on those premises is limited to particular games, those restrictions, in so far as they so limit the gaming, do not have effect in relation to any gaming to which this section applies.

(6) Where a game of bingo is played for prizes on bingo club premises, and constitutes gaming to which this section applies, the prizes won in that game shall be disregarded for the purposes of section 21(8).

(7) No account shall be taken of subsection (5) for the purpose of determining

- (a) whether a club is one to which section 21 applies;
- (b) whether any premises are bingo club premises; or
- (c) whether, for the purposes of the regulations, a licence under this Act is a bingo club licence.

Offences under Part III

23.(1) If a contravention of sections 13 to 21 occurs in relation to any premises, the holder of the licence in respect of which premises relates, is guilty of an offence.

(2) Without limiting or affecting the operation of subsection (1), but subject to subsection (3), if any of the provisions in subsection (1) are contravened in relation to any gaming (or, in the case of the provisions of section 17(3), are contravened in relation to a cheque accepted in exchange for cash or tokens to be used by a player in any gaming), every person concerned in the organisation or management of the gaming is guilty of an offence.

(3) Where a person is charged with an offence under subsection (1) or (2) in respect of a contravention of any provisions mentioned in subsection (1), it is a defence for him to prove

- (a) that the contravention occurred without his knowledge; and
- (b) that he exercised all reasonable care in the circumstances to secure that the provisions in question would not be contravened.

(4) Any person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months.

(5) Where, on the issue or renewal of a licence under this Act in respect of any premises or on registering or renewing the registration of a club, the Committee imposed any restrictions under the regulations, subsections (1) to (3) have effect in relation to any contravention of those restrictions as they have effect in relation to any contravention of the provisions of sections 13 to 21.

(6) If any person, for the purpose of obtaining, for himself or for any other person, a certificate of approval under section 20, or the reinstatement of such a certificate after it has been revoked by the Committee,

(a) makes a statement which he knows to be false in a material particular;
or

(b) recklessly makes a statement which is false in a material particular,

he is guilty of an offence and liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months.

Power of court to make disqualification order on conviction of certain offences

24.(1) Where a person is convicted of an offence committed in respect of any premises under section 23(1) or (2), including either of those subsections as applied by section 23(5), the court by which he is convicted may make a disqualification order under this section prohibiting a licence under this Act from being held in respect of those premises during such period not exceeding 5 years as the court may specify in the order.

(2) Where a disqualification order under this section is made, any licence within the prohibition obtained before the order is made or before it takes effect shall, by virtue of the order, be deemed to be cancelled as from the time when the order takes effect, and any such licence obtained after the order takes effect is of no effect.

Supplementary provisions as to disqualification orders

25.(1) A court shall not make an order under section 24 prohibiting the holding of a licence in respect of premises specified in the order, unless an opportunity has been given to any person interested in the premises and applying to be heard by the court to show cause why the order should not be made.

(2) At any time while a disqualification order is in force, the court by which the order was made, on an application made by any person affected by the order, may revoke the order or vary it by reducing any period of prohibition specified in the order.

(3) Where, on an application made under subsection (2), the relief asked for is or includes the revocation or variation of a prohibition imposed by the order on the holding of a licence in respect of any premises, a copy of the application shall be served on the Commissioner of Police who may oppose the application.

PART IV**ON-COURSE BETTING****Approval of racecourses and licensing of tracks**

- 26.** The Minister may, subject to such conditions as he may impose,
- (a) issue in respect of any ground used for the purposes of a racecourse for the racing of horses or other animals and any ground adjacent thereto, a certificate of his approval of that ground as a racecourse;
 - (b) grant a licence known as an on-track betting licence authorising the provision of betting facilities on any track in relation to races specified in the licence;
 - (c) approve in writing the premises on which an organiser or a duly accredited agent of an organiser may carry on pool betting business;

and the Minister may at any time revoke or vary any such certificate or licence.

Totalisator on approved racecourse and licensed track

27. Where, in the case of any approved racecourse or licensed track, the organiser of a race meeting or any person authorised in that behalf in writing as an organiser of a race meeting, as the case may be, has set up a totalisator, that totalisator shall be operated only

- (a) while the public are admitted to the racecourse for the purpose of attending the races; and
- (b) for effecting, with persons resorting to the racecourse or track, betting transactions on races run on the racecourse or track on the day of the races; and
- (c) in accordance with such regulations as may be prescribed.

Special rights of the organisers of a race meeting

28.(1) This section applies to

- (a) races on a racecourse approved under this Act; and
- (b) races specified in an on-track betting licence issued under paragraph (b) of section 26 and conducted under that licence on a licensed track.

(2) The organiser of a race meeting has the exclusive right to authorise any person to conduct any business or activity that is consistent with the race meeting or for the benefit of the public; and no person shall

- (a) carry on any form of pool betting business on any race conducted at that meeting; or
- (b) by way of business, receive or negotiate bets on any such race on any terms,

except with the authority of the organiser of the race meeting; and in giving authority the organiser may do so on such terms, including terms as to payments to the organiser, as the organiser may think fit.

Unlawful entry on race track

29. No person shall enter upon the racecourse and track without the authority of the organiser; and every person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months.

Power of entry on approved racecourse and tracks

30. Notwithstanding section 29, a person authorised in writing by the Accountant-General subject to the production on demand of his authority, and a member of the Police Force, may at all reasonable times enter upon an approved racecourse or track for the purpose of ascertaining whether the provisions of this Part are being complied with; and every person who obstructs a person so authorised or a member of the Police Force in the exercise of his functions under this Act is guilty of an offence and liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months.

Field sweepstake

31.(1) Where there has been a draw in respect of a sweepstake or lottery and prize money in respect of that draw remains unclaimed at the end of 1 month, the organiser of the sweepstake or lottery shall prepare and publish annually in the *Official Gazette* and in a newspaper published in Barbados, a list of the unclaimed prize money from the draw.

(2) If after 7 years the prize money remains unpaid, it shall revert to the funds of the organiser.

PART V

OFF-COURSE BETTING

Pool betting

32.(1) For the purposes of this Act, a bet shall be deemed to be made by way of pool betting unless it is a bet at declared odds, and, in particular, bets shall be held to be made by way of pool betting whenever a number of persons make bets

- (a) on terms that the winnings of any of those persons shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalisator, or by filling in and returning coupons or other printed or written forms, or otherwise;
- (b) on terms that the winnings of any of those persons shall be, or shall include, an amount, not determined by reference to the stake money paid or agreed to be paid by those persons, that is divisible in any proportions among the winners; or
- (c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the operator of the pool betting business or some other person.

(2) A bet is a bet at declared odds within the meaning of this section only if each of the persons making it knows or can know, at the time he makes it, the amount he will win, except in so far as that amount is to depend on

- (a) the result of the event or events betted on;
- (b) an event taking place or producing a result;
- (c) the numbers taking part in any such event;
- (d) the starting prices or totalisator odds for any such event;
- (e) there being totalisator odds on any such event; or

(f) the time when his bet is received by any person with or through whom it is made.

(3) In paragraph (d) of subsection (2), “starting prices” in relation to any event means the odds ruling at the scene of the event immediately before the start, and “totalisator odds” means the odds paid on the bets made by means of a totalisator at the scene of the event.

(4) A bet made with or through a person carrying on a business of receiving or negotiating bets, being a bet made in the course of that business, shall be deemed not to be a bet at declared odds within the meaning of this section if the winnings of the person by whom it is so made consist or may consist in whole or in part of something other than money.

(5) Where a person carries on a business of receiving or negotiating bets and there is or has been issued in connection with that business any advertisement or other publication calculated to encourage in persons making bets of any description with or through him a belief that the bets are made on the basis mentioned in paragraph (c) of subsection (1) then, any bets of that description subsequently made with or through him in the course of that business shall be deemed, for the purpose of this Act, to be made on that basis.

Offences relating to the sending of money etc. out of Barbados

33.(1) Subject to this Act, no person shall send or attempt to send out of Barbados any money or valuable thing in connection with any bet made or to be made or attempted to be made by way of pool betting.

(2) A person who contravenes or fails to comply with subsection (1) is guilty of an offence.

(3) The Postmaster-General may on a warrant in writing under the hand of the Chairman of the Committee, open or cause to be opened any postal packet received for transmission by post to a destination outside Barbados which he suspects to contain any money or valuable thing attempted to be sent out of Barbados in contravention of this section, and any such money or valuable thing found therein shall be forfeited.

(4) Nothing in this section applies to the sending out of Barbados of any money or valuable thing by any person registered with the Comptroller pursuant to section 34.

Restriction on pool betting, necessity to register with Comptroller

34.(1) Subject to subsection (2), no person shall carry on any business that may involve any sums becoming payable by him by way of pool betting duty.

(2) A person who desires to carry on any business as mentioned in subsection (1) shall, not later than 1 week before the day from which he desires to carry on the business

- (a) notify the Committee and Comptroller of his desire;
- (b) make entry with the Comptroller and in such manner as the Comptroller requires, of all premises and totalisators (if any) used or intended to be used by him for the purposes of the business; and
- (c) apply to the Comptroller to be registered.

(3) On the receipt of the notification and upon an entry being made in accordance with subsection (2), the Comptroller shall register the applicant and grant him a certificate of registration on payment of the prescribed fee.

(4) Every certificate of registration unless previously cancelled, continues in force from the day on which it is issued until the 31st December of the year in which it is issued; but is renewable during the month of January in each year.

(5) Any person who contravenes this section is guilty of an offence.

Restriction on use of premises for betting transactions

35.(1) Subject to this Act, no person shall carry on, whether occasionally or regularly, any pool betting or bookmaking business at any premises unless such premises are registered in accordance with section 38.

(2) Any person who contravenes this section is guilty of an offence.

Restrictions as to bets which may be accepted or negotiated at registered premises

36.(1) The proprietor of, or any person employed at any premises registered under section 38 shall not accept or negotiate any bet on any horse-race held under the auspices of the Barbados Turf Club.

(2) Any person who contravenes this section is guilty of an offence.

Restriction as to times during which pool betting and bookmaking business may be open

37.(1) No pool betting or bookmaking business shall be open for business after 12 o'clock noon on any day on which any horse-race is held under the auspices of the Barbados Turf Club.

(2) Where a pool betting or bookmaking business is open in contravention of subsection (1), the proprietor thereof is guilty of an offence.

Persons intending to carry on a pool betting or bookmaking business to apply to Comptroller for registration of premises

38.(1) Any person who desires to carry on a pool betting or bookmaking business at any premises shall apply to the Comptroller for registration in respect thereof stating his name and address, a description of the premises at which he intends to carry on the business and such other particulars as may be prescribed.

(2) Subject to this Act and the regulations, the Comptroller shall upon receiving payment of the prescribed fee, register the premises and issue to the applicant a certificate of registration for the appropriate period.

(3) The appropriate period is either

(a) the period from 1st January to 31st December in any year; or

(b) the period from 1st January to 30th June, or from 1st July to 31st December, in any year.

(4) Notwithstanding subsections (2) and (3), a certificate may be issued so as to have effect for the remainder of a registration period that has partly expired, in which case, the fee payable in respect of that registration period shall not be affected.

(5) A certificate of registration may upon its expiry be renewed by the Comptroller on payment of the prescribed fee.

Duties on pool betting and bookmaking

39.(1) Duties in respect of pool betting and book-making business are payable as specified in paragraph (a) (ii) of section 66(1).

(2) A proprietor who fails to comply with the requirement of stamping a ticket issued in respect of a bet accepted by a pool betting or bookmaking business as required by section 66(1) is, in addition to complying with the requirement, liable

(a) to pay to the Comptroller a penalty of \$2 000; and

(b) in addition to the penalty imposed by paragraph (a) to return to the person losing the bet the amount staked on the bet.

(3) Any penalty that remains unpaid under this section may be recovered as a debt due to the Crown in civil proceedings brought by or on behalf of the Comptroller before a magistrate of District "A".

PART VI

LOTTERIES AND GAMES

Conducting of lotteries

40. No person shall conduct a lottery except in accordance with the conditions specified in this Part.

Offences relating to lotteries

41. Subject to section 42, a person who in connection with any lottery promoted or proposed to be promoted in Barbados or elsewhere

- (a) prints any tickets for use in the lottery;
- (b) sells, distributes, or offers or advertises for sale or distribution, or has in his possession for sale or distribution, any tickets or chances in the lottery;
- (c) prints, publishes or distributes or has in his possession for the purpose of publication or distribution
 - (i) any advertisement of the lottery,
 - (ii) any list, whether complete or not, of prize winners or winning tickets in the lottery, or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, calculated to be an inducement to persons to participate in that lottery or in other lotteries;
- (d) brings, or invites any person to send, into Barbados for sale or distribution, any ticket in, or advertisement of, the lottery;
- (e) sends or attempts to send out of Barbados any ticket or chance in the lottery, or any money or valuable thing received in respect of
 - (i) the sale or distribution,
 - (ii) any document recording the sale or distribution, or
 - (iii) the identity of the holder,

of any ticket or chance in the lottery;

- (f) uses any premises, causes or knowingly permits any premises to be used for purposes connected with the promotion or conduct of the lottery; or
- (g) causes, procures or attempts to procure any person to commit any of the acts mentioned in paragraphs (a) to (f);

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months.

Defences to proceedings under section 41

42.(1) It is a defence in proceedings under section 41 to prove that

- (a) the lottery to which the proceedings relate is a lottery provided for by section 43, 44 or 45, and that at the date of the alleged offence the person charged believed, and had reasonable grounds for believing that none of the conditions required by any such section had been broken in connection with the promotion and conduct of the lottery; or
- (b) the lottery to which the proceedings relate was also a game of chance and that at the time of the alleged offence the person charged believed, and had reasonable grounds for believing, that it was being conducted in such circumstances that no offence under this Act was committed.

(2) Proceedings under section 41(c)(iii) in respect of any matter published in a newspaper is not to be instituted without consent of the Director of Public Prosecutions.

Small lotteries incidental to certain entertainment

43.(1) A lottery may be promoted as an incident of an entertainment to which this section applies; but the conditions of operating such a lottery set out in subsection (2) shall be observed in connection with its promotion and conduct, and if any of those conditions is contravened, every person concerned with the promotion or conduct of the lottery is guilty of an offence unless he proves that

the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

- (2) The conditions referred to in subsection (1) are:
- (a) the whole proceeds of the entertainment, including the proceeds of the lottery, after deducting
 - (i) the expenses of the entertainment excluding expenses incurred in connection with the lottery,
 - (ii) the expenses incurred in printing tickets in the lottery, and
 - (iii) an amount not exceeding \$100, as the promoters of the lottery think fit, to appropriate an account of expenses incurred by them in purchasing prizes in the lottery,
- shall be devoted to purposes other than private gain
- (b) none of the prizes in the lottery shall be money prizes;
 - (c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment;
 - (d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment; and
 - (e) application for the conduct of a lottery under subsection (1) must be made in writing to the Committee 14 days in advance of the date scheduled for holding the. entertainment during which the proposed lottery is to be conducted.
- (3) The entertainments to which this section applies are bazaars, sales of works, fetes, dinners, dances, fairs and other entertainment, of a similar character, whether limited to 1 day or extending over 2 or more days.

Lotteries conducted for charitable and sporting and cultural purposes

44.(1) For the purposes of this Act

- (a) the Minister responsible for Sport may, by order published in the *Official Gazette*, declare an organisation to be an approved national organisation for the promotion of sports or games; and
- (b) the Minister responsible for Culture may, by order published in the *Official Gazette*, declare an organisation to be an approved national organisation for the promotion of religion, education or the arts and culture.

(2) Any approved national organisation may organise a lottery for the purpose of raising funds to be used for any religious, charitable, educational, sporting, artistic or cultural activities, or otherwise for the promotion of the welfare of the community or any part thereof, subject to the following conditions:

- (a) the organisers of the lottery shall
 - (i) notify the Committee of their intention to organise a lottery,
 - (ii) undertake to advise on the structure and operation of the lottery including the specific purposes for which the proceeds of the lottery are to be applied and the period over which the lottery is to extend,
 - (iii) undertake to make periodic and final returns on the operations of the lottery so that the Committee may determine if the operation of the lottery is being conducted in accordance with its purposes;
- (b) if the Committee is not satisfied with the operations of the lottery on the basis of the returns submitted under paragraph (a), the Committee may order that the operations be suspended pending an enquiry into the conduct of the lottery and the approved national organisation may be present and represented by attorney-at-law at any such enquiry.

(3) Where the Committee holds an enquiry into the conduct of a lottery by an approved national organisation, it shall submit a report of the enquiry to the appropriate Minister with such recommendations as the Committee thinks fit.

Lotteries conducted for charitable and other purposes by private persons

45.(1) Any 3 or more residents in Barbados may organise a lottery for the purpose of raising funds to be used for any religious, charitable, educational or recreational purposes or otherwise for the promotion of the welfare of the community or any part thereof, subject to the conditions specified in subsection (2).

(2) The organisers of the lottery shall

- (i) obtain the prior approval of the Committee,
- (ii) undertake to declare the purposes for which the proceeds of the lottery are to be applied,
- (iii) enter into a bond with the Committee for payment to them of such amount represented by a percentage of the gross receipts as the Minister of Finance may by order prescribe, (in this section referred to as the duty payable on the lottery), and
- (iv) pay to the Committee within 14 days after the lottery has been conducted the duty payable on the lottery evidenced by a statement of account duly certified by a qualified accountant.

(3) The Committee acting on the authority of the Minister responsible for Finance may waive or refund in whole or part, the duty payable on the lottery and, subject to the provisions of subsection (4) the conditions imposed by subparagraphs (iii) and (iv) of paragraph (a) of subsection (2) shall be construed accordingly.

(4) Where duty payable on a lottery has been waived or refunded in whole or in part, the Committee may, in its discretion, collect from the organisers of the

lottery the full amount of the duty and pay over to the organisation in whose favour the lottery has been organised, the amount waived or refunded.

(5) Any organiser of a lottery who contravenes this section, or renders a false statement of account, is guilty of an offence and liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months.

PART VII

GAMING BY MEANS OF MACHINES

Application of Part VII

46.(1) This Part applies to a machine that

- (a) is constructed or adapted for playing a game of chance by means of the machine; and
- (b) has a slot or other aperture for the insertion of money or money's worth in the form of cash or tokens.

(2) The reference to playing a game of chance by means of a machine includes playing a game of chance partly by means of a machine and partly by other means if the element of chance in the game is provided by means of that machine.

Importation of machines

47.(1) No person shall import any gaming machine to which this Part applies except under a licence, to be known as a gaming machine import licence, issued by the Comptroller with the approval of the Committee.

(2) The number of gaming machines that may be imported under a gaming machine import licence shall be specified in the licence and the licence shall contain a statement as to the period of its validity.

(3) The particulars of every gaming machine imported under this section shall be entered in a register kept for the purpose by the Comptroller.

(4) Where the total number of gaming machines has been imported in accordance with the terms or conditions of a gaming machine import licence, the licence shall be surrendered by the person to whom it was issued for cancellation by the Comptroller.

(5) A person who

- (a) imports a gaming machine in contravention of subsection (1); or
- (b) fails without reasonable excuse to surrender a gaming machine import licence for cancellation under subsection (4),

is guilty of an offence.

Valid gaming, amusement arcade or amusement machine licence

48.(1) There shall be in force in respect of every gaming machine made available for gaming on any approved premises a valid gaming machine licence, amusement arcade licence or amusement machine licence issued in relation to that machine, arcade or those premises, as the case may be.

(2) A person who makes a gaming machine available for gaming on premises other than those declared as approved premises in a notice published under section 49 or fails to obtain a valid licence in respect thereof is guilty of an offence.

(3) For the purposes of this section, any person who, pursuant to any concession, licence or other right granted to him places a gaming machine or causes a gaming machine to be placed, on premises that are not in his occupation shall be treated as making the gaming machine available for gaming at the time when it is so placed on those premises.

Approved premises

49. Where the Committee approves any premises under section 5, it may by notice published in the *Official Gazette* declare that those premises are approved premises for the purpose of the Act and the number of gaming machines

that may be made available for gaming on those premises shall be specified in that notice.

Comptroller to issue gaming machines, amusement machine licences, etc.

50. Where the Committee approves the use of a gaming machine on any premises, the Comptroller shall, upon payment of the prescribed duty and subject to section 52(1), issue to the applicant in respect of that machine an approved premises licence, an amusement arcade licence, a gaming machine licence or an amusement machine licence, as the case may be.

Gaming machine, amusement arcade, amusement machine, or approved premises licence

51.(1) A gaming machine licence, an amusement arcade licence, an amusement machine licence or an approved premises licence is valid for a period of 1 year and expires on the 31st December in each year.

(2) The duty payable in respect of a licence mentioned in subsection (1) may be paid in 2 equal instalments, the first instalment being paid on the issue or renewal of the licence and the second instalment not later than the 7th July in the year of issue or renewal.

(3) The duty payable in respect of a licence mentioned in subsection (1) shall not be abated unless the licence was issued after the 30th June in any year in which case only 1 instalment of duty is payable.

(4) A gaming machine licence, an amusement arcade licence, an amusement machine licence or an approved premises licence may at any time be renewed by the Comptroller on payment of the prescribed duty.

Amusement machines licences

52.(1) No amusement machine licence shall be issued by the Comptroller under section 50 unless he is satisfied that

- (a) the machine in respect of which the licence is sought is constructed or adapted as to be used for the purposes of amusement only; or
- (b) the Minister has made an order extending the application of this Part to a machine of that description;

and for the purposes of this section, the Minister may make such an order.

(2) A person to whom an amusement machine licence is issued shall at all times observe the following conditions:

- (a) the charge for playing a game once by means of the machine shall be 1 or more coins or tokens inserted in the machine of an amount or value not exceeding, or, if more than 1, not in the aggregate exceeding, the prescribed amount;
- (b) no player or person claiming under a player shall receive, or is entitled to receive any article, benefit or advantage other than 1 only of the following:
 - (i) a money prize not exceeding the prescribed amount or a token that is, or 2 or more tokens that in the aggregate are exchangeable only for such a money prize,
 - (ii) a prize other than a money prize, of a value or aggregate value not exceeding the prescribed amount or a token exchangeable only for such a prize;
- (c) a player, after inserting in the machine an amount as referred to in paragraph (a) and playing successfully, is afforded by the automatic action of the machine an opportunity to play 1 or more further games

without inserting a further coin or token in the machine if in respect of all those games

- (i) he does not receive, and is not entitled to receive, any article, other than a money prize, or a money prize of an amount or aggregate amount not exceeding the prescribed amount, and
- (ii) he does not receive, and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further games.

(3) A person who contravenes any conditions applying to an amusement machine licence is guilty of an offence.

Form content etc. of approved premises, gaming, amusement arcade, or amusement machine licences

53.(1) A gaming machine licence, an approved premises licence, an amusement arcade licence or an amusement machine licence

- (a) must be in a form approved by the Committee and must, in addition to the requirements specified in this section, contain such other particulars as the Committee considers necessary or expedient;
- (b) must contain the name of the person to whom the licence is issued, the particulars necessary for the purpose of identifying the machine and the approved premises on which it is proposed to make the machine available for gaming or on which it is so made; and
- (c) must state the period for which it is valid.

(2) A reference in this Part to a valid gaming machine licence, a valid approved premises licence, a valid amusement arcade licence or a valid amusement machine licence is a reference to a gaming machine licence, an approved premises licence, an amusement arcade licence or an amusement machine licence that is for the time being in force.

Restrictions on the use of machines

- 54.(1)** No machine shall be used or kept for use for gaming unless
- (a) the machine is made available for gaming on approved premises;
 - (b) there is in force in respect of that machine a valid gaming machine licence, a valid amusement arcade licence or a valid amusement machine licence;
 - (c) the gaming machine, the approved premises, amusement arcade or amusement machine licence is conspicuously exhibited at all times at the main entrance of the licensed premises in such a position that it can readily be seen and read by any person entering therein; and
 - (d) there is exhibited at all times in a conspicuous place on the machine a notice to the effect that the use of the machine by minors is prohibited.
- (2) Any person who
- (a) permits a machine to be used or to be kept for use in contravention of subsection (1); or
 - (b) fails without reasonable excuse to comply with subsection (1)

is guilty of an offence.

General restrictions

- 55.(1)** Except as provided by this Part, no person shall, whether as principal or as a servant or agent, sell or supply, purchase or receive into his possession a machine to which this Part of this Act applies unless
- (a) that person, either as vendor or purchaser, is the holder of an unexpired licence issued for the purpose of this subsection by the Comptroller or of an unexpired licence in respect of that machine that has been issued for the purposes of this subsection, or this Part by the Comptroller; or

(b) where he sells or supplies, purchases or receives into his possession, the machine as the servant or agent of another person, that other person is the holder of such a licence.

(2) No person acting as principal shall

(a) undertake for valuable consideration to maintain the mechanism of a machine to which this Part of this Act applies; or

(b) cause or permit another person to enter into such an undertaking on his behalf;

unless the person acting as principal is the holder of an unexpired licence, issued for the purposes of this subsection by the Committee; or, if an unexpired permit in respect of that machine has been granted for the purposes of this subsection by the Committee.

(3) The principles respecting the issue of licences and the grant of permits for the purposes of subsections (1) and (2) are such as may be prescribed.

Use of machines by virtue of licence or registration

56.(1) This section has effect where any machine to which this Part of this Act applies is used for gaming on premises in respect of which a licence under this Act is in force.

(2) The number of machines that may be kept on premises shall not exceed the prescribed number and the number may vary according to the type of premises.

(3) The charge for playing a game once by means of a machine to which this section relates is a coin inserted in the machine of the prescribed amount.

(4) In respect of any 1 game played by means of a machine to which this section relates, no player or person claiming under a player shall receive, or is entitled to receive any article, benefit or advantage other than a coin delivered by the machine.

(5) An amount either as a stated amount or as a percentage may be prescribed for the purposes of this section to be delivered by a machine as a prize in respect of any 1 game played by means of the machine and where an amount is so prescribed the aggregate amount of the coins shall not exceed the amount so prescribed.

(6) If a percentage is prescribed, then on any premises in respect of which a licence under this Act is for the time being in force, there shall not be any such machine which, in accordance with the way in which the machine is constructed, adapted or regulated, is designed to pay out less than that percentage of the aggregate value of the charges for play inserted in the machine.

(7) There shall be displayed on a machine or premises mentioned in subsection (1)

- (a) a statement specifying the value of the prize (or, if there are different prizes, the value of each prize) which can be won, by playing a game once by means of a machine;
- (b) if there are any special circumstances in which that prize (or, as the case may be, those prizes) cannot be won, a statement of those circumstances; and
- (c) a statement of a percentage as being the percentage or minimum percentage of the aggregate value of the charges for play inserted in the machine which the machine is designed to pay out;

and if the manner in which those statements are to be displayed is prescribed, they shall be displayed in that manner.

(8) Any person who

- (a) permits a machine to be used or to be kept for use in contravention of this section; or
- (b) fails without reasonable excuse to comply with this section,

is guilty of an offence.

Removal of money from machines

57.(1) Where a machine is made available for gaming on any approved premises, no person other than an authorised person shall remove from the machine any money or token other than that delivered by the machine as, or as part of, a prize in respect of a game played by means of the machine.

(2) Any reference in this section to an authorised person means the person named in the gaming machine licence, amusement arcade licence or amusement machine licence or any person employed by that person (and duly licensed) for the removal of money or tokens from the machines.

Refusal to renew or cancellation of licence or certificate of registration

58.(1) The Comptroller may cancel or refuse to renew a certificate of registration, a gaming machine licence, an amusement arcade licence or an amusement machine licence, where the person named in the licence, or a person employed by him in connection with his business, is convicted of an offence under this Act or the regulations or any other offence involving fraud.

(2) A person aggrieved by a decision of the Comptroller under subsection (1) may appeal to the Administrative Appeal Tribunal within 14 days of being notified of the decision, and the Tribunal may confirm or vary the decision.

Minors not to be present during operation of machines

59. Subject to this Act, no minor shall be present in any room allocated on any premises for the purposes of a gaming machine while that machine is in operation.

Gaming on Sundays

60.(1) No gaming shall take place between 06.00 hours and 19.30 hours on any Sunday on any premises in respect of which a licence under this Part is in force.

(2) Notwithstanding subsection (1), the Committee may prescribe the hours during which a hotel may permit gaming on any Sunday on the hotel premises.

(3) The reference to “hotel” and “hotel premises” is to be construed in accordance with the meaning given to those terms by section 2 of the *Hotel Proprietors Act*, Cap. 309.

Offences under Part VII

61. Any person who contravenes any section under this Part is guilty of an offence and liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months.

Forfeiture of machines generally

62.(1) Notwithstanding anything contained in this Act, a machine is liable to forfeiture if

- (a) it is imported into Barbados in contravention of section 47(1);
- (b) it is not licensed as required by this Act;
- (c) it is made available for gaming on premises other than approved premises;
- (d) it is stored in a place other than a place that is approved by the Comptroller; or
- (e) it is sold or supplied or undertaken to be maintained except as prescribed under this Act;

and, for the purposes of this section, the provisions of sections 207, 209 and 210 of the *Customs Act*, Cap. 66 and the Schedule thereto, subject to subsection (2), apply *mutatis mutandis*, to such a forfeiture as they apply to forfeiture under that Act.

(2) A person who claims that anything seized as being liable to forfeiture is not so liable shall, within 14 days of the date of the notice of seizure or, where

no such notice has been served on him, within 14 days of the date of seizure, give notice of his claim in writing to the Comptroller.

PART VIII
GAMING DEBTS

Definitions

63. In this Part,

“money” includes other valuable things;

“securities” includes notes, bills, bonds, judgments, mortgages or other conveyances.

Securities given for money won by gaming or for repaying money lent for gaming void

64. All securities given by a person in any case where the whole or any part of the consideration for those securities is

(a) for money won by gaming, or by betting on the sides or hands of the players at any game; or

(b) for repaying any money knowingly lent for gaming or betting, or lent at the time and place of the game to any person so gaming or betting,

are void.

PART IX

DUTIES ON LICENCES, LOTTERIES AND ON BETS BY WAY OF POOL
BETTING AND FEES IN RESPECT OF CERTIFICATES OF
REGISTRATION**Duties and fees**

- 65.** There shall be raised, levied and collected in respect of
- (a) a ticket sold or issued in connection with
 - (i) any lottery or sweepstake lawfully instituted,
 - (ii) any bet accepted by a pool betting or bookmaking business;
 - (b) all bets made by way of pool betting;
 - (c) a gaming machine licence;
 - (d) an amusement machine licence;
 - (e) a certificate of registration issued in connection with a pool betting, or bookmaking business; and
 - (f) an amusement arcade licence,
- the prescribed duty or fee, as the case may be.

Payment of duties and fees

- 66.(1)** The duties or fees referred to in section 65 shall
- (a) in the case of
 - (i) the duty on any lottery or sweepstake lawfully instituted; and
 - (ii) the duty on bets accepted by a pool betting or bookmaking business,

be collected by means of stamps affixed to or embossed upon each ticket sold or issued or at the discretion of the Accountant-General, by payment by the

organiser or proprietor thereof, as the case may be, at such intervals, in accordance with such returns and upon such conditions, including the giving of security, as the Accountant-General approves;

- (b) in the case of
 - (i) the duty in respect of pool betting, a gaming machine licence, amusement machine licence or an amusement arcade licence; and
 - (ii) the fee payable in respect of the issue or renewal of a certificate of registration,

be under the care and management of the Comptroller, and shall be paid over to him in accordance with this Act.

(2) Where

- (a) bets made by way of pool betting are made by means of a totalisator, set up in Barbados, the pool betting duty shall be paid by the person in Barbados who is in charge of the totalisator;
- (b) bets are made by way of pool betting, but not by means of a totalisator set up in Barbados, and the promoter is in Barbados, the pool betting duty shall be paid by the promoter;
- (c) bets are made by way of pool betting and the promoter is outside Barbados, the pool betting duty shall be paid by any person in Barbados who as servant, agent, or other representative of the promoter takes, receives or collects any bets in connection with pool betting; and any bets so taken, received or collected shall be treated for the purposes of this Act as stake money paid to the promoter and are liable to duty accordingly,

at such times as the Comptroller directs.

(3) The penalties specified in section 39 are applicable in respect of contraventions of this section.

Exemptions from duty

67.(1) The Minister may grant such exemptions in respect of the duty payable on games of chance as he thinks fit.

- (2) The duty imposed on bets made by way of pool betting is not payable on
- (a) amounts paid to the organiser of a race meeting in respect of the sale or issue of any ticket on which a duty is otherwise imposed by this Act; or
 - (b) amounts paid in respect of the taking of a ticket or chance in any lottery or other game, method or device instituted for a charitable purpose and for which a licence has been obtained under this Act.

Production of books and accounts to Accountant-General

68.(1) The Accountant-General or a person authorised by him in writing for the purpose, may at any reasonable time require the production, for the purposes of inspection, of all the books and accounts relating to tickets sold or issued in respect of which duty is payable under section 65(a), and may make copies and extracts therefrom.

(2) Any person who fails without reasonable excuse to produce any books or accounts when required to do so in accordance with subsection (1) is guilty of an offence.

Moneys to be paid over to Accountant-General

69. All moneys received by the Comptroller under this Act shall be paid to the Accountant-General for payment into the Consolidated Fund.

Securities to be given in certain cases

- 70.(1)** An applicant for the issue or renewal of
- (a) a certificate of registration under section 38, shall deposit with the Accountant-General securities to the value of such amount as the Minister may by order prescribe; or
 - (b) a licence in respect of a club at which gaming under Part III takes place, shall enter into a bond with the Accountant-General drawn in such terms and conditions as are necessary to secure payment to him of such amount represented by a percentage of the gross receipts as the Minister may by order prescribe as the duty payable on any such gaming.
- (2) Where the applicant for the issue or renewal of a certificate of registration under section 38 finds it impracticable to obtain the securities for a deposit under subsection (1), the deposit may be made either in the form of cash or partly in cash and partly in securities.
- (3) Neither a certificate of registration nor a licence in respect of a club as mentioned under paragraph (b) of subsection (1) shall be issued under this Act unless the applicant makes the deposit or enters into a bond as required by this section.
- (4) In this section “securities” means debentures or bonds issued by the Government or any agency of the Government.

Release of securities

- 71.** Where
- (a) a certificate of registration is cancelled or refused by the Comptroller; or
 - (b) a pool betting or bookmaking business ceases to exist,

the securities or cash deposited with the Accountant-General shall be retained by him until all taxes or other debts due to the Crown by the person in whose name the business is registered are paid.

PART X
GENERAL

Certain gaming in public places prohibited

72.(1) Subject to subsection (2), no person shall take part in gaming on or near any highway, road, street or other place to which the public have access.

(2) This section does not apply to the playing of dominoes or any other prescribed game.

Power of entry

73.(1) A member of the Police Force or a public officer authorised by the Minister in writing for the purpose may, at all reasonable times enter upon any premises for the purpose of ascertaining whether a contravention of this Act or any of the regulations is being or has been committed.

(2) A magistrate who is satisfied on an information on oath that there are reasonable grounds for believing that an offence under this Act or the regulations is being, has been or is about to be, committed on any premises may issue a warrant under his hand authorising any member of the Police Force or a public officer as referred to in subsection (1) to enter and search the premises.

(3) The person named in a warrant issued under subsection (2) may

- (a) seize and remove any document, money or valuable thing, instrument or appliance for gaming or any other thing found on the premises which he has reasonable grounds for believing may be required as evidence in proceedings in respect of an offence under this Act or the regulations; and

(b) arrest and search any person found on the premises whom he has reasonable grounds for believing is committing or has committed any such offence.

(4) Subsections (2), (3) and (4) of section 70 of the *Magistrates Jurisdiction and Procedure Act*, Cap. 116 apply to a warrant issued under subsection (2) as they apply to a search warrant issued under section 70 of that Act.

Rules of persons registered or licensed by the Comptroller

74. Every person to whom a certificate of registration is granted or licence is issued under this Act by the Comptroller shall

- (a) keep such books, records and accounts in relation to the business as the Comptroller directs, and, for at least 6 months or such shorter or longer period as the Comptroller may in any particular case direct, preserve, on premises used for the purposes of the business, any book, records and accounts directed to be kept by him under this section and any other books, records, accounts or documents relating to the business; and
- (b) permit any person authorised in writing by the Comptroller to
 - (i) enter on premises used for the purposes of the business;
 - (ii) inspect any totalisator used for the purposes thereof; and
 - (iii) take copies of any books, records, accounts or other documents in his possession or power on the premises used for the purposes of the business,

and any person employed or having functions in connection with any such business shall, if required by the Comptroller or by any person authorised in writing by the Comptroller, produce at a time and place to be specified by the Comptroller or the authorised person, any such books, records, accounts or documents relating to the business and make, at times and to persons to be so specified, such returns relating to the business as the Comptroller or the authorised person specifies.

General offence

75. A person who

- (a) assaults, hinders, molests, obstructs, impedes or interferes with a member of the Police Force or other authorised person in the exercise of his functions in relation to a pool betting or bookmaking business, or to any other business or matter connected with the provisions of this Act;
- (b) uses indecent or abusive language to a member of the Police Force or other authorised person in the performance of his functions under this Act;
- (c) by the offer of any gratuity, bribe or other inducement prevents or attempts to prevent a member of the Police Force or other authorised person from performing his functions under this Act;
- (d) fails to pay or account for any duty payable by him under this Act or fails to comply with any of the provisions of section 74;
- (e) in connection with any duty payable under this Act, makes a statement that he knows to be false in a material particular or recklessly makes any statement that 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;
- (f) is knowingly concerned in, or in the taking of steps with a view to the fraudulent evasion by him or any other person of a duty imposed on him or on that other person by this Act,

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months.

Specific penalties

76.(1) A person who is guilty of an offence under this Act for which no specific penalty is provided is liable on summary conviction

- (a) except in the case of section 33 or 40, to a fine of \$5 000 or to imprisonment for 12 months or both;
- (b) in the case of an offence under section 33 or 40, to a fine of \$50 000 or to imprisonment for 2 years or both;

and anything produced to and found by the court to be connected with such offence is liable to be forfeited, and may either be destroyed or dealt with in such manner as the court directs.

(2) The conviction of any person in respect of the non-payment by him of any duty under this Act does not discharge that person from the obligation of paying the duty outstanding, and the duty is recoverable as a debt due to the Crown in civil proceedings before a magistrate for District “A” notwithstanding that the amount involved exceeds the normal monetary limit imposed on a magistrate’s court.

Continuing offence

77. Where a person is convicted under this Act in respect of a failure to comply with any of the provisions of section 34 or 45, and the failure continues after conviction, then, unless he has a reasonable excuse for the continuance of the failure, he is guilty of a continuing offence and liable on summary conviction to a fine of \$1 000 in respect of each day in respect of which the offence continues after conviction was obtained.

Regulations

78.(1) The Minister may make regulations generally for the effective operation of this Act and respecting the following matters

- (a) registration and operation of pool betting, book making and lotteries generally;
- (b) the times when pool betting and bookmaking business may be open to the public;
- (c) the transfer of licences of the various kinds issued under this Act;
- (d) the sale, supply, operation, maintenance and disposal of machines and machine equipment;
- (e) the use of tokens in machines;
- (f) the number of machines that may be kept on premises under this Act;
- (g) the manner of the collection of duties and fees payable under this Act;
- (h) applications for licences and the issue and revocation of certificates of approval;
- (i) regulating the control of premises licensed under this Act;
- (j) subject to subsection (4), respecting the prescribing of anything that is by this Act authorised or required to be prescribed; and
- (k) prescribing the duty payable in respect of lotteries conducted otherwise than by the issue of a ticket.

(2) Regulations made under subsection (1) may provide that any contravention thereof is punishable by way of a fine not exceeding \$5 000 or imprisonment for 12 months or both.

(3) All regulations made under this section are subject to negative resolution.

- (4) Amounts required to be prescribed in pursuance of
- (a) section 21(3) and (8);
 - (b) paragraphs (a), (b), (c) and (e) of section 22;
 - (c) sections 34(3), 52(2) and 65; and
 - (d) section 56(3) and (5),

shall be prescribed by order made by the Minister of Finance.

Liability of directors of bodies corporate

79. Where an offence under this Act has been committed by a body corporate every person who at the time of commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, is 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.

Limitation

80.(1) Subject to subsection (2), proceedings before a magistrate in respect of an offence under this Act may, notwithstanding anything to the contrary in the *Magistrates Jurisdiction and Procedure Act*, Cap. 116, be taken at any time within 6 months from the date on which evidence sufficient to justify proceedings comes to the knowledge of the person instituting the proceedings.

(2) No proceedings shall be taken under subsection (1) if a period of more than 3 years has elapsed from the date of the commission of the offence.

(3) For the purposes of this section, a certificate under the hand of the person referred to in subsection (1) as to the date on which such evidence comes to his knowledge is conclusive evidence thereof.

Service of legal process

81. Legal process in respect of any matter relating to a pool betting or bookmaking business may be served on the promoter or proprietor, as the case may be.

PART XI

TRANSITORY PROVISIONS

Transitional appeals

82.(1) Where an appeal cannot be effectuated in the manner prescribed by section 5(7) or 58(2), the person aggrieved by any decision under this Act may appeal to the Minister responsible for Finance within 14 days of being notified of the decision, and the Minister may confirm or vary the decision.

(2) A decision of the Minister under subsection (1) is final.

Enactments affected

83. The enactments specified in the first column of the Second Schedule are affected to the extent specified in the second column thereof opposite the title of the enactment.

Savings

84. Notwithstanding the operation of section 83, a certificate of registration or any licence issued under the *Betting and Gaming Duties Act*, Cap. 60 remains valid for the period in respect of which it was issued.

Commencement

85. This Act comes into operation on a date to be fixed by proclamation.

FIRST SCHEDULE

(s. 3)

CONSTITUTION OF THE BETTING AND GAMING COMMITTEE

1. The Committee shall consist of the Comptroller of Customs, the Commissioner of Inland Revenue, the Commissioner of Police and the Solicitor General *ex officio*, and not more than 5 persons appointed by the Minister by instrument in writing.
2. The Minister may designate 2 members of the Committee to be Chairman and Deputy Chairman respectively.
3. Meetings shall be held at times and places to be determined by the Chairman but a majority of the members of the Committee may summon a meeting if the Chairman is unwilling to do so.
4. The Chairman or, in his absence, the Deputy Chairman, shall preside at all meetings of the Committee.
5. 4 members of the Committee constitute a quorum for a meeting and decisions shall be by a majority of votes but the Chairman has a casting vote if voting is equal.
6. Where both the Chairman and the Deputy Chairman are absent from a meeting, the members present and constituting a quorum may elect 1 of their members to be Chairman for that meeting.
7. The Minister may by instrument in writing fill a temporary or permanent vacancy occurring in the Committee and for a period specified in the instrument.
8. A member of the Committee may at any time resign his post by instrument in writing addressed to the Minister and from the date of the receipt

of the instrument by the Minister the member ceases to be a member of the Committee unless another date is specified in the instrument in which case his resignation is effective from that other date.

9. Subject to this Schedule the Committee may regulate its own procedure.

SECOND SCHEDULE

(s. 83)

STATUTES AFFECTED

No.	TITLE	HOW AFFECTED
60	Betting and Gaming Duties Act	Whole Act repealed
134	Gambling Act	Whole Act repealed
135	Gaming Act	Whole Act repealed
156	Vagrancy Act	Paragraph (g) of Section 3(1) repealed