

CHAPTER 60

BETTING AND GAMING DUTIES

1977-27

This Act came into operation on 1st July, 1977.

Amended by:

<i>1978-25</i>	<i>1984/37</i>	<i>1999/109</i>
<i>1980/111</i>	<i>1984/70</i>	<i>2004/86</i>
<i>1981-18</i>	<i>1987/70</i>	<i>2007-20</i>
<i>1982/135</i>	<i>1995/33</i>	<i>2008/88</i>
<i>1983/66</i>	<i>1996-7</i>	

Law Revision Orders

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Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1979	1997
1985	2008

Notes:

Act 1981-18 (Cap. 109A) has not been proclaimed.

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 60

BETTING AND GAMING DUTIES 1977-27

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CONSTITUTION OF THE BETTING AND GAMING COMMITTEE

**BARBADOS****BETTING AND GAMING DUTIES**

1977-27

An Act to amend and consolidate certain enactments concerning the imposition of duties and fees in relation to betting and gaming, and to provide for related matters.

[Commencement: 1st July, 1977]

PART I**PRELIMINARY****Short title**

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

Interpretation

- 2.(1) For the purposes of this Act,

“amusement arcade” means any approved premises, not including an hotel, containing more than 2 gaming machines;

[1978-25]

“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 specified in an order made under the *Gambling Act*, Cap. 134 by the Minister responsible for Sports;

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

“bingo” means the lottery commonly known as bingo;

“certificate of registration” means a certificate of registration issued in respect of a pool betting business, a racing service business or an approved national organisation, as the case may be;

[1996-7]

“Committee” means the Betting and Gaming Committee established under section 15;

“Comptroller” means the Comptroller of Customs;

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

“gaming”, in relation to a machine, means, subject to subsection (2), the playing of a game of chance for winnings in money or money’s worth, whether any person playing the game runs a risk of losing any money or money’s worth or not;

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

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

[*Definition deleted by 2007-20.*]

“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 and controls the game of bingo, lottery or sweepstake;

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

“premises” includes any place;

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

“proprietor”, in relation to any racing service 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;

“racing service 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 collected or paid, but does not include a business operated by the Barbados Turf Club at or in connection with a race meeting held under the auspices of the Club;

“ticket” includes any card, paper or writing;

“totalisator” means the contrivance for betting known as the totalisator or pari mutuel or any other device or instrument of betting of a like nature, whether mechanically operated or not.

(2) For the purposes of this Act, a machine shall be deemed not to be used for gaming if it is used in such a way that no game played by means of the machine can result in a player, or a person claiming under a player, receiving or being entitled to receive any article, benefit, or advantage other than one of the following—

- (a) an opportunity afforded by the automatic action of the machine to play one or more further games without the insertion of any cash or token;

- (b) the delivery by means of the machine of one or more coins or tokens as a prize in respect of a game where one or more coins or tokens of an equal or greater value or aggregate value were inserted into the machine by or on behalf of the player in order to play that game.

PART II

PROVISIONS RELATING TO GAMING AND AMUSEMENT MACHINE LICENCES, LOTTERIES, POOL BETTING AND RACING SERVICE BUSINESSES

Duties on Licences, Lotteries and on Bets Made by Way of Pool Betting and Fees in Respect of Certificates of Registration

Duties and fees

- 3.(1) There shall be raised, levied and collected in respect of—
- (a) every ticket sold or issued in connection with—
 - (i) any lottery or sweepstake organised and controlled, whether directly or indirectly, by an approved national organisation,
 - (ii) any game of bingo lawfully instituted, or
 - (iii) a bet accepted by a racing service 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 racing service, business;
 - (f) an amusement arcade licence,
[1978-25]

the duty or fee, as the case may be, specified in relation thereto in the First Schedule.

(2) The Minister may by order amend the First Schedule by adding to, varying or rescinding, the rate or the amount of any duty or fee therein specified.

(3) An order made under subsection (2) shall be subject to negative resolution.

Payment of duties and fees

4.(1) The duties or fees referred to in section 3 shall—

(a) in the case of—

(i) the duty on any lottery or sweepstake organised and controlled by an approved national organisation,

(ii) the duty on a game of bingo, or

(iii) the duty on bets accepted by a racing service business,

be collected by means of stamps to be 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 may from time to time be approved of by the Accountant-General;

(b) in the case of—

(i) the duty in respect of pool betting, a gaming machine, an amusement machine licence, or an amusement arcade licence, or
[1978-25]

(ii) the fee payable in respect of the grant 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) the 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) the 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) the 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 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 shall be liable to duty accordingly,

at such times as the Comptroller directs.

- (3) Every person who prints tickets bearing the printed medallion for the use of a racing service business shall submit the tickets to the Accountant-General before distribution to the racing service business.

[1996-7]

Pool Betting Businesses

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

5.(1) From and after the 1st July, 1977, 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 Governor-General, 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 shall apply to the sending out of Barbados of any money or valuable thing by any person registered with the Comptroller pursuant to section 6.

Restrictions on pool betting, necessity to register with Comptroller

6.(1) From and after 1st July, 1977, no person shall, except in accordance with this Act, carry on any business the carrying on of which may involve any sums becoming payable by him by way of pool betting duty.

(2) A person who intends to carry on any such business shall, not later than one week before the day from which he desires to carry on the business

- (a) notify the Comptroller of his intention; and
- (b) make entry with the Comptroller, 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 shall, unless previously cancelled, continue in force from the day on which it is granted until the 31st December next following, but may be renewed sometime during the month of December in each year by the Comptroller on application of the holder thereof.

(5) An person who contravenes or fails to comply with this section is guilty of an offence.

*Racing Service Businesses***Racing service business not to be carried on except at registered premises**

7.(1) From and after 1st July, 1977, no person shall carry on, whether occasionally or regularly, any racing service business at any premises unless such premises are registered in accordance with section 10.

(2) Any person who contravenes or fails to comply with this section is guilty of an offence.

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

8.(1) The proprietor of, or any person employed at, any premises registered under section 10 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 or fails to comply with this section is guilty of an offence.

Restriction as to times during which racing service businesses may be open

9.(1) No racing service 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 any such business is open in contravention of subsection (1), the proprietor thereof is guilty of an offence.

Persons intending to carry on a racing service business to apply to Comptroller for registration of premises

10.(1) Any person who intends to carry on a racing service 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 payment of the prescribed fee, register such premises and grant to the applicant a certificate of registration for the appropriate period.

(3) A certificate of registration shall be either—

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

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

(4) Where a certificate of either description is granted so as to have effect for the remainder of a registration period which has partly expired, the fee payable in respect of that registration period shall not be affected.

(5) Subject to this Act, a whole-year certificate shall expire on the 31st December in each year, and a half-year certificate shall expire on the 30th June or, as the case may be, the 31st December in the year in which it is granted

(6) A certificate of registration may at any time prior to the date of expiry be renewed by the Comptroller on payment of the prescribed fee.

Deposit of securities or cash

11.(1) An applicant for the grant or renewal of a certificate of registration under section 10 shall make a deposit with the Accountant-General of securities to the value of not less than forty thousand dollars.

(2) The Minister may by order vary the amount specified in subsection (1) and any order so made shall be subject to negative resolution.

(3) Where the applicant finds it impracticable to obtain the securities necessary to make the deposit under subsection (1), the deposit may be either in the form of cash or partly in cash and partly in securities.

(4) No certificate of registration shall be granted under section 10 unless the applicant satisfies the Comptroller that the deposit has been made as required by this section.

(5) For the purposes of this section “securities” means debentures or bonds issued by or on behalf of the Government of Barbados or the Barbados Development Bank.

Return of deposits

12. Where—

- (a) a certificate of registration is cancelled or refused by the Comptroller under this Act; or
- (b) a racing service business ceases to exist,

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

Penalty for failure to stamp racing service betting ticket

13.(1) A proprietor who fails to comply with the requirement of stamping any ticket issued in respect of a bet accepted by a racing service business is liable to—

- (a) pay to the Comptroller a penalty of five hundred dollars; and
- (b) in addition to the penalty imposed by paragraph (a), to return to the person losing the bet the amount staked on that bet.

(2) Any penalty that remains unpaid under this section is a debt due to the Crown and may be recovered in civil proceedings brought by or on behalf of the Comptroller before a magistrate for District “A”.

(3) Any person who fails to comply with section 4(3) is guilty of an offence and liable on summary conviction to a fine of \$50 000 or imprisonment for 2 years or both.

[1996-7]

(4) Where a body corporate contravenes section 4(3) it is guilty of an offence and liable on summary conviction to a fine of \$50 000 and every director and manager of any such body corporate who knew or ought to have known of the contravention is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or imprisonment for 2 years or both.

[1996-7]

Certain bets deemed to be made by way of pool betting

14.(1) A reference in this Part to “bets made by way of pool betting” includes any transaction which is, on the part of any person taking part therein, not a bet made by way of pool betting only by reason of his not in fact making any stake.

(2) Bets shall be deemed to be made by way of pool betting whenever a number of persons make bets on terms that the winnings of such of those persons as are winners 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 up and returning coupons or other printed or written forms or otherwise.

PART IIA

APPROVED NATIONAL ORGANISATION

Registration of approved national organisation

14A.(1) No approved national organisation shall carry on, whether occasionally or regularly, any lottery unless such organisation is registered in accordance with section 14B.

(2) An approved national organisation that contravenes or fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine \$5 000.

[1996-7]

Approved national organisation

14B.(1) An approved national organisation that intends to carry on any lottery shall apply to the Comptroller for registration in respect thereof stating the name and address of the organisation and such other particulars as may be prescribed.

(2) Subject to this Act and the regulations, the Comptroller shall, upon payment of the prescribed fee, register the approved national organisation and grant to the organisation a certificate of registration.

[1996-7]

Application of sections 10 to 12

14C. Subsections (3) to (6) of section 10 and sections 11 and 12 shall apply, *mutatis mutandis*, to this Part.

[1996-7]

PART III

ESTABLISHMENT AND CONSTITUTION OF THE BETTING AND GAMING COMMITTEE

Establishment and constitution of Committee

15.(1) For the purposes of this Act, there is hereby established a Committee to be known as the Betting and Gaming Committee.

(2) The provisions of the *Second Schedule* shall have effect with respect to the constitution of the Committee and otherwise in relation thereto.

Functions of the Committee

- 16.** The functions of the Committee shall be
- (a) to hear and determine all applications for licences to hold lotteries, as defined by section 2 of the *Gambling Act*, Cap. 134, for a charitable object;
 - (b) to consider all applications and grant or refuse to grant approval for the issue by the Comptroller of licences in respect of the importation and use of machines in Barbados;
 - (c) to determine the suitability of certain premises licensed under the *Liquor Licences Act*, Cap. 182 for the purpose of a declaration under this Act;
 - (d) to prescribe the number of machines that may be made available for gaming on approved premises;
 - (e) to inquire into complaints made against licence-holders; and
 - (f) generally to give effect to the provisions of this Act.

Applications to the Committee

- 17.(1)** A person who desires to obtain
- (a) a licence to import machines;
 - (b) approval for the use under licence of a machine on approved premises;
 - (c) a declaration that certain premises are approved for the purposes of this Act; or
 - (d) a licence to hold a lottery for a charitable object,
- may apply to the Committee.
- (2)** Every application made under subsection (1) shall
- (a) be in such form as the Committee approves;

- (b) in the case of an application relating to
- (i) the importation of machines, contain such particulars as to number, value, country of manufacture and general description of the machines to be imported,
 - (ii) the use of machines on any premises, 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 the receipt of 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 issue, or grant approval for the issue by the Comptroller of, such licence, or approve the premises, as the case may be.

(5) A licence issued in accordance with subsection (4) shall be subject to such conditions as the Committee may prescribe, and any such 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 cancellation or suspension thereof may be published in the *Official Gazette*.

(7) A person aggrieved by any decision of the Committee may appeal to the Minister within 14 days of being notified thereof, and the Minister may uphold or vary such decision as he thinks fit.

(8) A decision by the Minister under subsection (7) shall be final.

[1981-18]

- (9) Any person who
- (a) in connection with an application under this section, 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;
 - (b) 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 IV

PROVISIONS RELATING TO GAMING BY MEANS OF MACHINES

General Restrictions

Gaming machines

18. From and after 1st July, 1977, nothing contained in any enactment or other law relating to gaming shall apply to a game played by means of a machine to which this Part applies.

Application of Part IV

- 19.(1)** This Part applies to any machine which
- (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 the machine.

Importation of machines

20.(1) No person shall import any machine 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 machines that may be imported under a gaming machine import licence shall be specified therein, and such licence shall contain a statement as to the period during which it shall remain valid.

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

(4) Where the total number of 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) Any person who

- (a) imports a 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 licences

21.(1) From and after 1st July, 1977, there shall be in force in respect of every machine made available for gaming on any approved premises a valid gaming machine, amusement arcade or amusement machine licence issued in relation to that machine or arcade, as the case may be.

(2) A person who makes a machine available for gaming on premises other than those declared as approved premises in a notice published under section 22 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 machine, or causes a machine to be placed, on premises that are not in his occupation shall be treated as making the machine available for gaming at the time when it is so placed on those premises.

[1978-25]

Approved premises

22. Where the Committee approves any premises under section 17, it may by notice published in the *Official Gazette* declare that those premises are approved premises for the purposes of this Act, and the number of machines that may be made available for gaming on those premises shall be specified in that notice.

Comptroller to issue gaming machine, amusement arcade and amusement machine licences

23. Where the Committee approves the use of a machine on approved premises, the Comptroller shall, upon payment of the prescribed duty and subject to section 25, issue to the applicant in respect of that machine an amusement arcade licence, a gaming machine licence or an amusement machine licence.

[1978-25]

Gaming machine and amusement arcade licences

- 24.(1)** A gaming machine or an amusement arcade licence shall be either—
- (a) a whole-year licence for the period from 1st January to 31st December in any year; or
[1978-25]
 - (b) a half-year licence for the period from 1st January to 30th June, or from 1st July to 31st December, in any year.

(2) Where a licence of either description is issued so as to have effect for the remainder of a licence period which has partly expired, the duty payable in respect of that licence period shall not be affected.

(3) Every licence shall be expressed to take effect on the first day of the period for which it is issued or, if it is issued after the beginning of a licence period so as to have effect for the remainder of that period, on the day following the date of issue by the Comptroller.

(4) Subject to this Act, a whole-year licence shall expire on the 31st December in each year, and a half-year licence shall expire on the 30th June or, as the case may be, the 31st December in the year of issue.

(5) A gaming machine or an amusement arcade licence may at any time prior to the date of expiry be renewed by the Comptroller on payment of the prescribed duty:

[1978-25]

Amusement machine licences

25.(1) No amusement machine licence shall be issued by the Comptroller under section 23 unless he is satisfied that—

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

(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 one or more coins or tokens inserted in the machine of an amount or value not exceeding, or, if more than one, not in the aggregate exceeding, 25 cents;

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- (b) no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than one only of the following—
- (i) a money prize not exceeding 50 cents or a token which is, or two or more tokens which 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 two dollars 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 one 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 50 cents, 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) An amusement machine licence shall expire at the end of the period for which it is issued, but may at any time prior to the date of expiry be renewed by the Comptroller on payment of the prescribed duty.
- (4) A person who contravenes or fails without reasonable excuse to comply with any conditions applying to an amusement machine licence is guilty of an offence.
- (5) The Minister may by order vary any amount specified in subsection (2) and any order so made shall be subject to negative resolution.

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

26.(1) A gaming machine, an amusement arcade or an amusement machine licence shall—

- (a) be in a form approved by the Committee and shall, in addition to the requirements specified in this section, contain such other particulars as the Committee considers necessary or expedient;
- (b) 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;
- (c) be valid only for the period for which it is issued.

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

[1978-25]

Restrictions on the use of machines

27.(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, amusement arcade or amusement machine licence is conspicuously exhibited at all times at the main entrance of the approved 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.

[1978-25]

Removal of money from machines

28.(1) Where a machine is made available for gaming on approved premises, no person who is not 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 person who contravenes this section is guilty of an offence.
- (3) A reference in this section to an authorised person means the person named in the gaming machine, amusement arcade or amusement machine licence or any person employed by that person for the removal of money or tokens from machines.

[1978-25]

Application of Part IV or exemption therefrom

29. The Minister may by order extend the application of this Part to any machine which is used or to be used for the purposes only of amusement or exempt any such machine from such application.

PART V

MISCELLANEOUS

Exemptions from duty

30.(1) The Minister may grant such exemptions in respect of the duty payable on a game of bingo as he thinks fit.

(2) The duty imposed on bets made by way of pool betting shall not be payable on—

- (a) any sum paid to the Barbados Turf Club in respect of the sale or issue of any ticket on which a duty is otherwise imposed by this Act;
- (b) any sum paid in respect of the taking of a ticket or chance in any lottery or other game, method or device instituted for a charitable object and for which a licence has been obtained under this Act; or
- (c) any sum paid in respect of any lottery organised and controlled by the Transport Board established under the *Transport Board Act*, Cap. 297 or by any owner of a motor omnibus plying for hire on a highway in connection with tickets issued by such Board or owner, as the case may be, on payment of fares where the money or money's worth to be distributed or allotted does not exceed \$100.

Refusal to renew or cancellation of certificate of registration

31.(1) The Comptroller may cancel or refuse to renew

- (a) the certificate of registration in respect of a pool betting or racing service business or an approved national organisation where the holder of the certificate or a person employed by the holder in connection with such business or any lottery conducted by the organisation, is convicted of an offence;

- (b) a gaming machine, an amusement arcade 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 of any other offence involving fraud.
- (2) A person aggrieved by a decision of the Comptroller under subsection (1) may appeal therefrom to the Minister within 14 days of being notified of that decision, and the Minister may vary or confirm such decision.
- (3) A decision by the Minister under subsection (2) shall be final.

[1978-25; 1996-7]

Production of books and accounts to Accountant-General

- 32.(1) The Accountant-General or any person authorised by him in writing for the purpose, may at all reasonable times require the production, for purposes of inspection, of all the books and accounts relating to tickets sold or issued in respect of which duty is payable under section 3(1)(a), and may take copies and extracts therefrom.
- (2) Any person who fails without reasonable excuse to produce any books or accounts in accordance with subsection (1) is guilty of an offence.

Moneys to be paid over to Accountant-General

33. All moneys received by the Comptroller under this Act shall be paid to the Accountant-General for the purposes of the Consolidated Fund.

Power of entry

- 34.(1) Any 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 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 shall apply to a warrant issued under subsection (2) as they apply to a search warrant issued under section 70 of that Act.

Duties of persons registered or licensed by the Comptroller

35. 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 six 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 books, 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 in that behalf by the Comptroller to enter on any premises used for the purposes of the business, to inspect any totalisator used for the purposes thereof and to inspect and take copies of any books, records, accounts or other

documents in his possession or power or on any premises used for the purposes of the business, being books, records, accounts or documents which relate or appear to relate to the business,

and any such person, and any other person employed or having functions in connection with any such business, shall, if required so to do by the Comptroller or any person authorised in writing in that behalf by the Comptroller, produce, at a time and place to be specified by the Comptroller or such 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 such authorised person requires.

Offences

- 36.** Any person who—
- (a) 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 35;
 - (b) hinders, molests, obstructs, impedes or interferes with any person in the exercise of his functions in relation to a pool betting, or racing service, business, or to any other business or matter connected with the provisions of this Act;
 - (c) in connection with any duty payable under this Act, 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;
 - (d) is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion by him or any other person of such duty,

is guilty of an offence.

Penalties

37.(1) A person who is guilty of an offence under this Act is liable on summary conviction—

- (a) except in the case of an offence under section 7, to a fine of five thousand dollars or to imprisonment for twelve months or both;
- (b) in the case of an offence under section 7 to a fine of fifty thousand dollars or to imprisonment for 2 years or both; and
- (c) 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 orders.

(2) The conviction of any person in respect of the non-payment by him of any duty under this Act shall not be construed as discharging that person from the obligation of paying the duty outstanding, and such duty may be recovered 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 the Magistrate’s Court.

Failure to comply with section 6 or 35 continuing after conviction

38. Where a person is convicted under this Act in respect of a failure to comply with any of the provisions of section 6 or 35 and the failure continues after conviction, then, unless he has a reasonable excuse for the continuance of the failure, he is guilty of a further offence under section 36 and may, on conviction, be punished accordingly.

Regulations

39.(1) The Minister may make regulations generally for carrying out the provisions of this Act and for any of the following matters—

- (a) the conditions to be satisfied before a person may be granted a certificate of registration;

- (b) the times at which a pool betting or racing service business may be open to the public, the persons who may have recourse thereto or be allowed thereon and the activities which may be carried on thereat;
 - (c) respecting the transfer of a gaming machine, an amusement arcade or an amusement machine licence on the sale of a machine to which the licence relates, and for the disposition, storage and maintenance of machines;
[1978-25]
 - (d) prescribing anything that is by this Act required to be prescribed.
- (2) Regulations made under subsection (1) may provide that any contravention thereof is punishable by way of a fine not exceeding five thousand dollars or imprisonment for twelve months or both.
- (3) All regulations made under this section shall be subject to negative resolution.

Liability of directors, etc. of bodies corporate

40. Where an offence under this Act has been committed by a body corporate, every person who at the time of the 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, 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.

Limitation of time

41.(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 six months from the date on which evidence comes to the knowledge of the person

concerned in instituting the proceedings, and such evidence is, in the opinion of that person, sufficient to justify the proceedings.

(2) No proceedings shall be taken under subsection (1) more than 3 years after 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 came to his knowledge shall be conclusive evidence thereof.

Forfeiture of machines generally

42.(1) Notwithstanding anything contained in this Act, where a machine is—

- (a) imported into Barbados in contravention of section 20 (1);
- (b) not licensed as required by this Act;
- (c) made available for gaming on premises other than approved premises;
- (d) stored in any place other than a place that is approved by the Comptroller under the regulations,

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

(2) A person who claims that anything seized as liable to forfeiture is not so liable shall, within fourteen days of the date of the notice of seizure or, where no such notice has been served on him, within fourteen days of the date of the seizure, give notice of his claim in writing to the Comptroller.

Service of legal process

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

Provisions of certain enactments not to apply in respect of certain bets made or negotiated at a racing service business

44. The provisions of any other enactment relating to gaming and of the *Vagrancy Act*, Cap. 156 shall not apply in respect of any bet on a horse race or greyhound race made or negotiated at the premises of a racing service business.

SECOND SCHEDULE*(Section 15)**CONSTITUTION OF THE BETTING AND GAMING COMMITTEE*

- 1.**(1) The Committee shall consist of not more than 7 members appointed from amongst public officers by the Minister by instrument in writing.
- (2) The instrument may specify which public officer shall be chairman for the purposes of the Committee and such person may at any time summon a meeting of the Committee.
- (3) Three members of the Committee shall form a quorum, and, subject to this Act and the regulations, the Committee may regulate its procedure.
- 2.** The Committee shall be subject to such directions of a general character only in respect of the policy to be followed in the exercise of its functions under the Act or the regulations as the Minister may give.