

THE CASINO GAMING ACT
(Act // of 2010)

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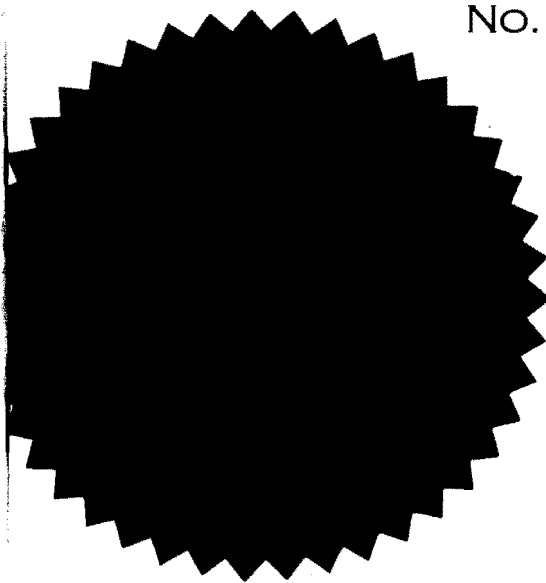
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SCHEDULES

JAMAICA

No. // – 2010

I assent,


L. James de Saut
Deputy Governor-General.
6th day of May, 2010

AN ACT for the Regulation and Control of Casino Gaming in
Jamaica and for connected matters.

**The date notified by the Minister
[bringing the Act into operation]**

BE IT ENACTED by The Queen's Most Excellent Majesty, by and
with the advice and consent of the Senate and House of Representatives
of Jamaica, and by the authority of the same, as follows:—

PART I. Preliminary

1.—(1) This Act may be cited as the Casino Gaming Act, 2010 and, subject to subsection (2), shall come into operation on a day or days to be appointed by the Minister by notice published in the *Gazette*. Short title
and
commence-
ment.

(2) Different days may be appointed for the commencement of different provisions of this Act and for different purposes of a particular provision.

2.—(1) In this Act, unless the context otherwise requires—
“Appeals Tribunal” means the tribunal established under section 63;

Interpreta-
tion.

“applicant” means a person who makes an application for a licence, authorization or approval under this Act and reference to an application shall be construed accordingly;

“appointed day” means in relation to—

- (a) this Act, the date of commencement of this Act; and
- (b) a particular provision of this Act, the date of commencement of that provision;

“approved developer” means the developer of an approved integrated resort development;

“approved integrated resort development” means an integrated resort development declared by the Minister under section 9(1) to be an approved integrated resort development;

“associate” in relation to a casino operator or an applicant has the meaning specified in subsection (2);

“associated hotel rooms” means hotel rooms which pursuant to an order under section 9, shall be available for occupancy during the operation of the casino;

“authorized person” means any person appointed as such by the Commission under section 44;

“casino” means any premises, part of any premises, or a facility, in or on which casino gaming business is conducted;

“casino gaming” means the playing of games prescribed by the Commission under section 72(1)(a);

“casino gaming licence” means a licence for the operation of a casino granted by the Commission under section 18(1) (a);

“casino operator” means the holder of a casino gaming licence or a temporary casino gaming licence;

“chairman” means the chairman of the Commission;

“Chief Executive Officer” means the Chief Executive Officer of the Commission, appointed under paragraph 16(1) of the First Schedule;

First
Schedule.

“Commission” means the Casino Gaming Commission established by section 5;

“contract” includes any kind of agreement or arrangement;

“controlled contract” in relation to a casino operator—

(a) means—

(i) a contract that relates wholly or partly to the supply of goods or services for the operations of the casino or to any other matter that is prescribed as a controlled matter for the purposes of this definition;

(ii) a contract above a prescribed value; or

(iii) any class of contract prescribed as a controlled contract for the purposes of this definition; but

(b) does not include a contract that relates solely to—

(i) the construction of the casino;

(ii) any other class of matter prescribed as not being a controlled matter for the purposes of this definition; and

(iii) a class of contract of a kind approved by the Commission;

“disciplinary action” shall be construed in relation to—

(a) a casino operator, in accordance with section 27; and

(b) the holder of a personal licence, in accordance with section 36;

“electronic” in relation to technology, means having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities and references to carrying out any act “electronically” shall be construed similarly;

“electronic monitoring system” means any electronic or computer or communications system or device that is so designed that it may be used or adapted to send or receive data from gaming equipment in relation to the security, accounting or operating of gaming equipment;

“exclusive geographical area” means an area specified in an order made under section 9 within which, subject to section 4, the Commission shall not grant a casino gaming licence to a person other than the approved developer, or his nominee;

“exclusivity period” means, with respect to an order made under section 9, the specified period for which the Commission shall not, within the relevant exclusive geographical area, grant a casino gaming licence or a temporary casino gaming licence to a person, other than the approved developer or his nominee;

“exclusivity status” shall be construed in accordance with section 12;

“functions” includes powers and duties;

“game” means a game of chance or a game that is partly a game of chance and partly a game requiring skill;

“gaming” means the playing of a game for winnings in money or money’s worth;

“gaming equipment” includes—

- (a) a gaming machine;
- (b) linked jackpot equipment;
- (c) an electronic monitoring system used in connection with any machine, equipment, device, thing or part mentioned in paragraph (a), (b), (d), (e) or (f);
- (d) a computer programme or software used in connection with any machine, equipment, system, part, device or thing mentioned in paragraph (a), (b), (c), (e) or (f);

- (e) a part of, or a replacement part for, any machine, equipment or system mentioned in paragraph (a), (b), (c) or (d); and
- (f) any device or thing (including chips) used, or capable of being used, for or in connection with gaming;

“gaming machine” means any device, whether wholly or partly mechanically or electronically operated, designated by the Commission for use for gaming which, as a result of making a bet on the device, winnings may become payable;

“gross profit” shall be construed in accordance with section 61(2);

“gross profit tax” shall be construed in accordance with section 61;

“hotel” means any building, or group of buildings within the same precinct, containing hotel rooms and facilities for meals and other amenities for the accommodation of transient guests for reward;

“hotel room” means a furnished bedroom which is used for the accommodation of transient guests for reward and includes such a room in a habitation, such as a villa or cottage, whether detached or semi-detached from like habitations, and which habitation is within the precincts of a single complex operated as a unit;

“inspector” means a person appointed as an inspector under section 44;

“integrated resort development” means a development consisting of a mix of various tourism amenities and facilities in the same precinct including, but not limited to, hotels, hotel rooms, villas, casinos, attractions, sporting facilities, entertainment facilities, service centres and shopping centres;

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

“Minister” means the Minister responsible for finance;

“nominee” means a company nominated by an approved developer to carry out the operations of a casino in the relevant approved integrated resort development;

“operation”, in relation to a casino, means—

- (a) the conduct of gaming in the casino;

- (b) the management and supervision of the conduct of gaming in the casino;
- (c) the counting of money in the casino;
- (d) the accounting procedures of, and in relation to, the casino;
- (e) the use of storage areas within the casino; and
- (f) any other matter affecting or arising from activities in the casino;

“personal licence” means a licence granted pursuant to section 31(4);

“record” includes any book, account, document, paper or information, recorded or stored in written form, on microfilm, by electronic process, or in any other manner or by any other means;

Second
Schedule.

“specified offence” means an offence specified in the Second Schedule;

“specified office” means an office of employment in a casino in relation to which the holder—

- (a) is in a position of management or is authorized to make decisions involving the exercise of his discretion concerning the operation of a casino; or
- (b) has functions relating to any of the following activities—
 - (i) the conduct of gaming;
 - (ii) the movement of money or chips in the casino;
 - (iii) the exchange of money or chips between patrons of the casino;
 - (iv) the counting of money or chips on the premises of the casino;
 - (v) the security and surveillance of the casino;

- (vi) the operation, maintenance, construction or repair of gaming equipment;
- (vii) the supervision of any of the activities listed in paragraphs (i) to (vi);
- (viii) any other function of an office of employment relating to the operation of the casino that is specified by the Commission for the purposes of this definition by notice, in writing, to the casino operator as a specified office;

“specified site” means the site, as specified in an order made under section 9, on which a proposed integrated resort development is to be located;

“sports betting” means the making of a wager on the outcome of a sporting event;

“temporary casino gaming licence” means a licence granted pursuant to section 26;

“winnings” or “payouts” means the aggregate amount due and payable to a patron by a casino operator.

(2) A person is an associate of a casino operator or of an applicant for a casino gaming licence if the person—

- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether on his own behalf or on behalf of any other person) in the casino business of the casino operator or in the case of an applicant, and by virtue of that interest or power, is able or will be able to exercise significant influence over or with respect to the operation of that casino business; or
- (b) holds or will hold any relevant position, whether on his own behalf or on behalf of any other person, in the casino business of the casino operator or applicant,

and for the purposes of this subsection—

“relevant financial interest” means, in relation to a casino business, five *per cent* or more of the voting capital of the business;

“relevant position”, in relation to a casino business, means the position of director, manager or secretary, or other executive position, however that position is designated;

“relevant power” means any power, whether exercisable by voting or otherwise, and whether exercisable alone or in association with others—

- (a) to participate in any directorial, managerial or executive decision; or
- (b) to elect or appoint any person to any relevant position.

Objects of
Act.

3. The objects of this Act are to—

- (a) establish a regulatory scheme for the conduct of casino gaming in Jamaica;
- (b) encourage the establishment of a number of substantial integrated resort developments by licensing the carrying on of casino gaming as part of a mix of various tourism amenities and facilities available to guests of hotels in such developments;
- (c) ensure that casino gaming is conducted in a fair and open manner;
- (d) ensure that casino gaming is regulated efficiently and effectively;
- (e) prevent casino gaming from being a source of crime or disorder or being used to support crime; and
- (f) protect children and other vulnerable persons from exploitation due to casino gaming.

Powers of
Betting,
Gaming and
Lotteries
Commission
not
affected.

4. Nothing in this Act shall be construed as limiting the powers conferred on the Betting, Gaming and Lotteries Commission established under section 4 of the Betting, Gaming and Lotteries Act, to grant licences and permits in accordance with that Act within an exclusive geographical area.

PART II. *Casino Gaming Commission*

5.—(1) There is hereby established a body to be called the Casino Gaming Commission.

Establishment
of Casino
Gaming
Commission.

(2) The Commission shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

(3) The provisions of the First Schedule shall have effect as to the constitution and operation of the Commission and otherwise in relation thereto.

First
Schedule.

6. The functions of the Commission shall be to—

Functions of
Commission.

- (a) regulate and control casino gaming in Jamaica;
- (b) approve systems of controls for, and administrative and accounting procedures in, casinos in order to ensure integrity and fairness in casino gaming;
- (c) conduct investigations into the operation of casinos and the holders of specified offices;
- (d) institute measures and controls to—
 - (i) protect the vulnerable, including children, from any harm or exploitation arising from casino gaming;
 - (ii) limit opportunities for crime or any disorder associated with casinos; and
 - (iii) facilitate responsible casino gaming; and
 - (iv) prevent money laundering and the financing of terrorist activities in relation to casino gaming;
- (e) advise the Minister on matters of general policy relating to casino gaming in Jamaica; and
- (f) carry out such other functions pertaining to casino gaming as may be assigned to it by or under this Act or any other enactment.

7.—(1) The Minister may, after consultation with the chairman, give to the Commission directions of a general character as to the policy to be followed in the exercise or discharge of its functions in

Policy
directions.

relation to any matter appearing to him to concern the public interest; and the Commission shall give effect to any such directions.

(2) The Commission shall—

- (a) furnish to the Minister such information as he may require with respect to the property and activities of the Commission; and
- (b) afford to the Minister facilities for verifying such information in such manner and at such times as he may reasonably require.

Delegation
of functions.

8.—(1) The Commission may, subject to the approval of the Minister, delegate any of its functions under this Act (other than the power of delegation or the power to make regulations) to any member, officer, employee or agent of the Commission.

(2) Every delegation under subsection (1) is revocable by the Commission, and the delegation of a function shall not preclude the performance of that function by the Commission.

(3) Any person to whom a delegation is made under this section shall furnish to the Commission, from time to time, such information as the Commission may require with respect to the exercise of any of the functions so delegated.

PART III. *Approved Integrated Resort Development*

Declaration
of approved
integrated
resort
development.

9.—(1) Subject to the provisions of this Act, the Minister may, by order, declare an integrated resort development to be an approved integrated resort development.

(2) The Minister shall ensure that during the specified period the number of orders under subsection (1) in operation at any particular time shall be not more than three, or such other number as the Minister may by order, subject to affirmative resolution, determine.

(3) The Minister shall not make an order under subsection (1) unless he is satisfied as to the following matters, namely that—

- (a) the integrated resort development, when completed, will be comprised of one or more hotels providing in the aggregate at least two thousand associated hotel rooms, excluding hotel rooms already in existence or under construction prior to the making of an application under section 10;

- (b) not less than one thousand associated hotel rooms in the integrated resort development will be available for occupancy prior to the date of commencement of the operation of any casino in the development;
- (c) the enterprise relating to the integrated resort development is likely to be successful having regard to—
 - (i) the manner in which it is proposed to be operated;
 - (ii) the availability of adequate financing for its establishment, operation and maintenance; and
 - (iii) the economic effects of its operations;
- (d) there is no ground, in the public interest, to refuse to make the order.

(4) An order made by the Minister under subsection (1) shall specify—

- (a) the site of the integrated resort development;
- (b) the date on or by which construction and operation of one or more of the hotels will commence; and
- (c) where the Minister has determined, pursuant to section 12(1), that the developer shall be granted exclusivity status, the exclusivity period and the exclusive geographical area; and
- (d) such terms and conditions as the Minister thinks fit.

(5) In this section, “specified period” means the period of twelve years commencing from the date of operation of the order under subsection (1) that declares the first integrated resort development to be an approved integrated resort development.

10. An application for the declaration of an approved integrated resort development under section 9 shall—

- (a) be made in such form as may be prescribed;
- (b) be accompanied by the prescribed fees; and
- (c) contain such information and be accompanied by such plans, specifications, drawings, reports and other documents, as may be prescribed.

Application
for approved
integrated
resort
development.

11.—(1) An approved developer may, in writing, apply to the Minister for an amendment of an order under section 9.

Minister may
amend order.

(2) Where the Minister is satisfied that there has been failure to commence—

- (a) the construction of the approved integrated resort development; or
- (b) construction or operation of one or more of the hotels within the approved integrated resort development, in accordance with the order made under section 9,

the Minister may, by notice in writing, require the approved developer to establish, to the satisfaction of the Minister, and within such period as the notice shall specify that—

- (i) such failure is due to circumstances beyond the control of the approved developer; and
- (ii) there is a reasonable prospect of commencing the construction or operation, as the case may be, within a reasonable time.

(3) Where the Minister is satisfied that in respect of any approved integrated resort development—

- (a) any representations made in or in connection with the application for approval of the development as an approved integrated resort development is false in any material particular, made with intent to deceive or otherwise not made in good faith and, that such representations substantially influenced the decision to declare the development to be an approved development; or
- (b) a material term or condition specified in the order has been breached and has not been remedied within a reasonable time,

the Minister may by notice in writing, require the approved developer to show cause, to the satisfaction of the Minister, within such period as the notice shall specify, why the order by which the development was declared to be an approved integrated resort development, should not be amended or revoked.

(4) Where the Minister is not satisfied with the explanation of the approved developer in response to a notice under subsection (2) or (3), as the case may be, the Minister, if he thinks it expedient so to do, may amend or revoke the order under section 9.

(5) Where exclusivity status has been granted under section 12, an amendment to the order under section 9 may—

- (a) be in respect of the terms of exclusivity, including the specified period;
- (b) revoke the grant of exclusivity status.

(6) Where, pursuant to subsection (4), the Minister has revoked an order made under section 9, any casino gaming licence or temporary casino gaming licence granted for a casino on the specified site shall be deemed revoked with effect from the date of revocation of the order.

12.—(1) The Minister may, in respect of an approved integrated resort development, determine that for a period specified in an order made under section 9, the approved developer shall be granted exclusivity status, that is to say, the approved developer or his nominee shall be the only person to whom a casino gaming licence or a temporary casino gaming licence shall be granted in the exclusive geographical area specified in section 9.

Exclusivity
for casino
gaming
business.

(2) Exclusivity status subject to such terms and conditions as may be specified by the Minister shall be for a period of not less than twelve years starting with the date of commencement of the order made under section 9.

PART IV. *Casino Gaming Licence*

13.—(1) Subject to subsection (2) and section 26, a person shall not operate a casino, except in accordance with the provisions of this Act, any regulations made hereunder and a casino gaming licence.

Restriction
on operating
casino.

(2) Every person who contravenes subsection (1), commits an offence and shall be liable on conviction on indictment in a Circuit Court to—

- (a) in the case of an individual, a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; or
- (b) in the case of a body corporate, a fine.

(3) In this section—

“Jamaican waters” means the inland waters and—

- (a) internal water;

- (b) archipelagic waters; and
- (c) territorial sea,

as defined in the Maritime Areas Act, and such other waters as may be prescribed under any enactment to be Jamaican waters;

“ship” includes every description of vessel used in navigation.

Application
for casino
gaming
licence.

14.—(1) Every approved developer who, or a company nominated by the approved developer that, is desirous of operating a casino in an integrated resort development shall apply in the prescribed form and manner to the Commission for a casino gaming licence or temporary casino gaming licence.

(2) Every application for a casino gaming licence shall be—

- (a) accompanied by proof that the proposed casino operator is a company duly incorporated under the laws of Jamaica;
- (b) accompanied by the prescribed application fee which shall not be refundable; and
- (c) accompanied by such other documents and information as may be required by the Commission under section 17.

(3) The Commission may refuse to consider an application which does not comply with the requirements of subsection (2).

Matters to
be
determined
by the
Commission
on
application.

15.—(1) Upon an application made in accordance with section 14, the Commission shall grant to the applicant, a casino gaming licence, if the Commission is satisfied that—

- (a) the applicant, and each associate of the applicant (hereinafter called an “associate”), is a fit and proper person to be concerned in or associated with the management or operation of a casino;
- (b) the proposed casino to which the application relates will be within an approved integrated resort development; and
- (c) the applicant, or any associate, has not been convicted of a specified offence.

(2) In determining whether an applicant or any associate is a fit and proper person to be concerned in or associated with the

management or operation of a casino, the Commission shall consider whether—

- (a) the applicant or the associate is of good repute, having regard to his character, honesty and integrity;
- (b) the applicant or the associate, as the case may be, is of sound and stable financial background;
- (c) the applicant has, or has arranged, a satisfactory ownership structure;
- (d) the applicant holds or is able to obtain—
 - (i) financial resources that are adequate to ensure the financial viability of the proposed casino; and
 - (ii) the services of persons who have sufficient experience in the operation of a casino;
- (e) the applicant has sufficient business ability to operate a successful casino;
- (f) the applicant or the associate, as the case may be, has any business association with any person, body or association who or which, in the opinion of the Commission, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
- (g) each director, partner, trustee, executive officer, secretary and any other officer or person determined by the Commission to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity;
- (h) any person proposed to be engaged or appointed to manage or operate the casino is a suitable person to act in that capacity; and
- (i) any other matter that may be prescribed will be fulfilled.

16.—(1) On receiving an application for a casino gaming licence, the Commission shall carry out or cause to be carried out all such investigations and enquiries as it considers necessary to enable it to consider the application.

Investigation
re applica-
tion.

(2) The Commissioner of Police or any member of the Jamaica Constabulary Force or the Island Special Constabulary Force so authorized by the Commissioner of Police, shall inquire into and report to the Commission on such matters concerning the application as the Commission requests.

(3) Where an investigation under this section is conducted by the Commission, the Commission may charge the applicant such fees as are necessary for the recovery of its expenditure, having regard to the nature of the investigation and the effort required in its conduct.

Commission
may require
further
information,
etc.

17.—(1) The Commission may, by notice in writing, require an applicant for a casino gaming licence, to do any one or more of the following—

- (a) provide, in accordance with directions in the notice, any information, that is relevant to the investigation in relation to the application and so specified in the notice;
- (b) produce, in accordance with directions in the notice, any records relevant to the investigation of the application, that are specified in the notice and permit examination of the records, the taking of extracts from them and the making of copies of them;
- (c) authorize a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); or
- (d) furnish to the Commission any authority and consent that the Commission requires for the purpose of enabling the Commission to obtain from other persons information (including financial and other confidential information) concerning the applicant and associates of the applicant.

(2) If a requirement made under subsection (1) is not complied with, the Commission may refuse to consider the application for a casino gaming licence.

Casino
gaming
licence,
annual
licence fee.

18.—(1) Subject to the provisions of this Act, the Commission may—

- (a) grant a casino gaming licence; or
- (b) refuse to grant a casino gaming licence.

(2) Where the Commission refuses to grant a licence under subsection (1), it shall so inform the applicant in writing stating the reasons therefor.

(3) Where the Commission has approved the grant of a licence under subsection (1), a prescribed annual licence fee shall be payable to the Commission by the licensee—

- (a) firstly, on approval of the grant of the licence; and
- (b) thereafter annually, while the licence remains in force, on or before the anniversary date of the grant of the licence.

(4) The grant of a licence under subsection (1) shall authorize the licensee to provide facilities for the conduct or playing of—

- (a) games prescribed under section 72 (1)(a);
- (b) other games, including games conducted by the use of machines, as approved by the Commission;
- (c) sports betting or other forms of wagering under rules prescribed by the Commission and otherwise as approved by the Commission.

19.—(1) A casino gaming licence shall take effect upon approval by the Commission of the grant thereof and on payment of the initial annual licence fee.

Commence-
ment,
duration,
surrender and
lapse of
licence.

(2) A casino gaming licence shall subject to the provisions of this Act, be valid for an indefinite period.

(3) Without prejudice to the provisions of section 25(1), a casino operator may surrender the casino gaming licence where the operator gives the Commission at least twelve months notice in writing of the date that it wishes to cease to operate, and the licence shall cease to have effect upon the expiry of such notice.

(4) Every casino operator shall, within seven days of the cessation or lapse of the casino gaming licence, deliver the expired licence to the Commission.

(5) A casino operator who fails to deliver the licence within the time stipulated under subsection (3), commits an offence and shall be liable on conviction on indictment in a Circuit Court to a fine.

(6) Notwithstanding subsections (2) and (3), a casino gaming licence shall lapse where the casino operator—

- (a) fails to pay the initial annual licence fee within thirty days of the grant of the licence;
- (b) does not commence operation within the period specified in the licence;

- (c) suspends operation for more than ninety days other than by reason of *force majeure* or a suspension order of the Commission; or
- (d) goes into liquidation, by reason of, (i) a resolution being passed for its voluntary winding-up or, (ii) upon the hearing of a petition for its compulsory winding up, a court granting a winding-up order.

Review of
casino
gaming
licence.

20.—(1) Subject to subsection (2), the Commission may review a casino gaming licence where—

- (a) it suspects that a breach of any condition of the licence, this Act or any regulations made hereunder, or any other enactment, has been committed by the casino operator; or
- (b) it appears appropriate to the Commission to do so, having regard to—
 - (i) any notice of a relevant event given to the Commission by the casino operator; or
 - (ii) the time which has passed since the grant of the licence or the last review.

(2) The Commission shall review every casino gaming licence every five calendar years from the date of the grant thereof.

(3) Subject to the provisions of this Act, where the findings of the review so warrant, the Commission shall, after completion of the review, take disciplinary action pursuant to section 27.

(4) Where a review under this section is conducted by the Commission, the Commission may charge the applicant such fees as are necessary for the recovery of its expenditure, having regard to the nature of the review and the effort required in its conduct.

(5) In subsection (1)(b)(i), “relevant event” means one or more of the events specified in paragraph 1 of the Third Schedule.

Third
Schedule.

Licence not
transferable.

21. A casino gaming licence is not transferable.

Conditions of
licence.

22.—(1) Every casino gaming licence shall be subject to the conditions specified in the Third Schedule.

Third
Schedule.

(2) The Commission may suspend a casino gaming licence for administrative purposes (and not as an imposition of a disciplinary penalty) where,

- (a) it is in its opinion necessary to facilitate the conduct of a review of the licence;

- (b) it is in its opinion necessary to prevent the continuation of—
 - (i) a breach of this Act or any regulations made hereunder; or
 - (ii) a condition of a licence or authorization granted or given under this Act;
- (c) a petition has been filed for the compulsory winding up of the licensee.

23. A casino operator may apply to the Commission in the prescribed manner and on payment of the prescribed fees, for a variation of the terms of its casino gaming licence stating clearly the reasons therefor and the Commission may, upon considering the application, vary the terms of the licence or refuse to do so.

Variation of
licence on
application
by casino
operator.

24. The Commission may, after a review of a casino gaming licence and the performance of the relevant casino operator, amend the terms of the licence, subject to the casino operator being given an opportunity to be heard by the Commission concerning the proposed amendments.

Amendment
of licence by
Commission.

25.—(1) Within thirty days of a change in control of a casino operator, the casino operator shall either surrender its casino gaming licence or apply to the Commission, in writing, in the prescribed manner and on payment of the prescribed fee for a continuation of the licence.

Change in
control of
casino
operator.

(2) The Commission may revoke a casino gaming licence where there is failure of the casino operator to carry out the requirements of subsection (1) within the time referred to in that subsection.

(3) The Commission, after considering an application for continuation of a licence, may either—

- (a) grant a continuation of the licence, with or without amendment of its terms; or
- (b) refuse a continuation of the licence and revoke the licence.

(4) The provisions of sections 15, 16 and 17 shall apply to an application for continuation of a casino gaming licence, with such modification as may be necessary, as they apply in relation to an application for a casino gaming licence under section 14.

(5) For the purposes of this section, a person shall be treated as having control of a casino operator where—

- (a) the person holds over fifty *per cent* of the voting shares of the casino operator;

- (b) the person, together with persons with whom he acts in concert hold over fifty *per cent* of the voting shares of the casino operator;
- (c) the person or persons with whom he acts in concert, have an agreement with the holders of over fifty *per cent* of the voting shares that those holders are obliged to exercise voting rights in accordance with his wishes; or
- (d) the person or persons with whom he acts in concert are able to influence the operations of the casino operator in any other substantial way.

Temporary
casino
gaming
licence.

26.—(1) An approved developer or his nominee may apply in writing to the Minister, in the prescribed manner, for the issue of an authorization pursuant to subsection (2).

(2) The Minister may, upon considering an application under subsection (1), if he thinks fit and subject to such conditions as he may specify, issue an authorization in writing to the Commission to consider an application for a temporary casino gaming licence from an approved developer or his nominee.

(3) An approved developer or his nominee, in respect of whom an authorization has been issued by the Minister pursuant to subsection (2), may apply to the Commission for the grant of a temporary casino gaming licence.

(4) Subject to the provisions of this section, if the Commission is satisfied that the applicant for a temporary casino gaming licence, and every associate of the applicant, is a fit and proper person to be concerned in or associated with the management and operation of a casino, the Commission may grant to the applicant a temporary casino gaming licence subject to such conditions as the Commission deem necessary.

(5) In determining whether the applicant or any associate of the applicant is a fit and proper person for the purposes of this section, the Commission shall consider, *mutatis mutandis* in respect of the applicant and its associates, the matters specified in section 15(2).

(6) Subject to the provisions of this section, and save and except for sections 15(1)(b), 19(2) and paragraphs 4 and 5 of the Third Schedule, the provisions of this Part and Parts V and VI shall apply to—

Third
Schedule

- (a) a temporary casino gaming licence as they apply to a casino gaming licence granted under section 18;

- (b) a casino operator holding a temporary casino gaming licence as they apply to a casino operator holding a casino gaming licence granted under section 18; and
- (c) the applicant for a temporary casino gaming licence as they apply to an applicant for a licence granted under section 18;

(7) A temporary casino gaming licence shall be for a term not exceeding three years.

(8) Where the Minister has revoked an order made under section 9, any temporary casino gaming licence granted consequent upon such an order shall be deemed to be cancelled from the date of the revocation of the order.

(9) Where a temporary casino gaming licence is granted under this section, the proposed casino operator shall pay, to the Collector of Taxes, a non-refundable advance casino levy, equivalent to the aggregate of gross profit tax as estimated by the Minister for the period of the temporary casino gaming licence.

(10) The advance casino levy payable under subsection (9) shall be paid before the casino operator commences casino operations and the casino operator shall provide proof of payment to the Commission.

(11) The levy imposed under subsection (9) shall—

- (a) be payable to the Collector of Taxes within seven days of the grant of the licence; and
- (b) not be refundable on account of—
 - (i) cessation, lapse, cancellation or revocation of the licence;
 - (ii) the aggregate of actual gross profit tax for the period of the licence being less than the levy; or
 - (iii) any other event or circumstance:

Provided that in the assessment of liability to actual gross profit tax the casino operator shall be entitled, on account of an equivalent amount of such levy paid, to a credit against its liability for actual gross profit tax becoming due, from time to time, during the period the licence is in force.

(12) Where the amount of advance casino levy paid pursuant to subsection (9) is less than the amount for which the casino operator is liable on account of actual gross profit tax, the casino operator shall pay the difference to the Collector of Taxes.

Disciplinary
actions.

27.—(1) In this Part—

“disciplinary action”, in relation to a casino operator, means one or more of the following—

- (a) the issuing to the casino operator of a letter of warning, admonishment, censure or reprimand;
- (b) the revocation or suspension of a casino gaming licence; or
- (c) the variation of the terms of a casino gaming licence;

“grounds for disciplinary action”, in relation to a casino operator, includes any of the following, namely that—

- (a) the casino gaming licence was improperly obtained, since, at the time the licence was granted there were grounds for refusing to grant the licence;
- (b) the casino operator, a person in charge of the casino, an agent of the casino operator or a casino employee has contravened—
 - (i) this Act or any regulations made or directions given hereunder;
 - (ii) any Act or any regulations relating to money laundering or the financing of terrorist activities; or
 - (iii) a term or condition of the casino gaming licence;
- (c) the casino premises are, for specified reasons attributable to the casino operator no longer suitable for the conduct of casino operations;
- (d) the casino operator is, for specified reasons attributable to the casino operator, considered no longer a fit and proper person to hold the

casino gaming licence having regard to the matters set out in section 15(2);

- (e) the casino operator has failed to comply with a direction under section 42(7) within the time referred to in that subsection, to terminate an association with an associate;
- (f) the Commission is satisfied that the licence was obtained as a result of any false or fraudulent representation or in consequence of any incorrect information which is material; or
- (g) there has been a change in the ownership or control of the casino operator, and—
 - (i) the casino operator fails within thirty days of the change, to surrender the casino gaming licence or apply for a continuation of the said licence; or
 - (ii) the Commission refuses an application for continuation of the licence; or
- (h) the annual licence fee is not paid within fourteen days of the due date.

(2) In deciding whether disciplinary action should be taken, or what disciplinary action should be taken, against a casino operator, the Commission shall consider the following—

- (a) whether disciplinary action has previously been taken against the operator;
- (b) the seriousness of the grounds for disciplinary action;
- (c) the likelihood of further disciplinary action needing to be taken against the operator; and
- (d) any other relevant matter.

(3) If the Commission is satisfied that a ground for disciplinary action exists, or may exist, in relation to a casino operator, it shall serve a notice in writing on the casino operator affording the casino operator an opportunity to show cause, within fourteen days of the date of service, why the proposed disciplinary action should not be taken.

(4) The casino operator may, within the fourteen days allowed by the notice in subsection (3), make submissions to the Commission as to why disciplinary action should not be taken, and the Commission shall consider any submission so made.

(5) The Commission may, after considering any such submission, take such disciplinary action as it considers appropriate and shall notify the casino operator in writing of the disciplinary action.

(6) A letter of warning, admonishment, censure or reprimand from the Commission may—

- (a) warn, admonish, censure or reprimand the casino operator in respect of any matter connected with the operations of the casino; and
- (b) include a direction to the casino operator to rectify within a specified time any matter giving rise to the letter of warning, admonishment, censure or reprimand.

(7) Where any direction given under subsection (6) is not complied with within the specified time, the Commission may act in accordance with subsection (5).

(8) A member of the Commission who has participated in the consideration of disciplinary action against a casino operator is not, by that reason alone, prevented from considering whether further disciplinary action should be taken against a casino operator.

Management
of licensed
premises.

28.—(1) Any premises licensed for the purposes of this Act by the Commission shall be managed by the casino operator in accordance with the terms and conditions specified in the licence.

(2) In the case of a breach of any of the terms and conditions in a licence or of any regulations made under this Act the casino operator shall be liable to disciplinary action under section 27.

Refusal of
entry to and
expulsion of
persons from
premises.

29.—(1) Without prejudice to any other right to refuse a person admission to a casino or to expel a person from a casino, the casino operator or any servant or agent of the casino operator may refuse to admit to, or may expel from any casino, any person who is drunk, violent, quarrelsome or disorderly, or whose presence on the casino premises would subject the casino operator or any servant or agent of the casino operator to a penalty under this Act.

(2) Where any person who, by virtue of subsection (1), is liable to be expelled from a casino, and when requested by the casino operator, any servant or agent of the casino operator or any constable to leave the casino premises, fails to leave, the person commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars and in default of payment thereof to imprisonment for a term not exceeding ten days.

(3) Any constable may, at the request of the casino operator or any servant or agent of the casino operator, assist in the expulsion from a casino premises any person who the constable has reasonable cause to believe is liable to be expelled therefrom under subsection (1).

PART V. Personal Licence for Employment in Casino

30.—(1) No person shall be employed in a specified office in a casino unless he is the holder of a personal licence granted under section 31(4) by the Commission.

Restriction
on employ-
ment in
specified
office
without
personal
licence.

(2) A casino operator who employs any person in contravention of subsection (1) commits an offence and shall be liable on conviction on indictment in a Circuit Court to a fine.

31.—(1) Every person who is desirous of being employed in a specified office in a casino shall apply to the Commission in the prescribed manner for a personal licence and the application shall be accompanied by the prescribed application fee.

Application
for personal
licence.

(2) Upon receipt of an application under subsection (1), the Commission may carry out or cause to be carried out such investigations in connection with the application as it considers necessary.

(3) Where the Commission ~~thinks~~ it necessary, it may require an applicant for a personal licence to furnish such additional information or document as it may specify.

(4) The Commission may—

- (a) if it is satisfied that the applicant is a fit and proper person, grant a personal licence; or
- (b) refuse to grant a personal licence on any of the grounds set out in subsection (6).

(5) A personal licence shall be subject to such terms and conditions as may be specified therein.

(6) The Commission may refuse to grant a personal licence—

- (a) where an application contains or is based on a false or misleading representation or information which is false in a material particular;
- (b) where the applicant—
 - (i) is under the age of eighteen years;
 - (ii) is an undischarged bankrupt; or
 - (iii) has been convicted of a specified offence;
- (c) if, in the opinion of the Commission, the applicant is not a fit and proper person to be granted a personal licence.

(7) Where the Commission refuses to grant a personal licence, it shall so inform the applicant in writing.

(8) In determining whether an applicant for personal licence is a fit and proper person, the Commission shall, after taking into account any submissions made by the applicant within the time allowed, make an assessment of the—

- (a) integrity, responsibility, personal background and financial stability of the applicant;
- (b) general reputation of the applicant having regard to his character, honesty and integrity;
- (c) the suitability of the applicant to perform the type of work proposed to be performed by the applicant; and
- (d) any other matter relevant to the application.

(9) A prescribed annual licence fee shall be paid by the holder of a personal licence—

- (a) firstly, within fourteen days after the grant of the personal licence; and
- (b) thereafter, where the licence remains in force, on or before the anniversary of the grant of the licence.

Non-transfer-
ability and
validity of
personal
licence.

32.—(1) A personal licence shall not be transferable and, subject to subsection (2) and section 36, shall be valid for an indefinite period.

(2) Notwithstanding subsection (1)—

- (a) the holder of a personal licence may surrender the licence;

(b) the personal licence shall lapse where—

- (i) the initial annual fee is not paid within thirty days of the grant of the licence or any subsequent annual fee is not paid on or before the anniversary date of the grant of the licence; or
- (ii) the holder of the personal licence dies.

33.—(1) The Commission may, pending a decision concerning an application for a personal licence, grant a provisional personal licence to the applicant. Provisional personal licences.

(2) A provisional personal licence shall be subject to such conditions and restrictions as the Commission may notify to an applicant when it issues the provisional personal licence.

(3) A provisional personal licence may be revoked by the Commission at any time and shall cease to have effect upon the revocation or refusal of the application for a personal licence.

34.—(1) The holder of a personal licence may apply to the Commission in the prescribed form for a variation or amendment of the licence. Variation or amendment of personal licence.

(2) An application under subsection (1) shall be accompanied by the prescribed fee and such additional document or information as the Commission may require.

(3) The Commission may, in relation to an application under subsection (1), vary or amend the personal licence and any conditions specified therein.

35.—(1) The Commission shall review a personal licence where it— Review of personal licence.

- (a) suspects that the holder of the licence has breached a condition of the licence, a provision of this Act or of any regulations made hereunder; or
- (b) considers it appropriate so to do.

(2) The Commission may suspend the licence if in its opinion it is necessary to facilitate a review of the licence or prevent the