

JAMAICA

No. 5 - 2014

I assent,

[L.S.]

Csgd.) P.L. Allen
Governor-General.

8th day of July, 2014

ANACT to Amend the Betting, Gaming and Lotteries Act.

[9th day of July, 2014]

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

1.—(1) This Act may be cited as the Betting, Gaming and Lotteries (Amendment) Act, 2014, and shall be read and construed as one with the Betting, Gaming and Lotteries Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title,
construction
and
commence-
ment.

(2) In this Act, “commencement date” means the date on which this Act comes into operation.

2. The principal Act is amended in the manner specified in the First Schedule.

Amendment
of principal
Act. First
Schedule.

Amendment of
Tax Collection
Act. Second
Schedule.

3. The Tax Collection Act is amended in the manner specified in the Second Schedule.

Transitional.

4. Notwithstanding the provisions of this Act, a person who immediately before the commencement date, was the holder of a licence, permit, approval or authority granted or approved under the principal Act, shall continue to hold such licence, permit, approval or authority, according to the terms thereof, but with such modifications as may be necessary to conform with the principal Act as amended by this Act, for the duration indicated on the licence, permit, approval or authority or for a period of one year where no date of expiration has been indicated.

FIRST SCHEDULE

(Section 2)

Amendment of Betting, Gaming and Lotteries Act

Provisions

Amendments

Section 2

1. In subsection (1) insert in the appropriate alphabetical sequence the following definitions—

“bookmaker’s bet writers licence” means a licence issued by the Commission to any person who receives or negotiates bets on behalf of a licensed bookmaker or licensed bookmaker’s agent;

“licensed lottery agent” means any person granted a licence pursuant to section 49A(1) to negotiate bets as an agent of a lottery promoter;

“lottery prescribed premises” means any premises licensed by the Commission as the head office or regional office of a lottery promoter;

“lottery promoter” means any person granted a licence pursuant to section 49(1) to promote a lottery;

“lottery sales outlet” means any premises, or such other type of location, conveyance or medium as may be approved by the Commission, which is used by a licensed lottery agent to receive or negotiate bets as an agent of a lottery promoter, and which is licensed by the Commission;

“off-track terminal operator’s licence” means a licence issued by the Commission to a person duly authorized by the racing promoter or off-track betting parlour operator, to receive or negotiate bets at an off-track betting parlour;

“prescribed premises worker’s licence” means a licence issued by the Commission to a person employed in any prescribed premises who receives or negotiates bets on gaming

ProvisionsAmendments

machines or who is involved in the operation of the gaming machines on those prescribed premises;

“racing promoter terminal operator’s licence” means a licence issued by the Commission to a person duly authorised by a racing promoter to receive or negotiate bets at a licensed track;

“sports betting outlet” means any premises or such other type of location, conveyance or medium as may be approved by the Commission, for the purposes of conducting the business of sports betting;

“unclaimed winnings” in relation to any bookmaker’s operations means the value of all winnings which have not been claimed for payment at any of the bookmaker’s licensed offices within the time frame stipulated in the Bookmaker’s Standard Operating Procedures approved by the Commission.”.

2. In the definition of—

“ (a) “licensee”, insert immediately after the word “Act”, the words “, and “licensed” shall be construed accordingly”;

(b) “racing promoter”, delete paragraph (b).

Section 7

Delete subsection (1) and substitute therefor the following—

“ (1) A person requiring a licence, permit, approval or authority under this Act shall make an application to the Commission in writing in the prescribed form and manner, which shall be accompanied by the prescribed fee.”.

Section 8

Insert next after the word “prescribed” the words

“including as the payment of fees whether periodically or otherwise during the term of such licence, permit, approval or authority”.

Provisions

Amendments

- Section 14** Insert next after subsection (11) the following as subsection (12)—
- “ (12) Until varied or revoked by an order made under subsection (10), the order contained in the Eighth Schedule shall be in force.”.
- Section 16** In subsection (2)—
- (a) delete the full stop appearing at the end of paragraph (c) and substitute therefor a semicolon; and
- (b) insert next after paragraph (c) the following as paragraph (d)—
- “ (d) where the premises is a sports betting outlet.”.
- Section 17** Insert next after subsection (3) the following as subsection (4)—
- “ (4) This section shall not apply to a person who is—
- (a) effecting a betting transaction at or through a sports betting outlet or lottery sales outlet;
- (b) engaged in a betting transaction with or through a licensed bookmaker operating under an approval granted by the Commission pursuant to paragraph 8(1) of the Second Schedule; or
- (c) engaged in betting transactions effected with or through a racing promoter pursuant to section 25(2)(b).”.
- Section 18** 1. In subsection (1) , delete paragraph (a) and substitute therefor the following—
- “ (a) by a person authorized therefor by subsection (1A) or (1B) and in conformity with the provisions of such subsection and any order made under subsection (1C)”;

Provisions

Amendments

	2. In subsection (4), delete the numeral “(1D)” and substitute therefor the numeral “(1C)”.
Section 20	<p>In subsection (1), delete paragraph (c) and the proviso and substitute therefor the following—</p> <p>“ (c) he is the holder of a betting agency permit, so, however, that, this subsection shall not apply to any person who is the holder of a bookmaker’s permit.”.</p>
New section 20A	<p>1. Renumber sections 20A, 20B and 20C as sections 20B, 20C and 20D.</p> <p>2. Insert next after section 20 the following as section 20A—</p> <p>“Bookmaker’s bet writer’s licence. 20A. —(1) No person shall by way of business receive or negotiate bets on behalf of a licensed bookmaker or licensed bookmaker’s agent unless he—</p> <p>(a) has attained the age of eighteen years;</p> <p>(b) is authorized in that behalf in writing in the prescribed form by that bookmaker or bookmaker’s agent; and</p> <p>(c) is the holder of a bookmaker’s bet writer’s licence.</p> <p>(2) The relevant provisions of Part II shall have effect for the purposes of bookmaker’s bet writer’s licences.</p> <p>(3) Every person who receives or negotiates any bets in contravention of subsection (1) commits an offence and the person receiving or negotiating the bet, the</p>

Provisions

Amendments

bookmaker and the bookmaker's agent shall be individually liable to a fine not exceeding two hundred thousand dollars and in default of payment to a term of imprisonment not exceeding three months.

(4) Every bookmaker who is the holder of a bookmaker's permit shall keep a register in the prescribed form showing every person who is for the time being authorized for the purposes of subsection (1) by that bookmaker, and shall not grant any such authorization without making the appropriate entry in that register.

(5) Any person who holds a licence for the purposes of subsection (1) or who is required by subsection (4) to keep a register, shall, on being required to do so by an authorized person, produce for examination that licence, or, as the case may be, the register, except where there is reasonable cause not to do so.

(6) Every person who acts in contravention of subsection (4) or (5) commits an offence and shall be liable to a fine not exceeding two hundred thousand dollars and in default of payment thereof to a term of imprisonment not exceeding three months.”.

New section
20E

Insert next after section 20D, as renumbered, the following as section 20E—

“Sports
betting
outlets.

20E.—(1) A person shall not operate a sports betting outlet except pursuant to a sports betting outlet licence granted under this section.

[No.]

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

(2) A person, being a licensed bookmaker may apply for a licence to operate a sports betting outlet.

(3) The Commission may in accordance with section 8, grant a sports betting outlet licence on an application under subsection (2).

(4) The relevant provisions of Part II shall have effect for the purposes of a licence under this section.

(5) A person who operates a sports betting outlet in contravention of subsection (1) commits an offence and shall be liable to a fine not exceeding two hundred thousand dollars and in default of payment thereof to a term of imprisonment not exceeding three months.”.

New sections
24B, 24C and
24D.

Insert next after section 24A, the following as sections
24B, 24C and 24D—

“Licensing of
racing
promoter
terminal
operators.

24B. No person shall by way of business receive or negotiate bets on behalf of a racing promoter unless he—

- (a) has attained the age of eighteen years;
- (b) is authorized in that behalf in writing in the prescribed form by that promoter; and
- (c) is the holder of a racing promoter terminal operator’s licence.

Provisions

Amendments

Licensing of
off-track
terminal
operators.

24C. No person shall by way of business receive or negotiate bets on behalf of an off-track betting parlour operator unless he—

- (a) has attained the age of eighteen years;
- (b) is authorized in that behalf in writing in the prescribed form by that off-track betting parlour operator; and
- (c) is the holder of an off-track terminal operator's licence.

Provisions
applicable to
sections 24B
and 24C.

24D.—(1) The relevant provisions of Part II shall have effect for the purposes of a racing promoter terminal operator's licence and an off-track terminal operator's licence.

(2) If any bet is received or negotiated in contravention of section 24B or 24C, then any person receiving or negotiating the bet and the racing promoter or the off-track betting parlour operator, as the case may be, commit an offence.

(3) Every racing promoter or off-track terminal operator shall keep a register in the prescribed form showing every person who is for the time being authorized for the purposes of section 24B or 24C, as the case may be.

(4) Any person who holds a licence for the purpose of section

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

24B or 24C or who is required by subsection (3) to keep a register, shall on being required by an authorized person produce that licence or, as the case may be, the register for examination, except where there is reasonable cause not to do so.

(5) Every person who contravenes the provisions of this section commits an offence and shall be liable to a fine not exceeding two hundred thousand dollars and in default of payment thereof to a term of imprisonment not exceeding three months.”.

Heading to
Part IV

Insert immediately after the word “*purposes*” the words “; *Unclaimed winnings*”.

Section 28

Delete subsection (3) and substitute therefor the following—

“ (3) Any order made pursuant to this section shall be subject to affirmative resolution of the House of Representatives and shall have effect from such date as may be specified therein not being a date earlier than the 1st day of April of the financial year in which the order is made.”.

New section
30A

Insert next after section 30, the following as section 30A—

“Unclaimed
winnings.

30A.—(1) Every person who has been granted a licence under Part III shall pay to, or have paid to, the Commission, in such time and such manner as the Commission may specify in the licence, the value of all unclaimed winnings arising from those sales.

Provisions

Amendments

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable to a fine not exceeding five hundred thousand dollars and in default of payment, to imprisonment for six months.

(3) Without prejudice to any other method of recovery, any amount payable to the Commission under this section may be recovered without limit to the amount, in a Resident Magistrate's Court as a civil debt and the Court may make an order on an application of the Commission."

Section 38	In subsection (1)(a) delete the words "which are" and substitute therefor the words "or such other type of location, conveyance or medium which is".
Section 43	In the definition of "collector", insert immediately after the word "taxes" the words "or, as the case may require, the Assistant Collector of taxes".
Section 43A	<ol style="list-style-type: none">1. Delete subsections (1), (2), (7) and (8).2. Renumber subsections (3), (4), (5) and (6) as subsections (1), (2), (3) and (4).
Section 43B	<ol style="list-style-type: none">1. In subsection (1), delete paragraph (e) and substitute therefor the following— <p style="margin-left: 40px;">“ (e) subject to the provisions of section 46B, to an existing licensee a renewal of licence to operate gaming machines, not being a number in excess of that which the licensee was entitled to operate immediately prior to June 22, 2010.”.</p>2. In subsection (2)(b) delete the numerals "2009" and substitute therefor the numerals "2010".

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

New section
43C

Insert next after section 43B the following as section
43C—

“Provision of
technical
services.

43C.—(1) A person shall not provide technical services in connection with licensed betting, gaming or lottery activities unless he—

- (a) has attained the age of 18 years; and
- (b) is the holder of a licence under this Act authorizing him to do so.

(2) On an application made pursuant to section 7, the Commission may in accordance with section 8 grant a licence to any person to provide technical services in connection with a betting, gaming or lottery activity.

(3) A person who provides or facilitates the provision of technical services in connection with any betting, gaming or lottery activity, without having a licence under subsection (2) authorizing the person to do so, commits an offence and shall be liable to a fine not exceeding one million dollars and in default of payment to imprisonment for a term not exceeding six months.

(4) A licensee who employs or engages any person to provide technical services other than a person who is licensed under subsection (2) commits an offence and shall be liable to a fine not exceeding one million dollars and

Provisions

Amendments

in default of payment, to imprisonment for a term not exceeding six months.

(5) The provisions of section 43A (1), (2), (3) and (4) shall with such modification as may be necessary, apply to a licence granted under this section as they apply to a licence granted under section 43A.

(6) In this section—

“hardware” includes any tangible or physical component designed or adapted for use in connection with any betting, gaming or lottery activity;

“software” includes any computer software designed or adapted for use in connection with any betting, gaming or lottery activity;

“technical services” includes—

- (a) developing, testing, selling, supplying, installing, adapting, configuring, repairing, maintaining, downloading, or providing consulting services in relation to, any

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

PROVISIONS

Amendments

software or hardware for use in connection with any betting, gaming or lottery activity;

(b) manufacturing, testing, selling, supplying, repairing or leasing any gaming machine or component thereof;

(c) processing electronic transactions or providing facilities for the processing of any electronic transaction in connection with any betting, gaming or lottery activity;

(d) providing networking and security facilities for the conduct of any betting, gaming or lottery activity.”.

Section 44

1. Delete subsection (4) and substitute therefor the following—

“ (4) With effect from the 1st day of April 2013, and thereafter on the 1st day of April in

Provisions

Amendments

every year, a person who is the owner or operator of a prescribed premises shall pay to the—

- (a) Collector of Taxes, an annual levy of two thousand five hundred dollars;
- (b) Commission, an annual contribution of one thousand dollars,

in respect of each prescribed premises that the person owns or operates.”.

2. Delete subsection (5) and substitute therefor the following as subsection (5)—

“ (5) The Minister may, by order, subject to affirmative resolution of the House of Representatives, reduce or increase any levy or contribution payable under subsection (4); and the order shall have effect from such date as may be specified therein not being a date earlier than the 1st day of April of the financial year in which the order is made.”.

Section 44A

1. Insert the following as subsections (2B), (2C) and (2D)—

“ (2B) No person shall be employed at any prescribed premises to receive or negotiate bets on gaming machines or to be involved in the operation of gaming machines unless he—

- (a) has attained the age of eighteen years;
- (b) is authorized in that behalf in writing in the prescribed form by the operator of the gaming machines; and
- (c) is the holder of a prescribed premises worker's licence.

(2C) Every person who is desirous of being employed at a prescribed premises in activities referred to in subsection (2B) shall apply to the Commission in accordance with Part II of this Act for a prescribed premises worker's licence.

Provisions

Amendments

(2D) An operator of a gaming machine who employs any person in contravention of subsection (2B) commits an offence and shall be liable to a fine not exceeding two hundred thousand dollars and in default of payment thereof to a term of imprisonment not exceeding three months.”.

2. In subsection (4)—

(a) delete paragraphs (a), (b) and (c) and substitute therefor the following—

“ (a) subject to subsection (5), with effect from the 1st day of April 2013, and thereafter on the 1st day of April in every year, to the Collector of Taxes if the machines are manufactured within Jamaica, an annual levy of five thousand dollars in respect of each such machine he operates during the licence period;

(b) with effect from the 1st day of April 2013, to the Collector of Taxes by the 7th day of each month—

(i) if he operates a machine manufactured outside of Jamaica, a levy of six and one half percent of the gross profits from the operation of the machines during the previous month;

(ii) if the machines are operated at an approved racecourse or licensed track, a levy of six and one half per cent of the

Provisions

Amendments

gross profits from the operation of the machines during the previous month;

(c) to the Commission—

(i) on the making of the application, a fee of four thousand dollars or such other amount that may be prescribed, in relation to the operation of any machines as described in paragraphs (a) and (b);

(ii) with effect from the 1st day of April 2013, by the 7th day of each month, a contribution of two and one half per cent of the gross profits in relation to the operation during the previous month of machines as described in paragraph (b); and”;

(b) in paragraph (d), insert immediately after the words “the Fund,” the words “by the 7th day of each month”.

3. In paragraphs (a), (b), (c) and (d) of subsection (5) delete the words “licence fee” wherever they appear and substitute therefor, in each case, the word “levy”.

4. Insert next after subsection (5) the following as subsection (5A)—

” (5A) The operator of a gaming machine who pays the percentage of gross profits required as a levy or contribution, as the case may be, under subsection (4)(b), (c)(ii) and (d) after the due date

Provisions

Amendments

on the 7th day of each month, shall pay in addition to the outstanding levy or contribution—

- (a) fifteen per cent of the levy or contributions, if the levy or contributions is paid not later than ninety days after the due date;
- (b) thirty per cent of the levy or contributions, if the levy or contribution is paid after ninety days but not later than one hundred and eighty days after the due date;
- (c) forty-five per cent of the levy or contribution, if the levy or contributions is paid after one hundred and eighty days but not later than two hundred and seventy days after the due date; or
- (d) sixty per cent of the levy or contribution, if the levy or contributions is paid later than two hundred and seventy days after the due date.”.

5. In subsection (7), insert immediately after the word and numeral “subsection (4)” the words “and the order shall have effect from such date as may be specified therein not being a date earlier than the 1st day of April of the financial year in which the order is made.”.

6. Renumber subsection (9) as subsection (11) and insert therefor the following as subsections (9) and (10)—

“ (9) Where a licence under this Act is granted to a partnership and there is any change in the individual partners or in the name of the partnership, the partnership shall, within seven days of the change—

- (a) return the licence to the Commission;
- (b) make an application for a new licence, and the provisions in this

Provisions

Amendments

Act relating to the application and grant of such licence shall apply.

(10) In subsections (1) and (2) “operate”, in relation to a gaming machine, means the owner or lessor of the gaming machine operating the machine.”.

New section 44G Insert next after section 44F the following as section 44G—

“Provision of technical services. 44G.—(1) A gaming lounge operator shall not, with respect to any gaming machines, decommission, recommission or facilitate repairs or permit any other person to so do without first—

- (a) obtaining the written approval of the Commission; and
- (b) paying the prescribed fee.”.

Section 46

1. In subsection (1), insert immediately after the numerals “44E (2)” the numerals “, 44G”.

2. In subsection (4), insert immediately after the word “destruction” the words “or forfeiture”.

3. Delete subsection (5) and substitute therefor the following—

“ (5) Where there is a reasonable suspicion that the gaming machine is being used in contravention of any provision of this Act, a constable may seize and detain any gaming machine or any component thereof and any other articles used in connection therewith; and the owner or operator of the gaming machines shall be liable for the costs of seizure and detention of the said gaming machines or components thereof and any such machine component or other article, so seized, may by order of the

Provisions

Amendments

Court, in accordance with subsection (4) or if there is no conviction, be forfeited pursuant to section 46A, as the case may require.”.

Section 46B

Delete the section and substitute therefor the following—

“Gaming
lounges.

46B.—(1) The operator of a gaming lounge who was an existing licensee on June 22, 2010, may make an application to the Commission to increase the number of gaming machines stated in his licence to a number not exceeding two hundred and twenty-five gaming machines.

(2) The operator of a gaming lounge to whom subsection (1) applies, may make the application under subsection (1) no later than March 31, 2019.

(3) The Commission may, after considering an application under subsection (1) and in accordance with section 8, grant a licence to a number not exceeding two hundred and twenty-five gaming machines.

(4) Any licence to operate a gaming lounge, other than a licence referred to in subsection (3), shall be for a number of gaming machines of not less than twenty and not more than one hundred and fifty.

(5) In this section—

“existing licensee” means a person who prior to June 22, 2010, was the holder of a licence issued by the

Provisions

Amendments

Commission for the operation of not less than twenty gaming machines and who after June 22, 2010, became and has continued to be the holder of a gaming lounge licence;

"gaming lounge" means any prescribed premises which has been approved as a gaming lounge by the Commission—

- (a) on which not less than twenty gaming machines are operated;
- (b) w h e r e entertainment, food and drink are provided to the public; and
- (c) in which persons may place wagers on races and other events approved under this Act, inclusive of the purchasing of tickets on l o t t e r i e s licensed under this Act."

Section 49

In subsection (4), delete the words "such percentage of gross profits" and substitute therefor the words "percentages of gross profits and the value of unclaimed prizes arising from those sales, as the Commission may respectively specify in the licence".

Provisions

Amendments

New sections 49B and 49C Insert next after section 49A, the following as sections 49B and 49C—

“Licensing of lottery prescribed premises. 49B.—(1) The Commission may, in accordance with Part II grant a licence (herein referred to as a “lottery prescribed premises licence”) in respect of premises to be used as a regional office or head office of a lottery promoter.

(2) Every licensed lottery promoter who breaches any of the terms and conditions specified in the licence granted to that promoter commits an offence and shall be liable to a fine not exceeding two hundred thousand dollars and in default of payment thereof to a term of imprisonment not exceeding three months.

Lottery sales outlet licence. 49C.—(1) Any premises or other type of location, conveyance or medium as may be approved by the Commission, which is used for the purposes of receiving and negotiating bets by a licensed lottery agent, shall be licensed by the Commission in accordance with Part II of this Act.

(2) Any licensed lottery agent who uses or knowingly permits any premises or other type of location, conveyance or medium to be used in contravention of subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand dollars and in default of payment thereof to imprisonment for a term not exceeding three months.”

Provisions

Amendments

Section 59A

1. Delete subsections (2) and (3) and substitute therefor the following as subsections (2) and (3)—

“ (2) The lottery tax payable shall be an amount representing—

(a) in the case of a declared lottery, twenty-five *per cent* of the gross weekly revenue derived from sales of lottery tickets in any week, in connection with that declared lottery;

(b) in the case of a daily numbers game or an instant lottery, twenty *per cent* of the gross weekly revenue derived from promotion of that daily numbers game or instant lottery in any week.

(3) The Minister may by order subject to affirmative resolution of the House of Representatives reduce, increase or alter the rate of the lottery tax and the order shall have effect from such date as may be specified, not being a date earlier than the 1st day of April of the financial year in which the order was made.”

2. In subsection (4), delete the words “gross profit” and substitute therefor the words “gross revenue”.

Section 60

In subsection (2), delete the numerals “20A, 38, 46, 48” and substitute therefor the numerals “20, 20A, 20B, 20C, 20D, 20E, 24B, 24C, 38, 43, 43A, 43C, 44, 46, 48, 49A, 49B, 49C.”

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

Seventh
Schedule

Delete the Seventh Schedule and substitute therefor the following as the Seventh Schedule—

“ SEVENTH SCHEDULE (Section 14)
Fixed Penalties

Column 1	Column 2	Column 3
Provisions	Offence	Fixed Penalty \$

*The Betting Gaming
and Lotteries Act*

Sections

8A (1)	Failure to place current licence, permit, approval or authority in a conspicuous place on the premises	200,000
8B(2)	Obstructing authorized person or constable in the exercise of his function	200,000
8C	Failure to produce licence, permit approval, or authority to authorized person	100,000
8E(2)	Failure to manage licensed premises in accordance with terms and conditions specified in licence permit approval or authority	300,000
8E(3)	Breaking or removing seal or other device affixed to a gaming machine or other equipment without the consent of the Commission	100,000
20A(1)	Receiving or negotiating bets on behalf of a licensed book-maker's agent without a bet writer's licence	150,000

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
Sections		
20A(4)	Allowing an unlicensed person to act as a bet writer	150,000
20A (5)	Failure to keep register of all authorized bet writers	150,000
20B	Carrying on pool betting or book making without being authorized or licensed	500,000
20C	Permitting a minor to bet, negotiate or participate in any betting, gaming or lottery activity or to be in a room where gaming machines are located	500,000
20D(6)	Operating a betting lounge without a valid licence	250,000
20E(5)	Operating sports without a valid licence	150,000
22(1)	Failure to manage licensed betting office in accordance with terms and conditions of licence or with Second Schedule	300,000
24A(2)	Failure of agent to obtain off track betting parlour operator's licence; or failure of person to be authorized as agent by racing promoter; or agent is under 18 years old	250,000
24D	(a) Receiving or negotiating bets contrary to section	150,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

ProvisionsAmendments

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
24D	(b) Receiving or negotiating bets contrary to section 24C;	150,000
24D(5)	(a) Failure to keep register in accordance with section 24D(3);	150,000
	(b) Failure to produce licence or register in accordance with section 24D(4)	150,000
25(4)	Operating a totalizator contrary to section 25(2)	300,000
30A(2)	Failure to pay unclaimed winnings	375,000
32(4)	(a) Failure to pay pool betting duty payable;	250,000
	(b) Failure to keep such books, records and account as prescribed, or to permit any officer authorized by the Commissioner of Inland Revenue to inspect and take copies of any books, records, accounts or documents used for the purpose of the business;	250,000

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
	(c) Obstructing any officer in the exercise of his functions in relations to pool betting duty;	250,000
	(d) Making false statement with intent to deceive or making use of any book, account, record, return or other documents which is false; or	250,000
	(e) Being knowingly concerned in or taking steps with a view to fraudulent evasion of pool betting duty	250,000
38(2)	Taking part in unlawful gaming or being present in any such gaming	500,000
38(3)	Allowing or letting or otherwise making premises available contrary to section 38(3)	1,000,000
43C(3)	Providing or facilitating the provision of technical services in connection with any betting, gaming or lottery activity without a licence	750,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

PROVISIONS

<u>Amendments</u>		
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
43C(4)	Employing or engaging an unlicensed person to provide technical services	750,000
44(2)	Operating an unlicensed gaming machine on prescribed premises	750,000
44(3)	Operating prescribed premises in breach of terms and conditions specified in licence	250,000
44A	Operating gaming machines without being licensed	250,000
44A(2D)	Employing a person at a prescribed premise in contravention of section 44A(2B)	200,000
44E(2)	Failure to operate the number of machines specified in the licence, without prior approval by the Commission	250,000
49A	Failure to obtain lottery agent's licence or operating as lottery agent while ineligible	250,000
49B(2)	Breaching any terms or conditions of lottery prescribed premises licence	175,000
49C(2)	Operating lottery sales outlet without a licence	175,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

[No.]

29

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
58(4)	Failure of authorized person to conduct prize competition in accordance with terms imposed by the Commission	250,000
61	Any other offence under this Act or regulations thereunder for which no penalty is provided elsewhere in this Act	300,000

*The Betting, Gaming
and Lotteries (Sports
Betting Tax)
Regulations, 2014*

Regulation

4(4)	Failure to comply with any of the provisions of regulation 4	375,000
5(3)	Failure to comply with any of the provisions of regulation 5	375,000

*The Betting, Gaming
and Lotteries
(Telephone Betting)
Regulations, 2014*

Regulation

8(2)	Unauthorized access to data or records <i>etc.</i> , stored on the approved control system	300,000
9	Failure to keep and maintain records	300,000
10	Failure to maintain satisfactory records	250,000
11	Failure to register player and establish player account	300,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

PROVISIONS

AMENDMENTS

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
13	Failure to keep player's register and failure to keep its content confidential	300,000
14	Failure to comply with the requirements of a request for information from the Commission	500,000
15	Failure to establish a player's account	300,000
16	Accepting bets from players' account with insufficient funds	300,000
17	Failure to remit funds in player's account on request	500,000
19	Using funds in player's account outside the prescribed scope	500,000
20	Failure to remit balance in dormant or inactive accounts to player	500,000
21	Conducting telephone betting without authorization from the Commission	500,000
22	Permitting unregistered players to participate in telephone betting and participating in telephone betting without being registered	300,000
23	Establishing and maintaining multiple accounts for one player	300,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

[No.]

31

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
24	Player not allowed to place bet on behalf of or as an agent of another person	300,000
25	Knowingly allowing a minor to participate in telephone betting	300,000
26	Failure to keep an account with a financial institution specifically for transactions related to telephone betting	500,000
27	Failure to keep proper accounting records, prepare financial statements and provide the Commission with such records and statements within 14 days of request	500,000
28	Failure to provide the Commission with a report of the operations and providing false, misleading and incomplete information in a material particular	500,000
29	Failure to have books of accounts and financial statements audited at the end of the financial year	400,000
30	Failure to follow protocol on receiving telephone calls in Part III of the First Schedule	500,000
31	Failure to establish regulatory controls, procedures, etc., for preventing and detecting money laundering	500,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
32	Failure to provide employees with training to detect money laundering	500,000
33	Failure to maintain adequate identification verification procedures	500,000
36	Disclosing the identity <i>etc.</i> , of players without authorization	300,000
37	Failure to obtain evidence of a player's identification and to keep proper records of players identification	300,000

New Eighth
Schedule.

Insert next after the Seventh Schedule the following
as the Eighth Schedule—

“ EIGHTH SCHEDULE (Section 14)

THE BETTING, GAMING AND LOTTERIES ACT

The Betting, Gaming and Lotteries (Payment of
Fixed Penalty) Order, 2014

1. This Order may be cited as the Betting, Gaming and Lotteries (Payment of Fixed Penalty) Order, 2014.

2. In this Order, “approved payment centre” means any office of a Collector of Taxes designated under the Tax Collection Act.

3.—(1) The Notice, in relation to the payment of a
Schedule. fixed penalty, shall be in the form set out in the Schedule.

Provisions

Amendments

(2) The Notice referred to in sub-paragraph (1) shall be served in quadruplicate, and the person on whom it is served shall—

- (a) retain the original copy;
- (b) endorse the acknowledgement of service section on one copy and return the endorsed copy forthwith to the Commission;
- (c) upon payment of the fixed penalty to the Collector of Taxes.

(3) The Collector of Taxes shall upon receipt of payment of the fixed penalty endorse the copies and shall return them to the person, who shall forthwith deliver an endorsed copy, or cause such copy to be delivered, to the Commission.

4.—(1) The Collector of Taxes to whom the fixed penalty is paid shall inform the Commission of such payment within such time as may be specified in the memorandum of understanding or agreement specified in sub-paragraph (2).

(2) The notification of the payment of fixed penalty shall be in such form as may be specified under any memorandum of understanding or agreement between the Commission and the Collector of Taxes.

5.—(1) The Collector of Taxes to whom a fixed penalty is paid shall remit sixty per cent of the said payment to the Commission within such time as may be specified in the memorandum of understanding or agreement specified in sub-paragraph (2).

(2) The form and manner in which such monies shall be remitted to the Commission may be specified under any agreement or memorandum of understanding between the Commission and the Collector of Taxes.

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

SCHEDULE

(Paragraph 3)

THE BETTING, GAMING AND LOTTERIES ACT

The Betting, Gaming and Lotteries (Payment of
Fixed Penalty) Order, 2014

Fixed Penalty Notice

*(Pursuant to Section 14(2) and the Seventh Schedule
of the Betting, Gaming and Lotteries Act)*

DATE: _____ TIME: _____ NOTICE #: _____

NAME: _____

HOME ADDRESS: _____

TELEPHONE: _____

DATE OF BIRTH: _____

I.D./LICENCE #: _____

LOCATION OF OFFENCE: _____

You are charged with breach of section _____ of
(insert section)

the Betting, Gaming and Lotteries Act ("the Act"),
namely the offence of _____
(insert description of offence)

(insert particulars of offence specified in the

offence schedule necessary for giving reasonable information of the

person charged including date of commission, etc.)

Provisions

Amendments

THIS NOTICE DOES NOT REQUIRE A COURT APPEARANCE IF THE FIXED PENALTY OF

_____ *(Amount in words)*

(\$ _____) IS PAID TO A COLLECTOR OF TAXES NOT LATER THAN the _____ day of _____, 20_____, AND you have complied with the requirement in respect of which the offence was committed before the said date.

This Notice along with payment of the fixed penalty hereunder should be submitted to an Approved Payment Centre located at a Collector of Taxes.

By virtue of section 14(2) of the Act, proceedings shall not be taken against you in respect of the Offence until the expiry of [15 days _____] from the
(or insert longer period)

date of this Notice.

THIS NOTICE REQUIRES A COURT APPEARANCE AS INDICATED BELOW:—

COURT TIME:

COURT DATE:

COURTHOUSE TO ATTEND:

AUTHORIZED PERSON OR POLICE OFFICER

NAME: _____

RANK: _____

Provisions

Amendments

COMPUTER NUMBER: _____

STATION CODE: _____

Acknowledgement of Service

I, _____ have read and understood this Fixed
(Offender's Name)

Penalty Notice.

Defenders Signature: _____

Date: _____

Authorized Persons Signature: _____

Date: _____

Authorized Person's I.D. _____

Division: _____

Website: www.bglc.gov.jm or penalty@bglc.gov.jm

FIXED PENALTY OFFENCES

Provisions

Amendments

Column 1

Column 2

Column 3

*The Betting,
Gaming and
Lotteries Act*

Section

8A(1)	Failure to place current licence, permit, approval or authority in a conspicuous place on the premises	200,000
8B(2)	For obstructing authorized persons or constable in exercise of his function	200,000
8C	Failure to produce licence, permit, approval or authority to authorized person	100,000
8E(2)	Failure to manage licensed premises in accordance with terms and conditions specified in licence permit approval or authority	300,000
8E(3)	To break or remove seal or other device affixed to a gaming machine or other equipment without the consent of the Commission	100,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
20A(1)	Receiving or negotiating bets on behalf of a licensed book maker's agent without a bet writer's licence	150,000
20A(4)	Allowing an unlicensed person to act as a bet writer	150,000
20A(5)	Failing to keep register of all authorized bet writer	150,000
20B	Carrying on pool betting or book making without being authorized or licensed	500,000
20C	Permitting a minor to bet, negotiate or participate in any betting, gaming or lottery activity or to be in a room where gaming machines are located	500,000
20D(6)	Operating a betting lounge without a valid licence	250,000
20E(5)	Operating sports betting outlet without a valid licence	150,000
22(1)	Failure to manage licensed betting office in accordance with terms and conditions of licence or with Second Schedule	300,000
24A(2)	Failure of agent to obtain off track betting parlour operator's licence; or failure of person to be authorized as agent by racing promoter; or agent is under 18 years old	250,000

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
24D	(a) Receiving or negotiating bets contrary to section 24B	150,000
	(b) Receiving or negotiating bets contrary to section 24C	150,000
24D(5)	(a) Failure to keep register in accordance with section 24D(3)	1 50,000
	(b) Failure to produce licence or register in accordance with section 24D(4)	150,000
25(4)	Operating a totalizator contrary to section 25(2)	300,000
30A(2)	Failure to pay unclaimed winnings	375,000
32(4)	(a) Failure to pay pool betting duty payable;	250,000
	(b) Failure to keep such books, records and account as prescribed, or to permit any officer authorized by the Commissioner of Inland Revenue to inspect and take	250,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
	copies of any books, records, accounts or documents used for the purpose of the business;	
	(c) Obstructing any officer in the exercise of his functions in relations to pool betting duty;	250,000
	(d) Making false state- ment with intent to deceive or making use of any book, account, record, return or other documents which is false; or	250,000
	(e) Being knowingly concerned in or taking steps with a view to fraudulent evasion of pool betting duty	250,000
38(2)	Taking part in unlawful gaming or being present in any such gaming	500,000
38(3)	Allowing or letting or otherwise making premises available contrary to section 3(2)	1,000,000
43C(3)	Providing or facilitating the provision of technical services in connection with any betting, gaming or lottery activity without a licence	750,000

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
43C(4)	Employing or engaging an unlicensed person to provide technical services	750,000
44(2)	Operating an unlicensed gaming machine on prescribed premises	750,000
44(3)	Operating prescribed premises in breach of terms and conditions specified in licence	250,000
44A	Operating gaming machines without being licensed	250,000
44A(2D)	Employing a person at a prescribed premises in contravention of section 44A(2B)	200,000
44E(2)	Failure to operate the number of machines specified in the licence, without prior approval by the Commission	250,000
49A	Failure to obtain lottery agent's licence or operating as lottery agent while ineligible	250,000
49B(2)	Breaching any terms or conditions of lottery prescribed premises licence	175,000
49C(2)	Operating lottery sales outlet without a licence	175,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
58(4)	Failure of authorized person to conduct prize competition in accordance with terms imposed by the Commission	250,000
61	Any other offence under this Act or regulations thereunder for which no penalty is provided elsewhere in this Act	300,000
<i>The Betting, Gaming and Lotteries (Sports Betting Tax) Regulations, 2014</i>		
5(3)	Failure to comply with any of the provisions of regulation 5	375,000
<i>The Betting, Gaming and Lotteries (Telephone Betting) Regulations 2014</i>		
Regulation		
8(2)	Unauthorized access to data or records <i>etc.</i> , stored on the approved control system	300,000
9	Failure to keep and maintain records	300,000
10	Failure to maintain satisfactory records	250,000

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
11	Failure to register player and establish player account	300,000
13	Failure to keep player's register and failure to keep its content confidential	300,000
14	Failure to comply with the requirements of a request for information from the Commission	500,000
15	Failure to establish a player's account	300,000
16	Accepting bets from players' account with insufficient funds	300,000
17	Failure to remit funds in player's account on request	500,000
19	Using funds in player's account outside the prescribed scope	500,000
20	Failure to remit balance in dormant or inactive accounts to player	500,000
21	Conducting telephone betting without authorization from the Commission	500,000
22	Permitting unregistered players to participate in telephone betting and participating in telephone betting without being registered	300,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

PROVISIONS

Amendments

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
23	Establishing and maintaining multiple accounts for one player	300,000
24	Player not allowed to place bet on behalf of or as an agent of another person	300,000
25	Knowingly allowing a minor to participate in telephone betting	300,000
26	Failure to keep an account with a financial institution specifically for transactions related to telephone betting	500,000
27	Failure to keep proper accounting records, prepare financial statements and provide the Commission with such records and statements within 14 days of request	500,000
28	Failure to provide the Commission with a report of the operations and providing false, misleading and incomplete information in a material particular	500,000
29	Failure to have books of accounts and financial statements audited at the end of the financial year	400,000
30	Failure to follow protocol on receiving telephone calls in Part III of the First Schedule	500,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

[No.]

45

<u>Provisions</u>	<u>Amendments</u>	
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Provisions</u>	<u>Offence</u>	<u>Fixed Penalty \$</u>
31	Failure to establish regulatory controls, procedures, etc., for preventing and detecting money laundering	500,000
32	Failure to provide employees with training to detect money laundering	500,000
33	Failure to maintain adequate identification verification procedures	500,000
36	Disclosing the identity etc., of players without authorization	300,000
37	Failure to obtain evidence of a player's identification and to keep proper records of players identification	300,000

*The Betting, Gaming and Lotteries
(Amendment) Act, 2014*

Provisions

Amendments

OFFICIAL USE ONLY	
COMPLAINT (Court's Copy)	(SERIAL NO. AND BAR CODE)
OFFENCE NOTICE NO.	

SECOND SCHEDULE

(Section 3)

Amendment of Tax Collection Act

Provisions

Amendment

Section 3

1. Renumber section 3 as subsection (1) of the section.

2. Insert next after subsection (1) as renumbered, the following as subsection (2)—

“ (2) The Commissioner General of Tax Administration Jamaica appointed under the Tax Administration Jamaica Act shall, in addition to the status and powers conferred upon him under that Act, be treated as a Collector of Taxes with all of the powers conferred as if appointed as such under subsection (1) and any person assigned as an assistant to the Commissioner General for the purposes of tax collection, shall be treated as an Assistant Collector of Taxes for the purposes of this Act.”.

Passed in the House of Representatives this 27th day of May, 2014 with two (2) amendments.

MICHAEL A. PEART
Speaker

Passed in the Senate this 6th day of June, 2014.

FLOYD E. MORRIS
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

H. E. COOKE
(Sgd.) Clerk to the Houses of Parliament.

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