



# **BGLA AMENDMENTS**

## **HANDBOOK**

### **2<sup>nd</sup> Edition**

Prepared by:  
The Betting, Gaming & Lotteries Commission  
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## NOTE TO USERS:

This Handbook is intended for licensees and stakeholders who are already familiar with the Betting, Gaming and Lotteries Act (BGLA) as it was before the Betting, Gaming and Lotteries (Amendment) Act 2010 and subsequent Amendments were passed, and who wish to become familiar with the Amendments to the BGLA between 2010 and October 2014 inclusive. This document will be updated periodically as more Amendments are passed.

You may also access additional information or publications on our website, [www.bglc.gov.jm](http://www.bglc.gov.jm) including:

- the Betting Gaming and Lotteries (Amended) Act (BGLA);
- BGLA Amendments Handbook;
- A Quick Guide to BGLC Fees and Penalties, GOJ Taxes and CHASE Fund Contributions for Gaming Industry Licensees
- the Proceeds of Crime Act (POCA);
- BGLC Annual Reports and other important statistics;
- Licence application forms, terms and conditions;
- Answers to Frequently Asked Questions; and
- Public Advisories.

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# CHAPTER 1: INTRODUCTION

The Amendments to the Betting, Gaming and Lotteries Act (BGLA) which came into effect on June 22, 2010, were several years in the making. These Amendments heralded a new era for Jamaica's Gaming Industry as a whole, affecting the sectors within the industry: Betting, Gaming, Lotteries licensing and also Prize Competition approval. Subsequent Amendments were made, which are also captured here. Additional Amendments are expected to come in force in the near future.

These Amendments were made for a number of reasons. Firstly, the BGLA was outdated, having not been comprehensively amended since 1975. The technology for gaming has developed dramatically since the Act was formulated and continues to do so at a rapid pace, therefore an overhaul of the BGLA was needed to bring the law in step with the possibilities and industry offerings of the 21<sup>st</sup> century as well as to meet global best practices. Further, the international standards of gaming operation, regulation and monitoring have evolved greatly over the past 39 years.

Negative changes have evolved in world-wide economies, such as money laundering and the financing of terrorism. Much more emphasis is therefore placed on ensuring that applicants are fit and proper to conduct gaming activities. In addition, every effort is being made to prevent minors from engaging in gaming activities, including significant sanctions being applied for encouraging or facilitating gambling by minors. The 2010 Amendments to the BGLA paved the way for the expansion of the local Gaming Industry to include internationally acceptable types of games and cutting edge ways that games may be played. Technology has opened up the playing field for gaming and affords every adult the opportunity to participate by more convenient means.

Consequently, the amended BGLA brings with it new Regulations to accommodate these developments in the international Gaming Industry and address technical issues as well. This includes more effective monitoring and control of licensees and punters in order to prevent fraudulent and other illegal activities. Additionally, the Amendments allow the BGLC to further extend our due diligence research into persons connected to applicants and licensees. Premises licensees now have a legal responsibility to ensure that all gaming machines in their premises are licensed. Amendments to applicable taxes and BGLC fees have also been made.

Today, we embrace a new vision for modern, well controlled gaming in our nation by adopting and implementing international best practices in the Gaming Industry.

This handbook is broken down into six chapters:

- 1. Industry-Wide Changes**
- 2. Fees, Penalties and Taxes**
- 3. Betting Sector**
- 4. Gaming Sector**
- 5. Lotteries Sector**
- 6. Prize Competitions**

Users of this Handbook may review select chapters pertaining to specific areas of interest, or review the Handbook in its entirety. In an effort to facilitate readers who are already fully familiar with the BGLA prior to the Amendments and who simply wish to know what is new, we begin each chapter with the new or amended laws – i.e. the Amendments that pertain to the relevant sector.

For further information or clarification, please visit the Betting, Gaming and Lotteries Commission website at [www.bglc.gov.jm](http://www.bglc.gov.jm) or email us at [info@bglc.gov.jm](mailto:info@bglc.gov.jm).

# GLOSSARY OF TERMS

(BGLA Part I (2) and Amendments s.2 1.)

This section provides definitions for words, terms and phrases that were introduced to the Gaming Industry along with the Amendments as well as terminology for which the definitions have undergone new exclusions or inclusions as a result of the Amendments. We have also included terms that need reiteration to the public.

## New Industry Wide Definitions

1. **Connected Person** – connected in regard to the relationship between any person and a licensee and an applicant. This means that the person is either:
  - a holding company or subsidiary of the licensee;
  - a subsidiary of a holding company of the licensee;
  - any company in which the licensee has control, any company in which the licensee and the persons treated as connected with the licensee by virtue of any other paragraph of this definition together have control;
  - an individual who is a director, manager, a person in control of a licensee, any partner or immediate relative of such director, manager or person as aforesaid or a company of which any of the persons is a director, manager or has control.
2. **Electronic Betting** – betting using a telecommunications network involving telephone line, Internet, mobile phone or other means approved by the Commission.
3. **Electronic Ticket** – a paperless electronic document used for the acknowledgement of a stake or bet made under this Act which takes the place of paper tickets and can be purchased electronically.
4. **Licensee** – any person who is the holder of a licence, permit, approval or authority granted by the BGLC under this Act.
5. **Live Television Broadcasts** – television broadcasts of races conducted in Jamaica or overseas which are transmitted simultaneously with the running of those races.
6. **Minor** – a person under the age of eighteen years.
7. **Online Betting** – betting by electronic means including any form of betting via telephone or the Internet or such other online communication system approved by the Commission.

8. **Prescribed Premises** – (a) any premises licensed under the Licences on Trade and Business Act or the Spirit Licence Act, as the case may be; (b) any club which is registered under the Registration of Clubs Act; (c) any premises licensed as a hotel under the Tourist Board Act, not being part of the precincts of a hotel which is part of an approved integrated resort development pursuant to the Casino Gaming Act; (d) a betting lounge; (e) a gaming lounge; or (f) any other premises approved by the Commission.
9. **Sports Betting** – the making of a wager on the outcome of a sporting event.
10. **Telephone Betting** - means electronic betting in which a telecommunications network or system is used to effect bets by voice or text messages via either a fixed telephone line or mobile phone, respectively, **or such other means approved by the Commission** utilizing a telecommunications network.
11. **Text Betting** - placing a bet by text messages using a telecommunications network transmitted using mobile phones, pagers or other devices, such messages to be sent through a messaging service approved by the Commission, **which includes but is not limited to** short message service (SMS).
12. **Unlawful Gaming** – gaming carried out on unlicensed premises; or by an unlicensed promoter; or by a minor.

## **New Betting Sector Definitions**

1. **Betting Lounge** – constitutes premises with 19 or less gaming machines. Sports and race bets, lotteries, simulcasts and general entertainment are also conducted.
2. **Licensed Betting Office** – premises in which approved betting operations are conducted with a valid betting office licence.
3. **Non-Promoter Pool Betting** – a licensed operator of a pool betting business other than pool betting on horse races or greyhound races and such betting must take place using a totalisator or a racecourse in a country other than Jamaica which is approved by the BGLC for the purposes of Section 18 of the BGLA.
4. **Off-Track Betting Parlour** – premises in which a racing promoter or his accredited agent is authorized to carry on pool betting business.
5. **Racing Promoter** – a person who is licensed to operate a race track and to engage in pool betting on horses and other species of animal and on sports. The track may be licensed as a prescribed premises for the operation of up to 500 gaming machines, either on the track itself or on up to four other prescribed premises.

6. **Sports Betting Outlet** – is now defined to mean ‘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.
  - a. Enables operators to tap into the large sports betting market in Jamaica;
  - b. Non brick and mortar entities
  - c. Mobile Units
  - d. Legal operators can compete with illegal operators and thereby encourage them to come within the legal framework

### **New Gaming Sector Definitions**

1. **Exclusive Geographical Area (EGA)** – an area specified in an order within which the Casino Gaming Commission shall not grant a Casino Gaming Licence to a person other than an approved developer, or his nominee during a specified exclusivity period. The Exclusive Geographic Area is likely to include the parishes of St. James, Trelawny and Hanover. Pursuant to Ministerial policy direction dated November 14, 2012, the Commission shall not grant any new licences to operate more than 5 machines in these parishes.
2. **Exclusivity Period** – period specified in an order for which the Casino Gaming Commission shall not, within the relevant geographical area, grant a Casino Gaming Licence to a person other than the approved developer or his nominee. The Exclusivity Period is for 12 years after the first approval by the Minister of an integrated resort development (Casino Gaming Act section 9. (5). During the exclusivity period, the Commission will not issue a license to operate a gaming machine on any premises within the exclusive geographical area. The Commission may however grant-
  - (a) A license to operate one gaming machine for every 10 rooms but should not exceed the maximum amount of gaming machines allowed, as specified in the license.
  - (b) A license to a premises licensed under the Trade and Business Act or the Spirit License Act, the permission not to operate more than 5 gaming machines.
  - (c) A license to an off-track betting parlour to operate not more than 5 gaming machines.
  - (d) In respect of a licensed betting office, a license to not operate more than 2 gaming machines.
  - (e) A renewal of a license to a licensee to operate the same amount/number of gaming machines which they (the licensee) were entitled to operate prior to June 22, 2010.

3. **Gaming Lounge** – any prescribed premises approved by the Commission, on which:
  - no less than 20 and no more than 150 gaming machines are operated, as per the amended definition of a gaming machine, counting every seat or playing station as a machine;
  - entertainment, food and drink are provided to the public; and
  - persons may place wagers on races and other approved sporting events and purchase lottery tickets issued by a licensed promoter.
  
4. **Gaming Machine** – a machine, not being an excepted machine or a machine operated by a casino operator licensed under the Casino Gaming Act, designed for the purpose of playing any game operated by means of tokens; machine credits; or electronic transfer of credits or tokens, by virtue of which winnings may become payable or some gain, advantage or prize is awarded. Also, a machine is defined as a playing station so that where a machine has more than one playing station each station is deemed a machine which shall attract contributions and levy payments in its own right.
  
5. **Grandfather Clause** – an exception that allows an old rule to continue to apply to some existing situations when a new rule will apply to all future situations. Often, such a provision is used as a compromise to effect new rules without upsetting a well-established practice that was previously recognized in law. This extends the idea of a rule not being retroactively applied. For example: The Amendments provides that there be a designated Exclusive Geographic Area, where no new licensees will be permitted to operate more than 5 gaming machines. However, if a licensee has been operating in the Exclusive Geographic Area prior to June 22, 2010, he/she will be permitted to continue gaming operations.
  
6. **Gross Profits** – computed by deducting payout of winnings from total sales earned from all amounts wagered by players of the machines, lotteries and betting. The exception is the racing promoter in which purses are also deducted from sales.

## Lotteries Sector Definitions

1. **Lottery** – any game, method or device, including any electronic game, method or device, not requiring the participation of the players involved, whereby money or money's worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, held, drawn, exercised or managed, whether in Jamaica or elsewhere.

2. **Lottery Ticket** – includes any paper, electronic ticket, figure, writing symbol, or other article whatsoever, which either expressly or tacitly entitles or purports to entitle the holder or any other person to receive any money or money's worth on the happening of any event or contingency connected with a lottery.
  
3. **'Lottery Sales Outlet'** - 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.
  - a. Non brick and mortar entities
  - b. Mobile Units
  - c. Legal operators can compete with illegal operators and thereby encourage them to come within the legal framework

## INDUSTRY-WIDE CHANGES

The Betting, Gaming and Lotteries (Amendment) Act 2014 seeks to strengthen and improve the regulatory oversight of the Betting, Gaming and Lotteries Commission (BGLC), rectify gaps in the Act which arose from the 2010 Amendments, correct anomalies and typographical errors and more importantly, improve the collection and management of revenues. The Amendments also aim to ensure the integrity and probity of the games and key stakeholders within the betting, gaming and lotteries industry and facilitating the development and expansion of the industry in an orderly manner.

There are some changes to the BGLA that affect all sectors of the Gaming Industry as a whole.

1. When the BGLC conducts investigations on an applicant to determine if that applicant is “fit and proper” for conducting the activities for which he/she has applied, the applicant will stand the cost of the investigation (BGLA Amendments s.7 (2) (2A).
2. Breaches now attract fixed penalty offences, (similar to traffic tickets) laid out in Schedule 7 of the Act , payable within 15 days of receiving notice from BGLC of the breach. This is to give the person charged the choice of paying the fine without going to the RM Court, which can impose a higher fine and or imprisonment if the person is convicted.
3. Offenders may permanently lose eligibility for licences.
4. Licensees must seek BGLC’s written approval for change of address of premises; also, licensees have 7 days to notify the BGLC of change of ownership information.
5. Introduction of graduated penalties on late levy payments increasing over time (BGLA Amendments s. 44A (5)).
6. Preservation of Exclusive Geographic Area for Casinos. Pursuant to Ministerial policy direction dated November 14, 2012, the Commission shall not grant any new licences to operate more than 5 machines in the parishes of St. James, Trelawny and Hanover, and shall not grant any new Gaming Lounge Licences anywhere on the island.
7. Gross Profit Tax regimes applied across all sectors – betting, gaming and lotteries.

8. The ability of the Commission to impose fines on licensees for breaches has been replaced by a fixed penalty schedule and prosecution in the RM Court for the major offences under the Act and its regulations. The Commission's authority remains to suspend, vary or revoke a licence, permit, approval or authority after holding an investigation (BGLA s.10).
9. **Licensing Of Technical Service Providers** - 'technical services' includes developing, testing, selling, supplying, installing, adapting, configuring, repairing, maintaining, downloading or providing consulting services in relation to any hardware or software for use in connection with any betting gaming or lottery activity'.
10. **Licensing Of Technical Service Providers In The Processing Of Electronic Transactions** - or providing facilities for the processing of electronic transactions and providing networking and security facilities for the conduct of any betting gaming and lottery activity.
11. **New Licensing Requirements** - In efforts to ensure the probity of persons employed in the Gaming Industry, Licenses are now required for:
  - a. Prescribed premises workers
  - b. Bookmakers' Bet Writers
  - c. Terminal Operators at the track and OTBs

## CHAPTER 2: FEES AND TAXES

### LICENSING FEES

The Licence period will end on March 31<sup>st</sup> each year. Fees are due on or before this date. For your convenience, the Commission conducts licensing operations at its headquarters and occasionally across the island in the months leading up to this date, on the grounds of certain Inland Revenue Offices. Please see the press and our website [www.bglc.gov.jm](http://www.bglc.gov.jm) for downloadable application forms, terms and conditions of licensing and details of remote licensing dates and locations.

All taxes are to be paid directly to the Inland Revenue Department. Tax receipts are to be kept as proof of payment and submitted during licensing and registration. BGLC licensing and registration fees are to be paid directly at the BGLC office or deposited into the Commission's BNS Account held at New Kingston Branch a/c # 50575-773-13. Licensees should bring the stamped deposit slip from BNS along with completed application for renewal. Details of updated fees for licenses issued by the BGLC are listed below. Regulations and conditions attached to licences along with technical and other standards are being prepared and will be made available upon completion.

### Notes to Schedules

1. **Multi-Station Gaming Machines** - Each seat in a multi station gaming machine is now counted as a gaming machine and is taxed and counted individually.
2. Where an application is refused, the fee paid will be refunded to the applicant.
3. **Late Fees for Overdue Gaming Machine Levy Payments** - Levies are due on April 1<sup>st</sup> each year. If paid after the April 1<sup>st</sup> prescribed date, the following fines apply:
  - if gaming machine taxes are paid after April 1<sup>st</sup> but before July 1<sup>st</sup>, 15% of licensing levy per machine;
  - on/after July 1<sup>st</sup> but before October 1<sup>st</sup>, 30% of licensing levy per machine;
  - on/after October 1<sup>st</sup> but before April 1<sup>st</sup> of the following year, 45% of licensing levy per machine;
  - on/after April 1<sup>st</sup> of the following year, 60% of licensing levy per machine.

#### 4. Introduction and/or Increase in Prescribed Fees

The amendments reflect proposals for increases in the fees charged for various activities the Commission regulates, as well as an introduction of fees for licensing and enforcement activities undertaken by the Commission but for which no fees exist currently.

The amendments therefore –

- (a) Make permanent the provisions of the Provisional Collection of Tax (Betting, Gaming and Lotteries) Orders, 2013 and 2014 which include –
  - i. increasing prescribed premises levy from \$1,000 to \$2,500 to the Commissioner of Taxes and \$500 to \$1,000 to the BGLC.
  - ii. *Increase in Lottery Tax from 17% and 23% to 20% and 25% on declared lottery and daily numbers game respectively.*
  - iii. *increasing gaming machine levies and licensing fees*
- (b) establish enabling provisions within the Act for the fees to be charged by the Commission under regulations for prescribed fees;
- (c) facilitate the expansion of outlets, including mobile outlets for sale of sports betting and lottery tickets and the licensing of lottery sales outlets;
- (d) provide for the Commission's approval for the commissioning and decommissioning of gaming machines;
- (e) require the payment of a penalty if the levy or gross profits on gaming machines is not paid on the 1<sup>st</sup> of April in any year;
- (f) the licensing of bookmaker's bet writers, terminal operators and prescribed workers;
- (g) provide for unclaimed winnings from bookmakers to be paid to the Commission

## LICENSING AND REGISTRATION FEES PAID TO BGLC

SECTOR	TYPE OF LICENCE/SERVICE	BGLC FEES J\$	INLAND REVENUE J\$
PRIZE PROMOTIONS	<b>APPLICATION, PROCESSING, APPROVAL, MONITORING</b>		
	▪ Less than or equal to \$500,000	20,000.00	n/a
	▪ Greater than \$500,000 and less than or equal to \$1M	50,000.00	n/a
	▪ Greater than \$1M	100,000.00	n/a
	Incomplete application	15,000.00	n/a
	Late application (less than <b>14 days</b> but not less than <b>5 working days</b> <b>before</b> commencement date of promotion)	15,000.00	n/a
	Extension of expiry date of promotion	15,000.00	n/a
	Express service (applications submitted within <b>2 to 5 working days</b> <b>prior</b> to commencement date of promotion)	25,000.00	n/a
	Modifications or amendments <b>after</b> approval for competition	15,000.00	n/a
Withdrawal <b>after</b> approval for competition	Non-Refundable	n/a	
Cancellation before approval for competition	25% administrative fee will be charged on all applicable fees paid	n/a	

<b>SECTOR</b>	<b>TYPE OF LICENCE/SERVICE</b>	<b>BGLC FEES J\$</b>	<b>INLAND REVENUE J\$</b>
<b>GAMING</b>	Prescribed Premises	1,000.00 p.a.	2,500.00 p.a.
	Gaming Machine Licence ( <b>slots</b> )	4,000.00 p.a.	Gross Profit Tax
	Gaming Machine Licence ( <b>local</b> )	4,000.00 p.a.	5,000.00 p.a.
	Gaming Machine Identification Disc	1,000.00 p.a.	n/a
	Prescribed Premises Worker ( <i>any person employed in any prescribed premises who receives or negotiates bets on gaming machines or who is involved in the operation of the gaming machines on those prescribed premises</i> )	5,000.00 p.a.	n/a
	Manufacturers of locally made gaming machines	200,000.00 p.a.	n/a
<b>BETTING</b>	<b>RACING PROMOTER</b>		
	Racing Promoter Track Betting Licence	500,000.00 p.a.	
	Off-Track Betting Parlour Licence	15,000.00 p.a.	
	Off-Track Betting Parlour Operator's Licence	10,000.00 p.a.	
	Racing Promoter Terminal Operator's Licence	4,000.00 p.a.	
	Off-Track Terminal Operator's Licence	4,000.00 p.a.	
	<b>BOOKMAKERS</b>		
	Bookmaker's Permit	200,000.00 p.a.	
	Betting Office Licence	10,000.00 p.a.	
	Betting Lounge Licence	15,000.00 p.a.	2,500.00 p.a.
	Betting Agency Permit	10,000.00 p.a.	
	Bookmaker's Bet Writer	4,000.00 p.a.	
	Follow-up inspection	20,000.00 per visit	

<b>SECTOR</b>	<b>TYPE OF LICENCE/SERVICE</b>	<b>BGLC FEES J\$</b>	<b>INLAND REVENUE J\$</b>
<b>LOTTERY</b>	Fee per lottery game	2,400,000.00 p.a.	
	Lottery Prescribed Premises (any premises licensed as the head office or regional office of a lottery promoter)	10,000.00 p.a.	2,500.00 p.a.
	Lottery Agent's Licence	5,000.00 p.a.	
	Lottery Sales Outlet ( <i>any premises which is used by a licensed lottery agent to receive or negotiate bets as agent of a lottery promoter</i> )	1,075.00 p.a.	
	Sports Betting Sales Outlet ( <i>Effective when gazetted</i> )	1,075.00 p.a.	
<b>OTHER ASSOCIATED FEES</b>	<b>DUE DILIGENCE INVESTIGATION</b>		
	Intensive local investigation (MJHDF - i.e. Company Directors)	50,000.00	
	Routine background checks (PDF II)	5,000.00	
	Investigations involving both local and foreign jurisdictions)	US\$10,000.00	

# TAXES & CONTRIBUTIONS TO THE GOJ

## Gaming Sector *(Gross Profit Tax Allocation of 10%)*

SECTOR	PERCENTAGE	TAX CODE/ BANK ACCOUNT	PAYMENT LOCATION
Consolidated Fund	6.5%	213	Inland Revenue
BGLC	2.5%	a/c # 50575-773-13	BNS
CHASE	1.0%	a/c # 301-064-179	NCB

### Penalties

**Monthly GPT Payments are due on the 7<sup>th</sup> of the following month.**

- (a) Payments made up to 90 days after the due date shall attract, in addition to the outstanding amount, a penalty of 15% of the amount due.
- (b) Payments made after 90 days but less than 180 days after the due date shall attract, in addition to the outstanding amount, a penalty of 30% of the amount due.
- (c) Payments made more than 180 days but less than 270 days after the due date shall attract, in addition to the outstanding amount, a penalty of 45% of the amount due.
- (d) Payments made 270 days after the due date shall attract, in addition to the outstanding amount, a penalty of 60% of the amount due.

## Betting Sector

LOCAL RACING & OVERSEAS RACING	PERCENTAGE
Consolidated Fund (Inland Revenue)	1.5% of Gross Profit
BGLC	2.5% of Gross Profit
Jamaica Racing Commission (JRC)	12.5% of Gross Profit
SPORTS BETTING	PERCENTAGE
Consolidated Fund (Inland Revenue)	7% of Gross Profit
BGLC	1% of Gross Profit
CHASE	1% of Gross Profit

# Lottery Sector

(As at April 1, 2013. Rates became effective January 28, 2009)

GAMES	CONSOLIDATED FUND	BGLC	CHASE
Cash Pot	20% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Lucky 5	20% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Pick 2	20% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Pick 3	20% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Pick 4	20% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Instant Games	20% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Dollaz	25% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Lotto	25% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Super Lotto	25% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Money Time	20% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
Top Draw	20% of Weekly Gross Revenue	1.8% of Weekly Ticket Sales	3.65% of Weekly Ticket Sales
<b>Unclaimed Winnings</b>	N/A	50% of the value of all unclaimed prizes arising from weekly ticket sales	50% of the value of all unclaimed prizes arising from weekly ticket sales
<b>Taxes on Winnings (all games)</b>	20% on winnings over \$15,000.00	N/A	N/A

# CHAPTER 3: BETTING SECTOR LAWS (BGLA PARTS III – V)

## NEW LAWS

1. Allowance for **Sports Betting**. **Section 20E – Sports Betting Outlets**
2. **Sports Betting Outlet** – is now defined to mean ‘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’. A licensed bookmaker can apply for a license to operate a sports betting outlet and the Commission may grant such permit/license once it is in accordance with section 8 of the act.
3. **Penalty:** Failure to operate a sports betting outlet in accordance with terms outlined in subsection 1 is considered an offence and will attract a fine of up to \$200,000 or serve a term of imprisonment for up to 3months if fine is not paid.
4. Extension of opening hours for Licensed Betting Office (LBO); the only limits now being for closure between the hours of 11:59 p.m. and 7:00 a.m., and closure on Sundays, Good Friday and Christmas Day.
5. Opening up of cross sector facilities - Bookmakers may apply for a **Betting Lounge License** permitting:
  - a maximum of 19 gaming machines;
  - placing of bets on horseracing or approved species of animal;
  - sale of lottery tickets;
  - broadcast of local or overseas sports or racing;
  - sale of food;
  - sale of alcohol.
6. LBOs’ permissions are also expanded:
  - longer opening hours for LBOs;
  - allowance for advertising and signage;
  - sale of non-alcoholic drinks;
  - sale of snacks not requiring a Food Handler’s Permit;
  - facilitating receiving of bets by phone at the bookmaker’s headquarters by licence.

7. The Racetrack may be licensed as a prescribed premises for up to 500 gaming machines on the track or up to 4 other prescribed premises; and 19 and under gaming machines at OTBs.
8. Introduction of Agent's License for OTB Parlour Operator – criteria includes, age of at least 18 years and no criminal record.
9. In efforts to ensure the probity of persons employed in the Gaming Industry, Licenses are now also required for:
  - Prescribed premises workers
  - Bookmakers' Bet Writers
  - Terminal Operators at the track and OTBs
10. Introduction of licensing fees where none existed previously:
  - Prescribed premises workers
  - Bet writers and Terminal Operators
  - Lottery Agents
  - Sports betting and lottery sales outlets
  - OTB Agents and Premises
11. Overseas and local totalisators can now be used for sports betting activities & horseracing as well as other approved species of animal.
12. CTL will now be permitted to add other species of animal races.
13. Levies may be used for anti-doping programmes for horses and other species of animals.
14. Allowance for betting on any approved species of animal.
15. To provide greater financial security enabling licensees to seek loans and investment, the BGLA allows for **5 year terms** for:
  - Gaming Lounges
  - Betting Lounges
  - Bookmakers Permits
  - 15 year licence available for promoter
16. Facilitation of the bookmakers operations and electronic provision of reports
17. The Promoter (CTL) can now promote racing of any approved species of animal (including horses) at an approved racecourse or conducted overseas via live television broadcasts.

18. **Licensed Betting Offices (LBOs) :**

- open for longer hours between 7:00 a.m. and 11:59 p.m. each day;
- may not open on Sundays, Good Friday and Christmas Day;
- may publish/advertise their offerings in the media etc;
- may not be used other than for betting transactions, sale of lottery tickets etc. as licensed to do;
- maximum of 2 gaming machines;
- no minor who is apparently under the age of eighteen years should be admitted or allowed to remain on betting office premises;
- must comply with prescribed restrictions on exhibiting written matter or signs and shall exhibit such notice as may be prescribed;
- neither the licensee, nor any servant or agent of the licensee, shall encourage any other person on the premises to bet;
- only the licensee and any servant or agent of his, should have direct access between licensed premises and other premises used for transactions other than betting transactions;
- licensee can sell only non alcoholic beverages and refreshments that do not require Food Handler's Permit;
- no music, dancing or other entertainment should be provided or allowed on the premises.

19. **Bookmakers:** BGLC can now license bookmakers to accept bets electronically or by other means at their licensed head office. If the terms and conditions of the licence are not adhered to, the BGLC can suspend, vary or revoke a licence, and can impose other penalties as it considers appropriate. The Telephone and Text Betting Regulations are expected to come into force in the near future. The Commission is currently conducting research with a view to preparing drafting instructions on Internet Gaming.

20. **Totalisators:** can now be used for approved sports betting activities, horseracing, any other approved activity and races of approved species of animal run at the approved race course or licensed track; or horse races, any other approved activity and races of approved species of animal conducted overseas and transmitted live to that racecourse or OTBs. This can only be done with the individual resorting to that racecourse or track, OTBs or with such other persons in such other circumstances as may be prescribed (allows for electronic betting).

## **Bookmakers**

1. A Bookmaker's Permit will now be issued for up to a 5-year maximum and is subject to an annual review.
2. Only licensed bookmakers can apply for a Betting Lounge Licence (betting lounge constitutes premises with 19 or less gaming machines, sports and race bets, lotteries, simulcasts and general entertainment) – such license is issued up to a 5-year maximum subject to annual review. Betting Agencies and Betting Office Permits remain at the one-year maximum.
3. Bookmakers may advertise in betting office, on premises giving access to such office or through print or electronic media that a particular premises is a Licensed Betting Office (LBO), the location of LBO and the facilities available in the LBO. Such advertisements must conform to any code of ethics established by the Advertising Agencies Association, Fair Trading Commission or Broadcasting Commission.
4. Bookmaker's levy can be used for anti-doping programmes for horses and other approved species of animal.
5. Licensees can lawfully remove drunken and disorderly patrons from their premises.

## **Pool Betting**

1. Prohibits using any premises or providing facilities at any premises to effect pool betting transactions except as permitted under Section 18 of the BGLA.
2. Pool betting business may be carried out only by a racing promoter, agent or non promoter.
3. BGLC can authorize any person to promote and operate pool betting other than for horseracing and greyhound races conducted on approved racecourses locally or overseas.
4. Licences are now required for tracks and Off-Track Betting Parlours. Operators of OTB parlours will be licensed and must:
  - be 18 years or older (definition of adult);
  - have no criminal record;

- have written authorization from the racing promoter to operate this parlour on behalf of the promoter;
- hold an Off-Track Betting Parlour Licence.

#### **Section 24 B – Licensing of Racing Promoter Terminal Operators**

No person by way of business shall receive or negotiate bets on behalf of a racing promoter unless:

- (a) He has attained the age of 18 years.
- (b) He is authorized in writing by the racing promoter, and;
- (c) He has a racing promoter's terminal operator's license.

#### **Section 24 C – Licensing of Off-Track Terminal Operators**

No person by way of business shall receive or negotiate bets on behalf of an off-track betting parlour unless:

- (d) He has attained the age of 18 years.
- (e) He is authorized in writing by the off-track betting parlour operator and;
- (f) He has an off-track terminal operator's license.

## KEY LAWS REMAINING IN FORCE

### Betting and Bookmaking

1. The use of any premises for the purpose of conducting Pool Betting transactions or other betting transactions is illegal unless agent and premises are both licensed by the BGLC. This offence is punishable by fine of up to \$250,000 and/or 2 years imprisonment. **(16(1))** Exception to this rule is where the operator holds a Betting Office Licence. **(21(1))**
2. If found guilty, persons connected to illegal betting transactions or illegal premises can be fined up to \$50,000 and/or three months imprisonment. **(16(3))**
3. A Constable may take into custody, without warrant, any person suspected of illegal betting and seize all items used in suspected illegal betting as evidence. **(17(2))**
4. Pool Betting can only be performed no earlier than one week prior to the race by the BGLC authorized racing promoter or his agent on an approved racecourse or licensed track of approved species of animal. Penalty for breaking this law is a fine of up to \$500,000 or imprisonment of up to eighteen months. **(18. 1b. (a))**
5. A Commission issued Bookmaker's Permit is required for the conduct of any Bookmaking activities. Bookmaking without a permit attracts a fine of up to \$500,000 or up to eighteen months imprisonment. **(19)**
6. Bookmakers must be at least eighteen years of age and the holder or agent of the holder of a Betting Agency Permit. Bookmakers must keep an approved register of all persons authorized by the bookmaker to accept bets. Failure to comply with the various terms of section 20 is an offence which can attract fines of up to \$300,000 or imprisonment with or without hard labour for up to two years. **(20)**
7. Pool Betting or bookmaking without a licence is an offence which can attract a fine of up to \$1 million and/or imprisonment of up to eighteen months. **(20.a.)**

### Licensed Betting Offices

1. Eligible applicants for a Betting Office Licence are: a licensed bookmaker or an accredited agent of a licensed bookmaker or holder of /applicant for a Betting Agency Permit. Applications for a Betting Office Licence may be made regardless of whether construction of the premises is complete. **(21)**

2. If a Bookmaker is convicted of an offence, his permit may be cancelled or forfeited by the Commission, disqualifying him from obtaining a permit for five years from the date of the conviction. However, the court may specify a shorter time period for disqualification. Bookmakers subsequently employing any disqualified persons in any bookmaking business will also be guilty of an offence. **(23)**
3. The occupier of the racecourse or track has the exclusive right to authorize persons to conduct pool betting or to receive or negotiate bets on races, under approved, agreed terms. **(26)**
4. The Commission may authorize or prohibit a bookmaker to receive or negotiate bets on races at any place other than an approved racecourse or licensed track on approved terms and conditions, including payments by the bookmaker to the occupier of the racecourse or track. Failure to observe any terms or conditions for authorized bookmaking is considered an offence and attracts a fine of up to \$200,000 or imprisonment with or without hard labour of up to six months. **(26)**
5. Certified constables are authorized by the Commission to enter any approved racecourse or track at any reasonable time, to ensure compliance with the BGLA and Regulations. Licensees barring entry to constables can face fines of up to \$50,000 or imprisonment with or without hard labour for up to two months. **(27)**

## **Contributions by Bookmakers for the Benefit of Horse Racing and Other Purposes**

1. Levies set by the Minister shall be applied to support: (a) the improvement of breeds of horses; (b) the advancement of veterinarian science; (c) the improvement of horse racing; (d) the improvement of athletic games and sports; (e) purses in horse races; (f) the regulation and control of the horse racing industry by the Jamaica Racing Commission under the laws of JA; (g) anti-doping for horses or other species of animals; (h) functions of the BGLC. Another portion is paid to the Government Consolidated Fund. **(28)**
2. Contributions are to be made payable to the Commissioner of Inland Revenue as a levy in respect of annual 12-month levy periods beginning April 1 of each year. All books, records and accounts relating to the business must be kept on the premises in the manner and accumulated for the duration of time specified by the Commissioner of Inland Revenue, and to be made available to Inland Revenue officers for inspection and verification of returns. Any person failing to pay levies due or comply with any provisions in the Act or obstructing any officer in his duties; or falsify records or commit

fraud, is guilty of an offence attracting a fine of \$500,000 or imprisonment with or without hard labour for up to eighteen years. **(29, 30)**

## **Pool Betting Duty and Sports Betting Tax**

1. A Pool Betting Duty is to be paid by Pool Betting Totalisator operator. **(31)**
2. Pool Betting Duty is to be paid to the Commissioner of Inland Revenue within 14 days after the event to which the duty is related. The Commissioner of Inland Revenue must be informed of any new business involving Pool Betting no later than one week prior to commencement of the business. Accurate accounting records relating to the business must be kept on the premises for at least six months, or as the Commissioner of Inland Revenue directs, and made available to officers of the Inland Revenue Department (IRD) for inspection and removal to the IRD if they deem necessary. Staff of the business must make themselves available for the provision of further information to the IRD when requested. Failure to pay the Pool Betting Duty or to submit or comply with inspection of books or to make truthful statements in the records; or to deny entry of an officer of the IRD; or is found to have committed fraud shall be guilty of an offence attracting a fine of up to \$500,000 or imprisonment of up to 18 months with or without hard labour. Continuance of any of the above offences will attract further punishment. **(32)**
3. The Sports Betting Tax of 7% of gross profit is to be paid in respect of a bet placed with the Bookmaker, the Promoter or non-Promoter. Contributions of 1% of gross profit each to the BGLC and the CHASE Fund are also to be made. **(34)**
4. Sports Betting Tax is to be paid to the Commissioner of Inland Revenue no later than 14 days after the end of that week in which the winnings were tallied. IRD must gain entry to the premises within the week prior to commencement of operations for the business. **(35)**
5. The officer of the IRD may choose to review all records and assess the winnings if he/she is confident that a true account of tax payable has not been given. An appeal may be made of the assessment at the Revenue Court within 30 days of notification of the assessment and the onus of proof will be on the person appealing. **(36)**
6. If the appeal is won, a refund will be paid by the IRD. No claim shall be paid after 6 years from the date of payment in question, unless proven to be impossible for claim to have been made within the 6 years and upon grant of extension of the 6 years by the IRD. **(37)**

# CHAPTER 4: GAMING SECTOR LAWS (BGLA Part VI)

## NEW LAWS

### Licensing of Gaming Activities

1. **Gaming machine manufacturers, vendors, repairers and testing facilities are now subject to licensing or approvals (BGLA Amendments S.43A (1) and (2)).**
2. Licences are now required for **gaming machine manufacturers, vendors, repairers, testing facilities** – to be issued by the BGLC. Licensee alone may work on (test, sell, supply, repair or operate) gaming machines. Licence is for a period of 5 years maximum; and is reviewed annually. If licensee changes partnership information, he or she has within 7 days of the change to return the licence to BGLC and apply for a new licence. Any person who conducts any of the above mentioned activities without a licence is guilty of an offence with a penalty of up to \$300,000 or 6 months imprisonment.
3. If persons are not satisfied with the BGLC's decision not to grant a **Manufacturer's Licence** or a Gaming Machine License, appeals can be made in writing to the Minister of Finance within 14 days of a notice of refusal from the BGLC.
4. **Technical Services** – this includes:
  - (a) Developing, testing, selling, supplying, installing, adapting, configuring, repairing, maintaining, downloading or providing consultation services in relation to any 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 and lottery activity.
  - (d) Providing networking and security facilities for the conduct of any betting, gaming and lottery activity.

5. **Hardware** – this includes:

Any tangible or physical component designed or adopted for use in connection with any betting, gaming and lottery activity.

6. **Software** – this includes:

- (a) Any computer software designed or adopted for use in connection with any betting, gaming and lottery activity.
- (b) A person cannot/must not/ shall not provide technical services relate to licensed betting, gaming and lotteries activities unless they have attained the age of 18 years and has a license which under this act, authorizes him to do so.
- (c) Once an application has all the requisites and satisfies regulation and stipulations provided by the Commission, the Commission may grant such a person a license to provide technical services in connection with a betting/gaming or lottery activity.

#### **Section 44G – Provision of Technical Services**

With respect to any gaming machines, a gaming lounge operator/licensee must not decommission, re-commission or facilitate repairs or allow/permit anyone to do so unless first:

- (a) Obtaining written approval from the Commission; and
- (b) Paying the prescribed fee.

- 4. New definition of “**prescribed premises**” to include betting lounges and gaming lounges, and to exclude precincts of a hotel which is part of an approved integrated resort development pursuant to the Casino Gaming Act.
- 5. The **owner or operator of a prescribed premises** on which gaming machines are operated must apply for a licence each year and pay the associated fee of \$1,000 as prescribed by BGLC and a levy of \$2,500 to the Collector of Taxes, both due on April 1<sup>st</sup> each year. **Licensed gaming premises operators have a legal responsibility to ensure that gaming machines in their premises are licensed to operate in them, failing which they are subject to penalties or fines (BGLA Amendments S.44 2. (3)).**
- 6. Each gaming machine must be operated **only on the prescribed premises** to which the licence is granted.
- 7. The BGLC can issue identification discs, prescribe a **fee for discs** (payable to the BGLC) for gaming machines and these must be displayed prominently on the machine.

8. The BGLC has the right to determine **the number of gaming machines** it sees fit for a particular premises/entity and such licensees cannot operate more machines than stated in the licence. However, the limits to the number of machines in premises provided for in section 43B of BGLA Amendments apply.
9. In efforts to ensure the probity of persons employed in the Gaming Industry, Licenses are now also required for:
  - a) Prescribed premises workers
  - b) Bookmakers' Bet Writers
  - c) Terminal Operators at the track and OTBs
10. Introduction of licensing fees where none existed previously:
  - a) Prescribed premises workers
  - b) Bet writers and Terminal Operators
  - c) Lottery Agents
  - d) Sports betting and lottery sales outlets
  - e) OTB Agents and Premises
11. Increase in existing licensing fees and taxes
  - a) Increase in the licensing fees and levies for gaming machines and premises
  - b) All slot machines have been moved from a flat rate levy into the gross profits tax regime
12. Pursuant to Ministerial Policy direction dated November 14, 2012, the Commission shall not grant any new licences to operate more than 5 machines in the parishes of St. James, Trelawny and Hanover. Special provisions for new licence within Exclusive Geographic Area:
  - a) licensed hotels 1 gaming machine for every 10 rooms, whether inside or outside the Exclusive Geographic Area;
  - b) no more than 2 gaming machines for LBOs;
  - c) no more than 5 gaming machines for any other new premises.
13. Within an identified **Exclusive Geographical Area**, hotels, bars, OTBs and LBOs with more machines than stipulated by this schedule will not be asked to reduce the number of machines they have.

14. **Increase in the Size of Pre-Existing or “Grandfathered” Gaming Lounges** – Gaming Lounges which were established on or before June 22<sup>nd</sup> 2010, are allowed to increase the number of machines (seats) to 225 if application is made to the BGLC before March 31, 2019.
15. Persons cannot own, operate, store, **display gaming machines or components** of gaming machines without the appropriate licences and cannot lend property to do same. If offender is convicted for this breach, a constable may seize and detain any gaming machine or component or other equipment in relation to this offence and the court may order forfeiture or destruction of these items.
16. A **Gaming Lounge** fits the following criteria:
- a) premises with not less 20 – and not more than 150 gaming machines;
  - b) entertainment, food and drink are provided;
  - c) premises approved to be a gaming lounge by the BGLC;
  - d) offering wagers on horse races and sports betting as well as lottery ticket sales;
  - e) licences granted for such premises will remain in effect for a maximum of 5 years and are subject to renewal/review annually.
17. **Existing Licensee** – a person, who prior to June 22, 2010, was the holder of a license issued by the Commission for the operation of not less than 20 gaming machines and who after June 22, 2012, became and has continue to be the holder of a gaming lounge license.
- a) As at June 22, 2010, if a person had an existing license, they could make an application to the Commission, to increase the number of gaming machines stated in their license, to a number not exceeding 225 machines.
  - b) If the licensee fulfils the requirements of this section, that is, being an existing licensee as at June 22, 2010, then the application referred to should be made no later than March 31, 2019.
  - c) Once the application is in accordance with section 8 of the act, the Commission may grant a license to a number, not exceeding 225 gaming machines.
  - d) Any license to operate a gaming lounge, other than that referred to in subsection 3 shall be for a number of gaming machines of not less than 20 and more than 150.

18. **Racing Promoter.** A racing promoter may operate up to 500 gaming machines in a maximum of 4 premises, none of which is required to be at the race track (BGLA Amendments S. 24 (2) (a)).
19. Off-track betting parlours and betting lounges may have up to 19 gaming machines, outside of the Exclusive Geographic Area. Only a licensed bookmaker may apply for a licence to operate a betting lounge (S. 20C (2)). Licensees who operate **more than the prescribed number** of machines shall be guilty of an offence and liable to a fine.
20. **A ship** may own and possess gaming machines **but cannot operate these** while in Jamaican waters, specifically, within a 12 mile radius of the mainland. However, this is to facilitate cruise ships legally having gaming devices on them so long as these devices are not operated while in Jamaican waters. (BGLA Amendments S. 44F).
21. **Pre-approval by the Commission of certain games;** technology and equipment. See 1 above.
22. Once **seized**, the court can order the gaming machine/component to be destroyed or forfeited if the owner abandons the machine/component – i.e.: no claim within 30 days after newspaper advertisement calling for owners to claim. BGLC will have rights to dispose of or to sell the machine/component to recover the cost of seizure/disposal if no one appears in court to contest the forfeiture.
23. An application may be made for a revocation of the forfeiture order within 30 days of the date of the order and if the court revokes the order, the person must pay all outstanding levies, licensing fees and approved Commission expenses in respect of seizure, transportation, storage, maintenance, administrative costs, security and insurance of the gaming machine/component up to one and a half times the value of the gaming machine/component.

## KEY LAWS REMAINING IN FORCE

1. A constable may arrest without a warrant, any person he suspects to be committing an offence.
2. Person in a room where unlawful gaming is being conducted will be charged with unlawful gaming, unless such person can prove that he/she tried all means to prevent it.
3. The Minister, if he/she so decides, may vary or revoke in writing, any exemption granted to an approved club.
4. Unlawful gaming does not include the playing of games such as dominoes, draughts, darts, billiards or any other prescribed game on a premises licensed under the Spirit Licence Act, at a bazaar, fete, dinner, dance, fair, sales of work; or other similar special event approved by police and a JP, provided it is not played for high stakes; and the premises is not used primarily for gaming with those games. Proceeds from such entertainment after the provision of expenses, awards and/or prizes must be applied to personal gain; and the amount of these expenses and prizes must not exceed reasonable cost.
5. The BGLC will keep records of every person to whom a licence is granted along with a list specifying each gaming machine which has been licensed by the Commission, including the address of each prescribed premises associated with each gaming machine.
6. Every licensee shall permit any person authorized by the Commission to enter the prescribed premises for the gaming machine, at any reasonable time, to inspect any machine found therein and give information as to the operation of these machines; or affix a seal to the machine for the purpose of protecting the integrity of the machine.

# CHAPTER 5: LOTTERIES SECTOR LAWS (BGLA PART VII)

## NEW LAWS

1. Subject to the provisions of the BGLA, **all** lotteries are unlawful. The BGLA provides for some exceptions to the general prohibition in Section 47. Generally speaking, these exceptions cover small lotteries which are conducted for purposes other than **private gain; lotteries for charitable or worthy causes, lotteries conducted amongst individuals forming part of a private group or association, and sweepstakes on race meetings**. These exceptions include:
  - a. **Small Lotteries** – under this section, lottery promoted as an incident of entertainment shall not be unlawful if subsection (2) is observed as listed below:
    - i. after the calculations of the whole proceeds of the entertainment (including the proceeds of the lottery), after deducting expenses (excluding expenses incurred in connection with the lottery) incurred in connection with the entertainment, printing the lottery tickets and purchasing prizes, shall be devoted to purpose other than private gain;
    - ii. lottery tickets shall not be sold or issued and the result shall not be declared except on the premises where the entertainment is taking place and during the progress of the entertainment; and
    - iii. the facilities afforded for participating in the lottery shall not be the only or the only substantial inducement to persons to attend the entertainment, for example: bazaars, fetes, fairs, dinners, or dances.
2. **Lotteries for Charity** – for the purpose of raising funds to be used for any religious, charitable or educational purpose, promotion of athletic sports or games, cultural activities or the welfare of the community; prior approval must be obtained from the Minister of Finance; the organisers must undertake to declare the purposes for which the proceeds of the lottery will be applied; and the organisers must enter into a bond with the Accountant General for payment of 15% of the gross receipts from the lottery. Persons found guilty of failure to observe terms outlined in this section of the Act are guilty of an offence and liable to pay a fine of up to \$500,000 or to imprisonment with or without hard labour for up to 12 months.
3. **Private Lotteries** – a lottery held in Jamaica which is promoted for, and in which the advertisement and sale of tickets by the promoter is confined to either: members of one society which is established and conducted for purposes not connected with betting,

gaming or lotteries; or persons who work on the same premises; or persons who reside on the same premises. Proceeds of such a lottery, after deducting expenses incurred for printing and stationery, shall be devoted to the purchase of prizes, or in the case of a lottery promoted for the members of a society, shall be devoted to the provision of prizes or the purposes for which the society was established, or a combination of the two.

4. **Part Sweepstakes on Race Meetings** – Caymanas Track Ltd., that is, the racing promoter (and any other company which may be added to the Fourth Schedule) may operate a maximum of two sweepstakes per year on any race meeting promoted by that company. This is subject to certain conditions including being licensed pursuant to the JRCA and payment of 15% of gross receipts from such sweepstake to the Accountant General to be applied by the GOJ for the improvement of hospitals in Jamaica.
5. **Section 49B – Licensing of Lottery Prescribed Premises** - A lottery prescribed premises license may be granted by the Commission, to be used as a regional office or head office of a lottery promoter.
6. **Licensing of Lottery Agent** – the BGLC may grant a licence to an individual to receive and negotiate bets as an agent for a lottery promoter. Such an individual must:
  - a. be at least 18 years;
  - b. have no criminal record;
  - c. be authorized in writing on behalf by the promoter;
  - d. is the holder of a lottery licence.

If any bet is received or negotiated by any person as agent of a lottery promoter in breach of these requirements, both the agent and the lottery promoter will be guilty of an offence attracting a fine of up to \$500,000 or a term of imprisonment of up to 6 months.

### **Section 30 A – Unclaimed Winnings**

**Winnings** – includes money won by persons who participated in betting/gambling activities.

Every person licensed under part III of the act should pay to the Commission (BGLC), all unclaimed winnings in a timely manner as specified by the Commission in the license.

7. **Increase In Lottery Tax** – a Gross Profit Tax of 25% of gross weekly revenue has been imposed for the declared lottery and to 20% in the case of daily numbers games and instant lottery.

## KEY LAWS REMAINING IN FORCE

1. Unless licensed by the BGLA to operate a lottery, every person who in connection with a proposed or promoted lottery in Jamaica or elsewhere, is guilty of an offence and can be subject to a fine of up to \$500,000 or imprisonment with or without hard labour for up to 12 months for any of the following offences:
  - a. Printing (including hand-written) tickets to be used in the lottery; or
  - b. Sale, distribution, advertising, or possession of any tickets or chances in the lottery; or
  - c. Printing, publishing or distributing or possession of:
    - i. any ad, list of prize winners, or winning tickets in the lottery; or
    - ii. anything describing the drawing or planned drawing of the lottery, or anything related to the lottery, intended to induce persons to participate in the lottery; or
  - d. Brings, or invites any person to send into Jamaica, tickets for sale, distribution or advertisement of a lottery; or
  - e. Sends or tries to send out of Jamaica, any money or valuable thing received in respect of the sale or distribution or instrument thereof, or the identity of the holder or any ticket or chance in the lottery; or
  - f. Uses any premises or knowingly permits a premises to be used for promotion or conduct of a lottery ; or
  - g. Causes or tries to cause any person to do any of the acts mentioned above.
2. The Commission may grant a licence to any person to promote, organize and conduct a lottery in accordance with the terms and conditions of the lottery licence, including the payment of contributions and taxes as set out in the “Taxes and Fees” section of this document.
3. “Peaka peow” and “drop pan” games or possession of such tickets, or related books, records, printing machines, or other paraphernalia are illegal. Constables may arrest, without warrant, and detain all suspected articles abovementioned.

# CHAPTER 6: PRIZE COMPETITION PROCEDURES

## NEW LAWS

1. Greater controls and mechanisms for monitoring prize competitions, for greater protection of the public.
2. The BGLC is now given full authority to approve prize competition applications, relieving the Minister of Finance of the need to sign on these applications.
3. Prize competition applications now attract a raft of fees which are outlined in chapter two.

## Requirements and Guidelines for Prize Competitions

Generally, all applicants seeking authorization from the Betting, Gaming and Lotteries Commission, pursuant to S.58 of the Betting, Gaming and Lotteries Act (“BGLA”), to conduct prize competitions should submit a complete application, accompanied by the prescribed fees, at least fourteen (14) days prior to the proposed commencement. Commencement means the start date of the competition and/or the start date of the promotion for the competition.

There are two (2) main types of prize competitions that are governed by the BGLA, these are competitions:

1. in which the prizes are offered for the forecast of the result of either –
  - (i) a future event; or
  - (ii) a past event, the result of which is not yet ascertained or not yet generally known;
2. Where success is not dependent, to a substantial degree, upon the exercise of skill.

Importantly, both must be conducted either in the media (print or electronic) or in connection with a trade or business, or the sale of an article to the public. There must also be an entrance fee, stake, contribution or subscription payable for a right to enter/participate.

## **Application Stage**

There is no prescribed application form, however a complete application should contain all details of the proposed competition which includes the following: –

### **1. Name of the competition**

The name of the competition must be clearly stated in the application. In designing a name, applicants are advised to avoid the use of terms such as “Sweepstake”, “Raffle” and “Jackpot”.

### **2. Duration of the competition**

The commencement date of the competition must be included in the application. In the event of promotional activities commencing before the actual start date of the competition, this must also be stated.

The final date of the competition must also be included. The final date refers to the date on which entries to the competition cease being accepted by the promoter. Where there is a time-line being observed, the actual cut off time must be stated (e.g. 4:00 p.m. Friday, the 7th of February 1945).

### **3. Mechanics/rules**

A detailed account of all the mechanics and rules relating to the proposed competition is required and should include, but not limited to, the following conditions:

- a) The contribution (if any) to participate in the competition. In instances where a specific amount of money is required, it should be stated if the amount includes GCT;
- b) Applicable age restriction;
- c) The quantity, range and frequency which the consumer is required to purchase goods and services in order to enter the competition;
- d) The information required to complete an entry or whether the promoter requires the consumer to text or call a particular number to participate;
- e) The exercise of minimum skill that is required to make an entry or winning valid (e.g. correctly stating or completing a phrase, slogan or tag line);
- f) Information regarding the number of winners for the competition and the frequency of draws;

- g) Entities excluded from participating in the competition must be named and in the case of family members, specific reference must be made (e.g. parents, spouse, siblings and children, etc);
- h) The names and addresses of all locations/outlets that will facilitate the conduct of the competition;
- i) If a closing date is applicable, it must be prominently placed on all promotional materials. Where a closing date is not applicable, for instance, where the offer is said to be “available while stock lasts”, this must be clearly stated on any promotional material and at the point of entry;
- j) All rules must be stated using clear language. Do not use terms that you are unable to define and which the ordinary public or those targeted in the promotions would have difficulty understanding. The rules approved by the Commission will be used to settle any disputes arising in relation to the competition, between the promoter and participants. Any ambiguity in the rules will be resolved in favour of the participant;
- k) All the rules must be easily accessible throughout the competition, either in a form retainable by entrants (a leaflet) or by directing them to a web page which sets out all the rules;
- l) All information published in relation to the competition must match what was approved by the Commission;
- m) No changes are to be made to the rules except with the prior approval of the Commission and prior to the start of the competition, and no changes are to be made to the rules after the commencement of the competition. Where permission is requested to change/modify/amend the rules submitted in the application, the application will be treated as an incomplete application and will attract the relevant fee.

#### **4. Method of selecting winner (s)**

Promoters must state how the winners will be selected, whether manually (entry coupons drawn from a drum or box), electronically (a database is created and the winner (s) are randomly selected via computer) or selection by a panel of judges. Where the selection is to be done electronically, the Commission reserves the right to have an officer conduct preliminary checks on the system prior to the draw, having received notice in writing three (3) working days prior to the draw.

Promoters must also indicate the order of selection of the winners. Prior to announcing the winner(s), the necessary checks should be made to ensure that such person(s) is not a member of an excluded category of persons.

### **5. Date of selection**

The date, time and venue of the selection of winners must be stated by the promoter. Where selection is being conducted frequently/periodically, this must be stated and the corresponding dates and times for the period should be supplied. For example, where draws will be done on the last Friday of each month, this should be indicated.

### **6. Method of notifying winners**

The medium/media to be used to notify winners must be clearly stated along with the mechanics of it. For example, where the medium to be used is the telephone, promoters should state the maximum/minimum number of calls/attempts that will be made during the period in which contact would be made before contacting the back-up winner. This is to facilitate failed attempts.

### **7. Promotional material**

Promoters are required to submit a “mock up” of **all** proposed promotional materials as well as scripts for radio and television advertisements. The initial advertisement of the competition must state **all** the rules of the competition and include the following statement: **“Authorized under section 58(3) of the Betting, Gaming and Lotteries Act.”**

While all promotional materials need not contain all the rules of the competition, reference must be made to the date of the initial/first publication. However, all the rules should be made available/accessible throughout the competition.

### **8. Detail of prize (s)**

A specific description of the prize (s) must be given along with evidence of its existence for this purpose. The following information is required in relation to the corresponding prize (s) along with any other information deemed necessary:

- APPLIANCES - the brand, size and model number;
- MOTOR VEHICLES - the year, make, model and type must be stated;
- WEEKEND AT A HOTEL - the duration, number of persons to be accommodated, type and who should bear taxes or fees that may accrue;

- TRIPS ABROAD - the duration, carrier, type of ticket, entity responsible for payment of taxes and fees, accommodation, whether prize is transferable, disclaimers in relation to travel documents; where spending money is applicable, the amount and currency should be declared. In relation to weekend at hotel and trips abroad, any blackout dates must be stated.

In the event that a prize is no longer available as specified in the promotional materials, a prize of an equal or higher value but similar in nature should be given to the winner.

### **9. Claiming period**

The promoter must indicate the period of time within which winners must claim their prizes; what will happen to the prizes in the event that they have not been claimed (that is, whether it will be retained by the promoter or given to a charity (which must be named in the application) or whether another draw will be conducted.

All documents relating to the prize competition must be retained by the promoter for a period of 90 days after the completion of the prize competition. **For prize promotion application fees please see Chapter 2.**

# CHAPTER 7: FIXED PENALTIES

(BGLA Amendment s. 14 and Schedules 7 & 8)

Breaches of the BGLA now attract fixed penalty offences, (similar to traffic tickets) laid out according to a set schedule of the various offences. These penalties are payable within 15 days of receiving notice from BGLC of a breach. Charges may be contested in Resident Magistrate Court, however if the charge is upheld, this may result in higher fines imposed. Offenders may permanently lose eligibility for licenses.

The Fixed Penalties are listed below, with the associated Penalty code, e.g.: “8(A)(1)”. Also listed is a copy of the Fixed Penalty Notice to be issued by Enforcement Officials to persons in breach of the BGLA:

## THE SEVENTH SCHEDULE

“ SEVENTH SCHEDULE (Section 14)

### *Schedule of Fixed Penalties*

Column 1	Column 2	Column 3
Provisions	Offence	Fixed Penalty \$
_____	_____	_____
<b>The Betting Gaming and Lotteries Act</b>		
<b>Sections</b>		
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 of 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 bookmaker's agent without a bet writer's licence	150,000
20A(4)	Allowing an unlicensed person 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 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 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)	150,000
	(b) Failure to produce licence or register in accordance with section 24D(4)	150,000
25(4)	Operating a totalisator 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
	(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 evasions 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 premise 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

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
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	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
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 participatig in telephone betting without being registered	300,000

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
31	Failure to establish regulatory controls, procedures, <i>etc.</i> , 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 <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 –

## **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 fixed penalty, shall  
Schedule. be in the form set out in the Schedule.  
  
(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, submit two copies 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 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 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.

**SCHEDULE (Paragraph 3)**

**THE BETTING, GAMING AND LOTTERIES ACT**

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

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***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.)*

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

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*(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:** \_\_\_\_\_

**COMPUTER NUMBER:** \_\_\_\_\_

**STATION CODE:** \_\_\_\_\_

*Acknowledgement of Service*

I, \_\_\_\_\_ have read and understood  
(Offender's Name) this Fixed Penalty Notice.

**Defender's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Authorized Person's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Authorized Person's I.D.** \_\_\_\_\_

**Division:** \_\_\_\_\_

**Website:** [www.bglc.gov.jm](http://www.bglc.gov.jm) **Email:** [info@bglc.gov.jm](mailto:info@bglc.gov.jm)

## FIXED PENALTY OFFENCES

Column 1	Column 2	Column 3
Provisions	Offence	Fixed Penalty \$
_____	_____	_____
<b>The Betting, Gaming and Lotteries Act</b>		
Section		
8(A)(1)	Failure to place current licence, permit, approval or authority in a conspicuous place on the premises	200,000
8(B)(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
20A(1)	Receiving or negotiating bets on behalf of a licensed bookmaker's agent without a bet writer's licence	150,000

20A(4)	Allowing an unlicensed person 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
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)	150,000

	(b)	Failure to produce licence or register in accordance with section 24D(4)	150,000
25(4)		Operating a totalisator 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
	(c)	Obstructing any officer in the exercise of his functions in relations to pool betting duty;	
	(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 evasions 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 premise 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
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

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

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 participatig in telephone betting without being registered	300,000
23	Establishing and maintaining multiple accounts for one player	300,000
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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, <i>etc.</i> , 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 <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

**OFFICIAL USE ONLY**

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

# NOTES