

LAWS OF TRINIDAD AND TOBAGO

GAMBLING AND BETTING ACT

CHAPTER 11:19

Act

22 of 1963

Amended by

3 of 1967	198/1985
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Note on Subsidiary Legislation

The Gambling and Betting (Transitional Provisions) Regulations (GN 88/1963) has been omitted because these Regulations are now spent.

Note on Adaptation

Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to LN 51/1980 (the Legal Notice by which the President's approval was signified).

CHAPTER 11:19

GAMBLING AND BETTING ACT

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CHAPTER 11:19

GAMBLING AND BETTING ACT

22 of 1963.

An Act respecting Gambling, Lotteries and Betting.

Commencement.
83/1963.

[20TH JULY 1963]

Short title.

1. This Act may be cited as the Gambling and Betting Act.

Interpretation of
Act.
[3 of 1967
36 of 1989
8 of 1996].

2. In this Act—

“Board” means the Board of Inland Revenue;

“Trinidad and Tobago Turf Clubs” or “Turf Club” means any one of the following:

- (i) the Trinidad Turf Club;
- (ii) the Arima Race Club;
- (iii) the New Union Park Turf Club;
- (iv) the Tobago Race Club; and
- (v) the Trinidad Race Club,

as the case may be;

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

PART I

GAMBLING

Interpretation of
Part I.

3. (1) In this Part—

“common gaming house” includes any premises kept or used for gambling;

“gamble” means to play at or to engage in any game of chance for winnings in money or money’s worth;

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

“instruments or appliances for gambling” include all articles other than money that are used in or for the purpose of gambling;

“occupier” means any person in actual occupation of the whole or any part of any premises;

“owner” means the person for the time being receiving or entitled to receive the rents of any house, building, yard or other place, or his agent, and includes joint tenants and tenants in common;

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

(2) For the purposes of this Part premises shall be deemed to be used for gambling if it is so used on but one occasion only.

4. A person is guilty of an offence and liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for twelve months who—

Offences relating to gaming houses.

- (a) being the owner or occupier or having the use temporarily or otherwise thereof, keeps or uses any premises as a common gaming house; or
- (b) permits any premises of which he is the owner or occupier, or of which he has the use temporarily or otherwise, to be used as a common gaming house; or
- (c) has the control or management of, or in any manner assists or is engaged in the management of, any premises kept or used as a common gaming house; or
- (d) announces or publishes, or causes to be announced or published, either orally or by means of any print, writing, design, sign or otherwise, that any premises is opened, kept or used as a common gaming house, or in any manner invites or solicits any person to play in a common gaming house; or
- (e) advances, furnishes or receives money for the purpose of establishing or conducting the business of a common gaming house.

Persons gambling or being found in common gaming house.

5. (1) Any person who gambles in a common gaming house is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for six months.

(2) Where any person is found in a common gaming house, or is found escaping therefrom on the occasion of its being entered under the provisions of this Act, that person shall be presumed, until the contrary is proved, to be or to have been gambling therein.

Gambling in public place.

6. All persons found at any time gambling, or assembled together for such purpose in any public or open place are liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for six months.

Using premises for gambling without permission of owner.

7. (1) Any person found using any premises for the purpose of gambling without the permission of the owner or occupier thereof is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for six months.

(2) For the purposes of subsection (1) the onus of proving such permission shall be upon the person alleging the same.

Presumptions.

8. It shall be presumed, until the contrary is proved, that any premises is a common gaming house and that the same is so kept or used by the occupier or person having the use temporarily or otherwise thereof if—

- (a) any instruments or appliances for gambling are found therein or upon any person found escaping therefrom where such premises is entered under section 41; or
- (b) any constable or officer duly authorised or empowered under the said section 41 is wilfully prevented from, or obstructed or delayed in, entering or approaching the premises; or
- (c) there is adduced evidence that gambling took place on those premises in circumstances other than those described in section 11(1)(a), (b) or (c).

9. Any person who wilfully prevents, obstructs, or delays, any constable or officer duly authorised or empowered under section 41 from or in entering or approaching any premises or uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any such constable or officer into such premises is liable on summary conviction to a fine of one thousand five hundred dollars, or to imprisonment for three months.

Penalty for obstructing constable.

10. Notwithstanding anything contained in this Part, other than the provisions relating to lotteries, but subject to section 11, the following premises shall be deemed not to be common gaming houses and are exempt from the provisions of this Act that render a person liable to be convicted of an offence for gambling in or suffering any games or gambling in, or for keeping or using or being concerned in the management or conduct of a common gaming house, that is to say:

Exempted premises.

- (a) a private dwelling house;
- (b) a members' club within the meaning of the Registration of Clubs Act that is permitted under the said Act to carry on gambling as an activity of the club in pursuance of part only of its common object.

Ch. 21:01.

11. (1) Subject to the provisions of this Act, gambling may be conducted on the premises referred to in section 8, and if so conducted shall be conducted in accordance with the following conditions, that is to say:

Conditions as to gambling in houses and clubs.

- (a) that either:
 - (i) the chances in the game are equally favourable to all the players; or
 - (ii) the gambling is so conducted that the chances therein are equally favourable to all the players;
- (b) that no money or money's worth which any of the players puts down as stakes, or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than by payment to a player as winnings;

- (c) that, apart from any reasonable sum that may be added to the annual or other subscription for membership of any member to meet the cost of procuring and maintaining instruments and appliances for the gambling, no other payment in money or money's worth is required for a person to take part in the gambling; and
- (d) that no person took part in the gambling who was not either—
 - (i) a member of the club in pursuance of an application for membership made more than twenty-four hours before the gambling began; or
 - (ii) a *bona fide* guest of such a member;
- (e) that no payment of money or money's worth was required in order to obtain access to the premises,

and if any gambling takes place on any premises referred to in section 8 contrary to paragraphs (a) to (e) above, then it shall be held that the premises was a common gaming house, unless it is proved that the gambling was conducted in accordance with the conditions set out in the said paragraphs (a) to (e).

(2) Nothing in this Part shall render a person liable to be convicted for gambling on any premises held, in pursuance of subsection (1) to be a common gaming house, by reason only of an infringement of subsection (1)(c), if the person charged proves that he was not required to make, or to undertake to make, any payment such as is mentioned in the said subsection (1)(c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.

(3) If any gambling takes place on any premises that is held in pursuance of subsection (1) to be a common gaming house any person concerned in the organisation or management of the gambling is guilty of an offence; and for the purposes of this subsection any person who took part in procuring the assembly of players shall be deemed to have been concerned in the organisation of the gambling.

12. (1) Any person who is present at any gambling on premises, held in pursuance of section 11(1) to be a common gambling house, for the purposes of taking part therein, is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for three months, save that, for the purposes of any proceedings under this section, section 11(1)(c) shall be deemed to be omitted if the person charged proves that he was not required to make, or to undertake to make, any payments such as is mentioned in section 11(1)(c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.

Persons present at gambling on premises deemed a common gaming house.

(2) For the purposes of subsection (1) proof that any person was present at any gambling shall be evidence that he was present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gambling, operating any instruments or other thing whatsoever used in connection with the gambling, or making bets with respect to the gambling.

13. (1) Nothing in sections 10, 11 and 16 shall be construed as permitting any gambling by means of a gambling machine on premises exempted from certain of the provisions of this Part by section 10 and if any gambling by means of a gambling machine takes place in any such premises the premises shall be deemed to be a common gaming house.

Gambling machines.

(2) In this section “gambling machine” means a machine for playing a game of chance being a game which requires no action by any player other than actuation or manipulation of the machine.

14. }
 to } (*Repealed by Act No. 8 of 1996*).
15. }

16. (1) Notwithstanding any rule of law, for the purpose of any provision of this Act relating to betting, the expression “bet” shall not include any bet or stake at any gambling conducted in accordance with section 11(1) on premises exempted from certain provisions of this Part by section 10.

Additional saving for lotteries.

- (2) Notwithstanding any rule of law, but subject to Part II—
- (a) the making of bets by way of pool betting, within the meaning of Part II; and
 - (b) participation in any lottery which satisfies the conditions set out in subsection (3),

shall be deemed not to be gambling for the purposes of any provision of this Part relating to gambling in or being present at any gambling on or being concerned in the organisation or management of, any premises exempted from certain provisions of, this Part by section 10, if the gambling is conducted as is mentioned in section 11.

- (3) The conditions referred to in subsection (2)(b) are—
- (a) that the lottery is a lottery declared by sections 20 and 21 not to be an unlawful lottery; and
 - (b) that each winner of a prize is ascertained either by the result of a draw or other determination or the outcome of an event.

LOTTERIES

Interpretation of section 16 and sections 18 to 25.

- 17.** (1) In section 16 and sections 18 to 25—
- “lottery” includes any game, method or device whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot; and also includes the game or pretended game called or known as “whé-whé” or any similar game;
- “money” includes a cheque, promissory note, banknote, postal order or money order;
- “ticket” includes, in relation to any lottery or proposed lottery, any document or token or other article whatsoever evidencing the claim of a person to participate in the chances of the lottery;
- (2) For the purposes of sections 18 to 25—
- (a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words or symbols in a visible form; and

- (b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside Trinidad and Tobago and the expression “distribution” shall be construed accordingly;
- (c) a lottery shall be treated as continuing so to be, notwithstanding that some condition or requirement involving skill in addition to the happening or fall of chance or lot is necessary to be fulfilled before the prizes are distributed or allotted.

18. Subject to this Act, all lotteries are unlawful.

Illegality of lotteries.

19. (1) Subject to the provisions of this section, any person who in connection with any lottery promoted or proposed to be promoted either in Trinidad and Tobago or elsewhere—

Offences in connection with lotteries.

- (a) prints any tickets for use in the lottery; or
- (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any ticket or chance in the lottery;
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery;
 - (ii) any list (whether complete or not) of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries;
- (d) brings or invites any person to bring or send, into Trinidad and Tobago for the purpose of sale or distribution any ticket in, or advertisement of, the lottery;

- (e) sends or attempts to send out of Trinidad and Tobago any ticket or chance in the lottery, any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or identity of the holder, of any ticket or chance in the lottery;
- (f) uses any premises, or causes or knowingly permits any premises over which he has care or control to be used, for purposes connected with the promotion or conduct of the lottery;
- (g) draws, throws or declares or exhibits expressly or otherwise the winner or winning number, ticket, lot, figure, design, symbol or other result of any lottery;
- (h) has in his possession or under his control any paper or other record whatsoever having thereon any mark or marks commonly known as “whé-whé” marks or similar to such marks; or
- (i) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

is liable on summary conviction to a fine of three thousand dollars or to imprisonment for twelve months.

(2) In any proceedings instituted under subsection (1) it shall be a defence to prove that the lottery to which the proceedings relate was such a lottery as is declared by any subsequent section of this Part not to be an unlawful lottery, and that at the date of the alleged offence the defendant believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken.

Exemption of lotteries incidental to certain entertainments. [51/1980].

20. (1) Notwithstanding the provisions of this Act, a lottery promoted as an incident of entertainment to which this section applies shall be deemed not to be an unlawful lottery and is exempt from the requirements of this Act except that the conditions specified in subsection (2) shall be observed in connection with

the promotion and conduct of the lottery, and if any of those conditions is broken every person concerned in the promotion or conduct of the lottery is guilty of an offence unless he proves that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent it.

(2) The conditions referred to in subsection (1) are that—

(a) the whole of the proceeds of the entertainment (including the proceeds of the lottery) after deducting the expenses of the entertainment, including expenses incurred in connection with the lottery, and in particular—

(i) the expenses incurred in printing tickets in the lottery; and

(ii) such sum, if any, not exceeding one hundred and fifty dollars as has been expended by the promoters of the lottery on account of any expense incurred by them in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain;

(b) none of the prizes in the lottery shall be money prizes;

(c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except in the premises on which the entertainment takes place and during the progress of the entertainment; and

(d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) The entertainments to which this section applies are bazaars, sales of work, fetes (dinners, dances, sporting or athletic events) and other entertainments of a similar character, whether limited to one day or extending over two or more days.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine of seven hundred and fifty dollars.

(5) It shall be a defence for a person charged with an offence under subsection (1) only by reason of his being the promoter to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

Exemption of certain small lotteries conducted for charitable, sporting or other purposes. [51/1980].

21. (1) This section applies to any lottery (not being a lottery which is deemed not to be unlawful by section 20) which is promoted in Trinidad and Tobago on behalf of a society to whom permission is granted by the Commissioner of Police under section 22, being a society established and conducted wholly or mainly for one or more of the following purposes, that is to say:

- (a) charitable purposes;
- (b) participation in or support of athletic sports or games or cultural activities;
- (c) purposes not described in the foregoing paragraphs, and not being purposes of private gain or purposes of any commercial undertaking,

and is so promoted for raising money to be applied for purposes of the society.

(2) Notwithstanding the provisions of this Act, a lottery to which this section applies shall be deemed not to be an unlawful lottery and is exempt from the requirements of this Act, except that the following conditions shall be observed in connection with the promotion and conduct of the lottery, that is to say:

- (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as such;
- (b) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by him in connection therewith other than sums lawfully appropriated on account of expenses in respect of ticket seller's commissions, printer's fees, advertisement fees and such other like fees and expenses;

- (c) except with the approval of the Minister, no prize shall exceed one thousand five hundred dollars in amount or value, and no ticket or chance shall be sold at a price exceeding one dollar and fifty cents;
- (d) the whole proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to purposes of the society, being purposes described in subsection (1)(a), (b) or (c);
- (e) except as otherwise permitted by the Commissioner of Police, the amount of the proceeds appropriated on account of expenses shall not exceed the expenses actually incurred, or ten per cent of the whole proceeds, whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one-half of the whole proceeds;
- (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (g) except with the approval of the Minister, the total value of the tickets or chances sold shall not exceed ten thousand dollars;
- (h) every ticket and every notice of advertisement of the lottery lawfully exhibited, distributed or published, shall specify the name of the society, the name and address of the promoter and the date on which the draw or other determination by which the prize-winners are ascertained will take place;
- (i) no payment on account of expenses or prizes shall be made out of moneys of the society not being proceeds of the lottery; and
- (j) no ticket or chance shall be sold by or to a person under sixteen years of age.

(3) If any condition required by subsection (2) to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is a party to the contravention are liable on summary conviction to a fine of one thousand five hundred dollars.

(4) It shall be a defence for a person charged with an offence under subsection (3) by reason of his being the promoter to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

Permission to hold small lotteries.

22. The Commissioner of Police may, in his discretion, grant permission to a society, established and conducted wholly or mainly for any of the purposes specified in section 21(1)(a), (b) and (c), to promote and conduct lotteries in accordance with the said section 21.

Sweepstake conducted by Turf Clubs. [36 of 1989].

23. (1) Notwithstanding the provisions of this Act, any sweepstake organised and controlled by a Turf Club in connection with any race meeting conducted by such Turf Club and recognised by the Trinidad Turf Club shall be deemed not to be an unlawful lottery and is exempt from the requirements of this Act other than subsections (2) and (3).

(2) There shall be charged on every ticket sold or issued in connection with any such sweepstake a duty to be known as sweepstake duty calculated as follows:

(a) in respect of every ticket issued and sold for such a sweepstake—

(i) when the sweepstake is conducted in connection with, but such tickets are not issued and sold exclusively at, any race meeting held as aforesaid, the sum of three cents when the price does not exceed ten cents, and a further two cents on every additional ten cents or part thereof in respect of such price;

- (ii) when such sweepstake is conducted in connection with and such tickets are issued and sold exclusively at any race meeting held as aforesaid, the sum of two cents when the price does not exceed twelve cents and a further two cents on every additional twelve cents or part thereof in respect of such price;
- (b) in respect of every ticket issued and sold for the lottery known as consolation sweepstake, the sum of three cents when the price does not exceed twelve cents and a further three cents on every additional twelve cents or part thereof in respect of such price.

(3) The sweepstake duty collected by a Turf Club in pursuance of subsection (2), shall be paid to the Betting Levy Board, established under the Betting Levy Board Act.

Ch. 21:53.

24. (1) Any money or money's worth paid, deposited for or in respect of the purchase of a lottery ticket other than a ticket sold in a lottery exempted from the provisions of this Part by section 20, 21 or 23 shall be recoverable as money had and received to the use of the person by whom the same was paid or deposited.

Recovery of money and contract for sale of lottery ticket.

(2) Subject to section 25 every sale or contract for sale of a ticket in any lottery is void, and no action shall be maintained by any person in respect of such sale or contract except by the purchaser for the return of the money or other consideration, if any, paid thereon.

25. Notwithstanding section 24 or any rule of law, for the purposes of any provisions of this Act, an action shall lie upon any sale or contract for sale of a lottery ticket sold in a lottery exempted from the provisions of this Part by section 20, 21 or 23.

Action maintainable in respect of exempted lotteries.

PART II

BETTING

26. (1) In this Part—

- (a) “betting office licence” means a licence authorising the holder thereof to use any premises, in respect of which the licence is for the time being in force, as a betting office;

Interpretation of Part II. [5 of 1995].

- (b) “betting transaction” includes the collection of, or payment of winnings on a bet and any transaction in which one or more of the parties is acting in the manner described in section 28(1)(a) or (b);
 - (c) “contravention” in relation to any requirement, includes a failure to comply with that requirement, and “contravene” shall be construed accordingly;
 - (d) “football pools” means any pool betting that is effected on or by way of the result of football matches wherever played;
 - (e) “foreign pools operator” means an agent or representative of a principal who, in his own right and not as agent of another, carries on pool betting business in respect of football pools, outside Trinidad and Tobago;
 - (f) “licensed betting office” means premises in respect of which a betting office licence is for the time being in force;
 - (g) “pool betting business” means business involving the receiving or negotiating of bets made by way of pool betting;
 - (h) “totalisator” means the contrivance for betting known as the totalisator or *pari-mutuel*, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.
- (2) For the purpose of this Act, bets shall be deemed to be made by way of pool betting either—
- (a) whenever a number of persons make bets on terms that the winnings of such of those persons as are winners shall be or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by all those persons, whether the bets are made by means of a totalisator or by filling up and returning coupons or other printed or written forms, or otherwise howsoever; or

- (b) whenever a number of persons make bets on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of those persons as are winners;
- (c) whenever a number of persons make bets on participants in an event, upon terms that the winnings of such persons as are winners, shall be determined by reference to the total amount waged on participants prior to the start of the event.

27. (1) Subject to the provisions of this Act, no person shall use, or cause or knowingly permit any other person to use, any premises for the purpose of the effecting by that person or, as the case may be, by that other person of betting transactions; and any person who contravenes this subsection is liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for twelve months.

Prohibition on use of premises for betting.

(2) Any person who, for any purpose connected with the effecting of a betting transaction, resorts to any premises which are being used in contravention of subsection (1) is liable on summary conviction to a fine of seven hundred and fifty dollars.

(3) For the purposes of subsection (2) proof that any person was on any premises while they were being used as mentioned in that subsection shall be evidence that he resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for *bona fide* purposes which were not connected with the effecting of a betting transaction.

28. (1) Except in accordance with the provisions of this Act no person shall—

- (a) whether on his own account or as servant or agent to any other person carry on the business of receiving or negotiating bets or conducting pool betting operations; or

Prohibition of carrying on betting transactions subject to Act. [36 of 1989 5 of 1995].

(b) by way of business in any manner hold himself out, or permit himself to be held out, as a person who receives or negotiates bets or conducts such operations.

(2) Notwithstanding anything contained in this Act, a servant or agent of the holder of a betting office licence may carry on such business as is mentioned in subsection (1)(a) or (b) on the premises in relation to which that licence is for the time being in force without being the holder of a permit to do so.

(3) A person who contravenes the provisions of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.

(4) A person who places or negotiates a bet with another person who contravenes subsection (1), is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for three months.

Betting office licences.
[3 of 1967
22 of 1973
36 of 1989
5 of 1995].

29. (1) A person who is the holder of a betting office licence in respect of any premises in relation to which that licence is for the time being in force may use those premises for the effecting of any betting transaction by or through that person or any servant or agent of his.

First Schedule.

(2) Any person who meets the requirements of paragraph 14 of the First Schedule, and whose premises meet the requirements of paragraph 15 of the said Schedule, may apply for a licence to operate a betting office.

First Schedule.

(3) Subject to this section, the Rules contained in the First Schedule shall have effect for the purposes of betting office licences and a permit to carry on such business as is mentioned in section 28(1)(a) or (b).

(4) An application for the grant of a betting office licence in respect of any premises may be made notwithstanding that the premises have still to be constructed or are still in the course of construction.

(5) A betting office licence granted to a foreign pools operator entitles that person to carry on pool betting business as a foreign pools operator only and no other betting transaction may be effected by such person and a betting office licence granted to any other person does not entitle that person to carry on business as a foreign pools operator.

(6) Nothing in this Act shall be construed so as to permit the authority (within the meaning of paragraph 2 of the First Schedule) to grant any applicant a certificate or certificates authorising the issue of more than one betting office licence of which the applicant was the holder.

30. A person desiring permission to carry on such business as is mentioned in section 28(1)(a) or (b), may apply for the grant of a permit to do so in accordance with the provisions of this Act.

31. (1) A licensed betting office shall be managed in accordance with the rules set out in the Second Schedule, and in the case of any contravention of any of those rules the licensee and any servant or agent of the licensee by whom the contravention was committed is liable on summary conviction to a fine of five hundred dollars.

(2) Where any person is charged with an offence under subsection (1) by reason only of his being a licensee, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

(3) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, in the case of a licensed betting office the licensee or any servant or agent of his may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence on those premises would subject the licensee or any servant or agent of his to a penalty under subsection (1); and if any person liable to be expelled from the licensed premises under this subsection, when requested by the licensee, any servant or agent of the licensee or any constable to leave those premises, fails to do so, he is liable on summary conviction to a fine of seventy-five dollars.

(4) Any constable may, on the request of the licensee or any servant or agent of the licensee, help to expel from a licensed betting office any person whom the constable has reasonable cause to believe to be liable to be expelled therefrom under subsection (3), and the constable may use such force as may be required for that purpose.

(5) Any constable may enter any licensed betting office for the purpose of ascertaining whether the provisions of subsection (1) are being complied with, and any person who obstructs any constable in the exercise of his powers under this subsection is liable on summary conviction to a fine of one hundred and fifty dollars.

Conduct of pool
betting business.
Third Schedule.

32. The Third Schedule shall have effect for the purpose of regulating the conduct of pool betting business.

Deposit in
respect of
guarantee.
[51/1980].

33. (1) The holder of a betting office licence, other than the Turf Club, shall deposit in the Treasury the sum of one hundred thousand dollars in respect of his betting business and the deposit shall be invested in the discretion of the Minister in liquid securities and the interest thereon paid to the depositors thereof at yearly intervals.

(2) In the event of such holder of a betting office licence failing to pay any claim validly made on him in respect of a betting transaction, so much of the deposit referred to in subsection (1) as is necessary to meet the amount of such claim shall be applied for that purpose, but if the deposit is insufficient for the purpose the amount necessary to meet the balance of such claim may, notwithstanding any rule of law to the contrary, be recovered by action.

(3) For the purposes of subsection (2) the validity of any claim in respect of a betting transaction—

(a) shall be determined by the Board where the amount of such claim does not exceed five hundred dollars;

- (b) may be determined by the Board with the consent of the parties thereto where the claim exceeds five hundred dollars,

and where a claim is so determined the decision of the Board shall in either case be final for all purposes.

(4) Notwithstanding any rule of law to the contrary, but subject to subsection (3), an action shall lie for the recovery of any amount claimed in respect of any betting transaction conducted by the holder of a betting office licence.

(5) When the deposit or a part thereof is to be applied to meet the amount of any claim held to be valid by the Board or by a Court, the Board shall certify the amount payable and upon presentation of such certificate to the Comptroller of Accounts the amount so certified shall be paid by the Treasury out of the deposit.

(6) Where the amount of any claim is held to be valid by a Court the Clerk of the Court or the Registrar thereof shall send a certified copy of the order or judgment to the Board within twenty-one days of the making of such order or judgment.

(7) Where a payment is made by the Treasury out of a deposit in satisfaction of any claim in respect of a betting transaction, the amount by which the deposit required by subsection (1) to be deposited in the Treasury is thereby reduced shall be deposited in the Treasury before a person or any of his servants or agents undertake any further betting transactions.

(8) The holder of a betting office licence, other than the Turf Club, who effects any betting transaction—

- (a) without making a deposit required by subsection (1); or
- (b) without depositing the amount required to be deposited in the circumstances set out in subsection (7),

is liable to a fine of one thousand five hundred dollars.

Pool betting
duty.
[23/1985
198/1985
1 of 1986
3/1986
36 of 1989].

34. (1) There shall be charged on all bets made whether by way of tote, forecast, trifecta or other pool betting, a duty to be known as pool betting duty.

(1A) Notwithstanding subsection (1) the pool betting duty in respect of bets placed with the Turf Clubs shall be as follows:

- (a) race meetings held in Tobago—2.5 per cent;
- (b) race meetings held in Trinidad—10 per cent.

(2) The pool betting duty shall be paid by the promoter.

Fourth
Schedule.

(3) The supplemental provisions set out in the Fourth Schedule shall have effect with respect to the pool betting duty.

(4) This section and the Fourth Schedule shall apply in relation to all bets, wherever made, where the promoter of the betting is the holder of a betting office licence.

(5) *(Deleted by Act No. 36 of 1989).*

Fourth
Schedule.

(6) This section and the Fourth Schedule shall not apply in relation to any bet made before the commencement of this Act.

(7) Where a licensee fails to pay a licence fee in accordance with this section, he is guilty of an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months, in addition to which his licence may be revoked.

(8) Where the licensee is liable to pay the tax at the rate of ten per cent, the taking of any bet on which the tax is not paid or collected is deemed to be an offence and is punishable in accordance with section 28(3).

National tote
system.
[5 of 1995].

34A. (1) There shall be established for the purpose of regulating betting by way of tote, forecast, trifecta or other pool betting, as carried on through the Turf Clubs on race days, a National Tote System (hereinafter called “the system”).

(2) The system shall be administered by an approved body which shall be responsible for the provision of all totalisators at all licensed betting pool outlets, or betting pool offices, licensed for the purpose of the system.

(3) Subject to this section, the provisions of sections 28 to 31, and the First Schedule apply *mutatis mutandis* to the pool betting outlets as they apply to the betting offices. First Schedule.

(4) There shall be charged at the rate of ten per cent, a tax on all bets placed with the system, in any manner whatever, payable every week on the Wednesday following the week in which the tax is deducted.

(5) Payment of the tax charged in accordance with this section shall be made to the Betting Levy Board by the approved body.

(6) Where a licensee fails to pay a licence fee in accordance with this section, he is guilty of an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months, in addition to which his licence may be revoked.

(7) Where the licensee is liable to pay tax at the rate of ten per cent, the taking of any bet on which the tax is not paid or collected is deemed to be an offence and is punishable in accordance with section 28(3).

(8) In this section, “approved body”, means the Trinidad Race Club or any other body authorised to assume its responsibility for conducting live racing.

35. (1) In sections 34 and 36 and the Third and Fourth Schedules—

“bet” does not include the taking of a ticket or chance in any lottery which by virtue of sections 20, 21 and 23 is to be deemed not to be an unlawful lottery;

“promoter” means, in relation to any pool betting, the person to whom the persons making the bets look for the payment of their winnings, if any, and includes a foreign pools operator.

(2) For the purposes of this Act any bet that is not deemed to be by way of pool betting shall be deemed to be a bet at fixed odds.

Definition of “bet” and “promoter”.
Third Schedule.
Fourth Schedule.

(3) For the purposes of the pool betting duty where any payment in respect of the duty is made before a person is entitled to make a bet by way of pool betting that payment shall, if he makes the bet, be treated as part of the bet.

Levy on
licensed betting
offices.
[4 of 1992
5 of 1995].

36. (1) There shall be charged upon all bets placed at fixed odds in any manner whatever at a licensed betting office, a tax at the rate of ten per cent or an annual levy of four hundred thousand dollars whichever is greater.

Ch. 21:53.

(2) The tax of ten per cent chargeable under subsection (1), shall be paid to the Betting Levy Board established under the Betting Levy Board Act, by the holder of the betting office licence pertaining to the betting office, every week by the Wednesday following the week in which the tax is deducted.

(3) The annual levy chargeable under subsection (1), shall be paid in four quarterly installments of one hundred thousand dollars on or before 2nd January, 1st April, 1st July and 1st October of each year, commencing in the year 1995.

(4) Where at the end of any quarter—

- (a) the levy paid under subsection (3) is in excess of the tax paid under subsection (2), the Board shall make a refund of the tax;
- (b) the tax paid under subsection (2) is greater than the levy paid under subsection (3), the Board shall make a refund of the levy.

(5) Where the licensee fails to pay the tax or levy in accordance with this section, he is guilty of an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months and in addition the licence may be revoked.

(6) Where a licensee is liable to pay tax at the rate of ten per cent, the taking of any bet on which the tax is not paid or collected is deemed to be an offence and is punishable in accordance with section 28(3).

(7) This section does not apply to any of the Trinidad and Tobago Turf Clubs.

(8) This section is in addition to and not in derogation of paragraph 17(2) of the First Schedule.

First Schedule.

37. (1) Any person frequenting or loitering in streets or public places on behalf either of himself or of any other person for the purpose of contravening section 28, or betting or wagering or agreeing to bet or wager, or paying or receiving or settling bets is liable on summary conviction to a fine of four thousand dollars and imprisonment for six months and is also liable to the forfeiture of all books, cards, papers and other articles relating to betting transactions that may be found in his possession.

Betting in streets.
[36 of 1989].

(2) A constable may take into custody without warrant any person found committing an offence under subsection (1) and may seize and detain any article liable to be forfeited under the said subsection.

(3) For the purpose of this section “street” includes any highway, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and “public place” includes any public park, garden or sea-beach, and any unenclosed ground to which the public for the time being have unrestricted access.

(4) Nothing in this section shall apply to a Turf Club in respect of betting transactions carried on upon any ground used for the purpose of holding horse race meetings by the Turf Clubs on days on which races take place.

38. (1) If any person—

- (a) has any betting transaction with a young person; or
- (b) employs a young person in the effecting of any betting transaction or in a licensed betting office; or
- (c) receives or negotiates any bet through a young person,

Betting with young persons.

and knows or ought to know that such person is a young person he is liable on summary conviction to a fine of seven hundred and fifty dollars.

(2) A person shall not be guilty of an offence under subsection (1) by reason of the carriage by a young person of a communication relating to a betting transaction for the purposes of its conveyance by post.

(3) In this section, the expression “young person” means a person—

- (a) who is under the age of eighteen years or who being under the age of twenty years is a student on the roll of a primary or secondary school; or
- (b) who is apparently under the age of eighteen years.

(4) Notwithstanding subsections (1) and (2), in the case of any proceedings for an offence under this section in respect of a person apparently under the age of eighteen years it shall be a defence to prove that at the time of the alleged offence he had in fact attained that age or where it is proved that he was under the age of eighteen years that he appeared to have attained that age.

Cancellation of and disqualification for betting office licence. [3 of 1967].

- 39.** (1) If the holder of a betting office licence is convicted—
- (a) of an offence under section 27, 37 or 38; or
 - (b) of any offence involving fraud or dishonesty,

the Court by which he is convicted shall, in addition to any penalty imposed for that offence, order that his licence shall be forfeited and cancelled and that the payment of all duties and taxes payable under this Act and all valid claims shall be made out of the deposit referred to in section 33.

(2) An order under subsection (1) shall be deemed for the purposes of any appeal to be part of the sentence for the offence; and the licence shall not be forfeited or cancelled under that order—

- (a) until the date of expiration of the period within which notice of appeal against the conviction or sentence may be given; or
- (b) if notice of appeal against the conviction or sentence is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal.

(3) A person whose betting office licence is forfeited and cancelled in pursuance of an order under subsection (1) shall be disqualified for life for holding or obtaining a licence.

(4) Where a betting office licence is forfeited and cancelled in pursuance of an order under subsection (1) the clerk of the Court by which the order was made shall send a copy of the order to the authority referred to in the First Schedule.

First Schedule.

40. (1) Any holder of a betting office licence who employs in his betting transactions any person known to be disqualified under this Act for holding or obtaining a licence is liable on summary conviction to a fine of four thousand dollars.

Offences by holder of betting office licence. [3 of 1967].

(2) If the holder of a betting office licence, on being required by a constable to produce his licence for examination, refuses or without reasonable cause fails to do so he is liable on summary conviction to a fine of one hundred and fifty dollars.

PART IIA

CONTEST

40A. In this Part—

Interpretation. [1 of 1997].

“Board” means the National Lotteries Control Board established under the National Lotteries Act;

Ch. 21:04.

“business” means any trade or profession registered under the Value Added Tax Act;

Ch. 75:06.

“conditions” includes orders or directives issued by the Board;

“contest” means any contest, competition, method or device organised on a sales promotion activity whereby prizes are distributed or allotted in any manner depending upon, or to be determined by, chance or lot, but does not include any contest, competition, method or device organised for profit;

“customer” means a person who has purchased goods or services from a business;

“device” and “method” include any system which allows a customer to participate directly in that system with the hope of winning a prize;

“document” means a receipt or bill or any other written instrument, or any article or token, acknowledging the purchase of any goods or services from a business;

“entry form” in relation to any contest or proposed contest, means any entry form and includes any entry form to which there is attached a document evidencing the claim of a customer to participate in the chances of the contest;

“money” includes any banknote or other negotiable instrument used or circulated, or intended for use or circulation, as currency;

“person” and “applicant” mean a person carrying on a business;

“prize” includes money or money’s worth;

“sales promotion activity” means any activity which stimulates, or is intended to stimulate, the purchase of goods or services from a business;

“to promote” includes to organise or to conduct.

Registered business may promote contest. [1 of 1997].

40B. Notwithstanding the provisions of this Act, or any other written law respecting gambling, betting or lotteries, any person may, subject to sections 40C and 40D, promote a contest, and in particular may—

- (a) issue entry forms for the contest;
- (b) fix the number and value of the prizes to be apportioned; and
- (c) determine the time when, the place where, and the manner in which, drawings shall take place for the allotment of prizes.

Business to obtain permission from the Board to promote contest. [1 of 1997].

40C. (1) No person shall promote any contest without first obtaining the permission of the Board.

(2) Any person who contravenes subsection (1) is liable on summary conviction to a fine of one hundred thousand dollars or to imprisonment for two years.

Permission to promote contest. [1 of 1997].

40D. (1) Any person who wishes to promote a contest shall apply to the Board for permission to do so.

(2) On receipt of the application, the Board shall, within two weeks, inform the applicant of its decision.

40E. The Board shall grant permission to promote a contest only in cases where the contest is related to the purchase of goods or services.

Board to grant permission only in cases where goods or services are purchased. [1 of 1997].

40F. (1) Where the Board grants permission to promote a contest, the Board shall stipulate the conditions under which the contest shall be promoted.

Board to stipulate conditions for promoting contest. [1 of 1997].

(2) Where a person fails to comply with the conditions stipulated by the Board, the Board shall serve notice on the person to discontinue the contest.

(3) Any person who refuses to discontinue a contest after having been served with a notice to do so is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for two years.

40G. (1) Without restricting the generality of the power of the Board under section 40F(1) the Board may, in addition, stipulate the following conditions:

Conditions to be stipulated by Board. [1 of 1997].

- (a) every contest shall be published in a daily newspaper circulating in Trinidad and Tobago stating that customers shall be eligible to take part in the contest;
- (b) entry forms for that contest shall be free of charge;
- (c) the date and place for the drawings of prizes shall be published in a daily newspaper circulating in Trinidad and Tobago;
- (d) the contest shall not be promoted for profit, but for the sole purpose of enabling a customer to win a prize;
- (e) the drawings of prizes shall take place in the presence of a member of the Board or a person designated by the Board; and
- (f) the name of the customer winning a prize or prizes shall be published in a daily newspaper circulating in Trinidad and Tobago.

Persons refused permission may apply to Minister. [1 of 1997].

40H. (1) Where the Board refuses permission to promote a contest, the applicant may, within two weeks, apply to the Minister to review such decision.

(2) The Minister, on receipt of the application, shall, after consultation with the Director of Public Prosecutions, affirm, vary or set aside the decision.

PART III

MISCELLANEOUS AND GENERAL

Enforcement and penalties.

41. (1) If a Magistrate is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter those premises, if necessary by force, at any time within fourteen days from the time of the issue of the warrant and search them; and any constable who enters the premises under the authority of the warrant may —

- (a) seize and remove any document or any exposed money or valuable thing or any instrument and appliances for gambling within the meaning of section 3 or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence; and
- (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

(2) On conviction for an offence under this Act, all such instruments and appliances for gambling shall be destroyed, and all such moneys or securities for money shall be paid in to the general revenue.

Power to search without warrant.

(3) Where, owing to the lateness of the hour or other reasonable cause, it is inconvenient to obtain a warrant, any police officer not under the rank of inspector, may by night or day, without warrant, enter any premises, other than a private dwelling

house, which he has reasonable grounds for believing is kept or used as a common gaming house, and any such officer shall, upon such entry, have the same powers of search, arrest and seizure as may be exercised by a constable duly authorised by warrant under this section.

(4) Notwithstanding subsections (1) and (3) where any constable has reasonable grounds for believing that the game of “whe-whe” is being conducted in any open place or open yard, or on any premises to which the public is invited or admitted, other than a private dwelling house, he may enter any such place, yard or premises, and he shall, upon such entry, have the same powers of search, arrest and seizure as may be exercised by a constable duly authorised by warrant under this section, but no such entry without a warrant shall be made unless such officer is, at the time of entry, in the dress and uniform of the Police Service.

42. (1) All moneys and other prizes in respect of the winnings in any lottery exempted from the provisions of Part I or in respect of the winnings of any betting transaction conducted by the holder of a betting office licence under Part II that remains unpaid to the winner thereof at the end of one year after the declaration of the results of such lotteries or betting transactions shall be paid over to the Board by the promoters thereof.

Unclaimed
moneys.
[36 of 1989].

(2) For the purposes of subsection (1), where a prize in a lottery or a betting transaction does not consist of money, the prize shall after the period specified in subsection (1) be sold in the open market by the promoter of the lottery or betting transaction and the proceeds thereof less the expenses of the sale, shall be paid over to the Board as aforesaid.

(3) The Board shall, on presentation of proof to its satisfaction by the winner of any such money or moneys representing such prizes as are mentioned in subsections (1) and (2) that such winner is entitled to the moneys or prizes aforesaid authorise the payment and distribution of the amount of such moneys to the winners thereof, and the same shall without further authority be paid by the Board.

LAWS OF TRINIDAD AND TOBAGO

(4) Where payment is made by the Board in accordance with subsection (3) the validity thereof shall not be enquired into by any Court and no action shall lie or be maintained in respect of the lottery or betting transaction that resulted in the payment mentioned above.

(5) At the end of three years after the winnings are required to be paid over to the Board under subsection (1), no application for the payment of winnings shall, except with the approval of the President, be entertained and all rights, claims, actions or other causes in respect of such winnings shall, if not already pending, be barred.

(6) In this section, Board means the Betting Levy Board.

(7) This section does not apply to a lottery the disposal of the unclaimed winnings of which is provided for under any other Act.

Offences of sending money abroad.

43. After the commencement of this Act, every person, other than a foreign pools operator, who sends or causes to be sent out of Trinidad and Tobago any money or valuable thing in connection with any betting transaction is liable on summary conviction to a fine of seven hundred and fifty dollars.

Trinidad and Tobago Post may open suspect postal article on warrant of President.

44. Trinidad and Tobago Post may on a warrant in writing under the hand of the President open or cause to be opened any postal article received for transmission by post to a destination outside of Trinidad and Tobago, other than a postal article proved to have been posted by a foreign pools operator, which he suspects to contain any money or valuable thing attempted to be sent out of Trinidad and Tobago in contravention of section 43 and, on conviction of any person for an offence under section 43 in respect thereof, any money or valuable thing found therein shall be forfeited to the State.

Regulations.

45. The President may, for the purposes of giving effect to the provisions of this Act and the Schedules, make such Regulations as may be necessary or expedient.

46. Nothing in section 38 or in paragraph 2 of the Second Schedule shall apply to the Turf Club.

Application of Part II to Turf Club. Second schedule.

FIRST SCHEDULE

PERMITS TO CARRY ON SUCH BUSINESS AS IS MENTIONED IN SECTION 28(1)(a) OR (b) AND BETTING OFFICE LICENCES

[Sections 14 and 29(3)].
[3 of 1967
22 of 1973
146/1982
13 of 1983
7 of 1985
36 of 1989
4 of 1992
5 of 1995
8 of 1996].

1. The President may appoint a fit and proper person to be the authority responsible for the grant or renewal of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the Act, or a betting office licence.

2. In this Schedule—

“appropriate officer of police” means the senior officer of police for the district in which the premises are, or are to be situated;

“authority” means the person appointed by the President under paragraph 1;

“prescribed” means prescribed by Regulations made under the Act.

3. The authority shall for each year fix a day in each of the months of January and July as a day on which, subject to paragraph 4, he will consider any application for the grant of a certificate authorising the issue of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the Act.

3A. The authority shall, for the purpose of considering any application for the grant of a certificate authorising the issue of a betting office licence for the year 1983, fix a day in the month of July, 1983.

3B. The authority shall, for the purpose of considering any application for the grant of a certificate authorising the issue of a betting office licence for the year 1984 or any subsequent year, fix a day in the month of November in the year immediately preceding.

4. In addition to any day fixed in pursuance of paragraph 3, 3A or 3B the authority may on any other day in the year consider such applications as mentioned above.

5. Any such application as mentioned above may be made at any time and shall be made to the authority in such form and manner, and shall contain such particulars, and, if the application is for a permit, give such references, as

may be prescribed; and, not later than seven days after the date when the application is made, the applicant shall send a copy of the application to the appropriate officer of police, and if the applicant knowingly makes any false statement in any such application or copy thereof he is liable on summary conviction to a fine of seven hundred and fifty dollars.

6. Not later than twenty-eight days before the hearing of any such application as mentioned in paragraphs 3 and 5 to the authority, the applicant shall cause to be published by means of an advertisement in a newspaper circulating in Trinidad and Tobago a notice of the making of the application which shall also state that any person who desires to object to the grant of a certificate authorising the issue of the permit or licence should send to the authority, before such date not later than ten days after the publication of the advertisement as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection; and in the case of an application for the grant of a betting office licence in respect of any premises, the applicant shall also cause a like notice to be posted up outside the entrance, or on the site of the proposed entrance, to the premises, not later than fourteen days before the date specified as aforesaid and take such steps as he reasonably can to keep that notice so posted until that date.

7. Not later than seven days after the publication of the newspaper containing the advertisement of any such application as aforesaid required by the last foregoing paragraph, the applicant shall send a copy of that newspaper to the authority, and the authority shall not consider the application earlier than fourteen days after the date specified in the advertisement; and not earlier than the said date and not less than seven days before the date appointed for the consideration of the application, the authority shall send notice in writing of the date, time and place at which the application will be considered—

- (a) to the applicant;
- (b) to the appropriate officer of police; and
- (c) if the authority has received from any person an objection in writing which has not been withdrawn and the address of that person is known to the authority, to that person, and also cause notice of the said date, time and place and also a list of the several applicants to be published in a newspaper circulating in Trinidad and Tobago, and in sending such a notice to the applicant the authority shall include therewith a copy of any objection to the grant of the permit or licence which has been received by the authority from the appropriate officer of police, or any other person.

PROCEEDINGS BEFORE AUTHORITY

8. On any application for a grant of a certificate authorising the issue of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the Act or betting office licence, the authority may in his discretion, grant a certificate authorising the issue of the permit or licence after hearing the applicant and such other evidence as he considers necessary if no objection to the grant of a certificate authorising the issue of the permit has been made by any person or if every such objection has been withdrawn before the date and time of the consideration of the application; but, save as mentioned above, any of the following persons, that is to say:

- (a) the applicant;
- (b) any person from whom an objection in writing which has not been withdrawn was received by the authority before the day on which he sent out the documents referred to in paragraph 7; and
- (c) the person making any other objection which the appropriate authority has decided under paragraph 9 that he will hear,

shall be entitled to be heard either in person or by an Attorney-at-law; and the authority shall also hear any representations made otherwise than by way of objection by, or by any person authorised in that behalf by, the appropriate officer of police.

9. Where in the case of an application for the grant of a certificate authorising the issue of any such permit or licence as aforesaid an objection to the grant of a certificate authorising the issue of such permit or licence is received or made on or after the day referred to in paragraph 8(b), the authority may refuse to entertain the objection, and, unless the applicant requests otherwise, shall not hear the objection until the objector has given to the authority and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of his objection.

10. The authority may from time to time adjourn the consideration of any application for the grant of a certificate authorising the issue of such a permit or licence whether for the purpose of paragraph 9 or for any other purpose.

11. On the consideration of any application for the grant of a certificate authorising the issue of any permit or licence as mentioned above, the authority may take evidence on oath and may make such order as he thinks fit for the payment of costs, and any costs ordered by the authority to be paid under this paragraph shall be recoverable summarily as a civil debt.

12. (1) The authority may at any time enter into any premises in respect of which an application for a licence or a permit has been made and may inspect such premises for the purpose and the advisability of granting a certificate for the issue or renewal of the licence or permit.

(2) Any person in the occupation of such premises, or any servant or other person in his employment, or any person by his direction, who wilfully impedes, restricts or obstructs the authority in his inspection is guilty of an offence and liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for six months.

Ch. 4:20.

13. The Summary Courts Act shall govern the procedure at the hearing of any application for a permit or a licence or at any adjournment thereof and the provisions of sections 23 and 24 and sections 42 to 49 of that Act shall apply *mutatis mutandis* to the authority as they apply to a Magistrate.

**GROUNDS FOR REFUSAL TO GRANT A CERTIFICATE
 FOR A PERMIT TO CARRY ON BUSINESS
 UNDER SECTION 28 OF THE ACT**

14. The authority shall refuse any application for the grant of a certificate authorising the issue of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the Act if it appears that the applicant—

Ch. 81:01.

- (a) is under twenty-one years of age; or
- (b) is for the time being disqualified;
- (c) is a company registered under the Companies Act, a partnership or other association or body of persons corporate or unincorporate;
- (d) is in arrears of payment of any tax payable under any law including the levy payable under section 36 of the Act;
- (e) was not immediately prior to the 1st January 1967 the holder, respectively, of such a valid and subsisting permit.

15. In the case of an application for the grant or renewal of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the Act the authority may refuse the application if—

- (a) he is not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to be the holder of such a permit; or
- (b) the authority is satisfied that, if the permit were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, being a person who would himself be refused a grant of a certificate authorising the issue of such permit either under paragraph 14 or under subparagraph (a) of this paragraph.

**GROUNDS FOR REFUSAL TO GRANT A
CERTIFICATE AUTHORISING THE ISSUE OF A
BETTING OFFICE LICENCE**

16. (1) In the case of an application for the grant of a certificate authorising the issue of a betting office licence, in respect of any premises, the authority may, in its discretion, grant a certificate authorising the issue of such licence, but the authority—

- (a) shall refuse the application if he is not satisfied—
 - (i) in the case of an applicant, other than the Turf Club, that the premises are or will be enclosed; and
 - (ii) that there are or will be means of access between the premises and a street;
 - (iii) that there will be no access through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions;
- (b) may refuse the application on the ground—
 - (i) subject to subparagraph (2) of this paragraph, that, having regard to the layout, character, condition or location of the premises, it is not suitable for use as a licensed betting office;
 - (ii) that the premises have not been properly conducted under the licence; and
 - (iii) that the applicant is in arrears in respect of the levy payable under section 36 of the Act.

(2) Nothing in subparagraph (1) shall apply to the Turf Club in respect of any ground used for the purpose of holding horse race meetings by the Turf Clubs on days on which races take place.

ISSUE OF PERMIT OR LICENCE

17. (1) The Board of Inland Revenue or in the case of any betting business in respect of horse or dog races, the Betting Levy Board, on the payment of the appropriate fee specified in subparagraph (2) and upon production of the requisite certificate granted by the authority may issue the following:

- (a) a betting office licence;
- (b) a permit to carry on such business as is mentioned in section 28(1)(a) or (b).

(2) There shall be payable to the Board of Inland Revenue or in the case of any betting business in respect of horse or dog races, the Betting Levy Board—

- (a) in the case of a betting office licence for betting pool operators conducting bets at fixed odds, an annual fee of \$100,000 payable on or before the 15th December in the year prior to the year for which the licence is required, save that a new applicant shall pay the licence fee at the time his licence is granted;
- (b) in the case of the Turf Clubs, a licence fee of one hundred dollars per day on each race day on which betting is conducted, in respect of each pool betting outlet or each betting pool licensed for the purposes of the system; and
- (c) in the case of a permit to carry on such business as is mentioned in section 28(1)(a) or (b), a fee of five hundred dollars.

(3) }
 to } *(Omitted—Spent).*
 (6) }

18. A permit to carry on such business as is mentioned in section 28(1)(a) or (b), or a betting office licence shall be in the prescribed form and shall show the date with effect from which it is to be in force and, subject to paragraphs 20 and 21, shall cease to be in force at the end of the six-month period commencing on the date it first comes into force.

19. *(Revoked by Act No. 13 of 1983).*

20. In the event of the death of the holder of such a permit or licence as is mentioned in paragraph 18, the permit or licence shall not cease to be in force by virtue only of the death of the holder and his legal personal representatives shall be deemed to be the holder thereof.

SERVICE OF DOCUMENTS

21. Any provision of this Schedule requiring any notice or other document to be given or sent to any person by the authority shall be deemed to be satisfied if the document is either served personally on that person or sent to him by post at his usual or last known residence or place of business in Trinidad or Tobago.

22. (1) Any person referred to in paragraph 8 who is aggrieved by the grant or refusal of any application by the authority under the provisions of this Schedule may appeal to the Court of Appeal.

Ch. 4.20.

(2) Such appeal shall be subject to the provisions of the Summary Courts Act, relating to appeals thereunder.



SECOND SCHEDULE

[Section 31(1)].

RULES FOR LICENSED BETTING OFFICES

1. The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday, and at such other times, if any, as may be prescribed, and shall not be used for any purpose other than the effecting of betting transactions.

2. No person who is a young person, within the meaning of section 38(3) or who is known to any person connected with the licensee's business and present on the licensed premises to be under that age, shall be admitted to or allowed to remain on those premises, so, however, that in any proceedings for a contravention of this rule in respect of a young person, within the meaning of the said section 38(3), it shall be a defence to prove that at the time of the alleged contravention he had in fact attained the required age or that he had apparently attained that age.

3. The licensee—

- (a) shall display his betting office licence in a conspicuous place on the licensed premises;
- (b) shall exhibit on these premises such notices in such form and in such positions as may be prescribed; and
- (c) shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.

4. No facilities for seeing any television broadcast, or hearing any sound broadcast which comprises matter other than information relating to events in connection with which betting transactions may be or have been effected on the licensed premises, shall be provided or allowed to be used on the licensed premises, and neither the licensee nor any servant or agent of his shall cause or permit any such facilities to be provided at any place under his control in such a manner that they can be enjoyed by persons resorting to the licensed premises; and no music, dancing or other entertainment shall be provided or allowed, and except in the case of the Turf Club no refreshment of any kind shall be served on those premises.

(Section 32).
[36 of 1989].

THIRD SCHEDULE

**REQUIREMENTS AS TO CONDUCT OF
POOL BETTING BUSINESS**

1. (1) Subject to the provisions of this paragraph, the pool betting business carried on by any holder of a betting office licence shall comply with the following requirements:

- (a) it shall take the form of the promotion of competitions for prizes for making forecasts as to sporting or other events, the bets being entries in the competitions and the winnings in respect of the bets being the prizes or shares in the prizes;
- (b) each bet shall be an entry in a particular competition;
- (c) the stakes and the winnings shall be wholly in money;
- (d) in each competition, the prizes shall be equally available for all the bets and accordingly the question which bets qualify for, or for shares in, the prize or prizes and, save so far as it depends on the amounts staked, the amounts of the respective shares in the prizes, shall be determined solely by the relative success of the forecasts embodied in the respective bets;
- (e) the total amount payable by way of winnings shall, in the case of each competition, be the total amount of the stakes less the pool betting duty payable in respect thereof in respect of entries in that competition less such percentage of that total amount as may be determined by the promoter, being the same percentage in respect of all his competitions which depend on the same event or events taking place on the same day (and being a percentage which is determined and notified to the accountant appointed under paragraph 4 before that day);
- (f) the Rules or any alteration thereof applying to the competition shall be posted up on some conspicuous part of the licensed premises and notified to the said accountant at least one day before the first of the relevant sporting or other events take place.

(2) Notwithstanding anything in subparagraph (1)(d) or (e) if it is found that a bet which ought to have been treated as a winning bet has been inadvertently overlooked, the promoter shall pay to the person making that bet the sum paid by him to other persons making comparable bets or, if there are no comparable bets, such sum as would have been payable had such winning bet not been overlooked.

2. References in this Schedule to stakes in, or in respect of entries in, any competition do not include references to stakes in respect of rejected entries.

3. (1) As soon as may be after the events to which any of his competitions relate have taken place, and in any case not later than seven days after the announcement of the results of that competition, every promoter shall send to the said accountant a statement showing—

- (a) the total amount of the stakes in respect of entries in the competition;
- (b) the total amount payable by way of winnings in that competition;
- (c) the total amount of the stakes in respect of winning bets in the competition, and if there are more prizes than one in the competition, the total amount of the stakes in respect of winning bets qualifying for, or for shares in, each of the prizes; and
- (d) the amount payable in respect of each winning bet.

(2) In September in each year every promoter shall send to the said accountant and to the Board a statement showing, as respects his pool betting business for the twelve-month period ending 30th June in the same year—

- (a) the aggregate total stakes in all his competitions;
- (b) the aggregate prize money in respect of those competitions;
- (c) the amount of the promoter's commission (as defined for the purposes of this Schedule) and the percentage (calculated to the nearest one-tenth of one per cent) which the said commission bears to the said aggregate total stakes.

4. (1) The Board may in the case of each promoter appoint a person or persons being a qualified accountant to exercise and perform in relation to that promoter, the powers and duties conferred and imposed by the provisions of this Schedule.

(2) The remuneration of the accountant in respect of each promoter shall be payable out of the funds of the Betting Levy Board.

(3) A Petty Civil Court shall have jurisdiction to hear and determine any such claim as is mentioned in subparagraph (2) without limit of jurisdiction notwithstanding that the amount claimed exceeds two hundred and fifty dollars and the provisions of the Petty Civil Courts Act shall apply in respect of every such action. Ch. 4:21.

(4) In this paragraph "remuneration" includes any sum paid or to be paid to the accountant in respect of his expenses.

5. (1) The accountant shall—

- (a) examine all statements submitted to him under paragraph 3 with a view to determining whether there is cause to believe that any of the provisions of this Schedule are being contravened in relation to the competition in question; and

- (b) retain all such statements for two years; and
- (c) at any time during that period give facilities for their examination by any officer authorised in that behalf by the Board.

(2) The accountant and any servant of his authorised in that behalf by him in writing may at all reasonable times enter any premises on which a promoter is carrying on his business and enquire into the manner in which that business is being carried on, and may require the promoter or any servant of his to give to the accountant or servant so authorised all such information and produce all such accounts, books and other documents and carry out such checks or additional checks of coupons or other entry forms as the accountant or servant so authorised may think necessary for the purpose of determining whether there is cause to believe that any of the provisions of this Schedule are being contravened; and it shall be the duty of the promoter to preserve in good condition all accounts, books or other documents (including coupons or other entry forms) that relate wholly or partly to any of his competitions for, in the case of coupons and other entry forms, at least two months, and in the case of accounts, books or other documents, at least two years, from the day on which the events take place on which that competition depends.

(3) If at any time the accountant has cause to believe that any of the provisions of this Schedule are being contravened in relation to any of the competitions of a promoter, he shall report the matter to the Board.

(4) Not later than the end of November in each year the accountant shall furnish to the Board a report stating, if such be the fact, that he has examined all statements submitted to him by a promoter under paragraph 3 for the period mentioned in subparagraph (2) of that paragraph which ended in that year, has conducted such enquiries into the manner in which the business of that promoter is carried on and made such examination of that promoter's records as he considers necessary and whether or not he has cause to believe that any of the provisions of this Schedule have been contravened in relation to any of the competitions of that promoter taking place during the said period.

Enforcement.

6. (1) Any person who—

- (a) obstructs the accountant or any servant of his in the execution of any powers or duties under this Schedule; or
- (b) fails to comply with any requirement duly made on him by the accountant or any servant of his, or, in response to such a requirement, knowingly gives any information which is false or misleading,

is guilty of an offence under this Schedule.

(2) If any promoter fails to comply with any duty imposed upon him by this Schedule or if any of the provisions of this Schedule, except so far as they impose duties on the accountant or the Board, are contravened in the case of the business of any promoter, the promoter is guilty of an offence under this Schedule.

(3) The Board shall have power to take proceedings for offences under this Schedule.

(4) A person guilty of an offence under this Schedule is liable on summary conviction to a fine of three thousand dollars.

7. Any reference in this Schedule to the day on which the events on which a competition depends takes place shall, where the events do not take place wholly on the same day, be construed as a reference to the last day on which any of the events take place.

Interpretation of
Third Schedule.

8. Any reference in this Schedule to the Board shall, in the case of pool betting business in respect of horse or dog races, be construed as a reference to the Betting Levy Board.

FOURTH SCHEDULE

[Section 34(4)].
[36 of 1989
5 of 1995].

SUPPLEMENTARY PROVISIONS AS TO THE POOL BETTING DUTY

1. The pool betting duty shall be paid to the Board on Wednesday of every week in such manner as the Board may direct.

2. Any person who, after the commencement of this Act, carries on any business the carrying on of which involves or may involve any sums becoming payable by him by way of the pool betting duty, shall—

- (a) not less than fourteen days before he begins to carry on the business notify the Board that he intends to carry on that business; and
- (b) not later than the date of the first user thereof for the purposes of the business, make entry with the Board in such manner as the Board may require, of all premises and totalisators (if any) used by him for the purposes of the business; and
- (c) keep such books, records and accounts in relation to the business as the Board may direct and, for at least two years or such longer period as the Board may in any particular case direct, preserve, on premises of which entry has been made as mentioned above, any books, records and accounts directed to be kept by him under this paragraph and any other books, records, accounts or documents relating to the business; and

- (d) permit any officer authorised in that behalf by the Board to enter on any premises used for the purposes of the business, to inspect any totalisator used for the purposes thereof and to inspect and take copies of any books, records, accounts or other documents in his possession or custody or on any premises used for the purposes of the business, being books, records, accounts or documents which relate or appear to relate to the business,

and any such person, and any other person employed, or having functions in connection with, any such business, shall if required so to do by the Board or any officer authorised in that behalf by the Board, produce, at a time and place to be specified by the Board or the officer, any such books, records, accounts or documents relating to the business and make, at times and to persons to be so specified, such returns relating to the business, as the Board or the officer may require.

3. A person is guilty of an offence under this Schedule and liable on summary conviction to a fine of three thousand dollars or treble the amount of the duty which is unpaid or payment of which is sought to be evaded, as the case may be, at the election of the Board who—

- (a) fails to pay any pool betting duty payable by him; or
(b) contravenes any of the provisions of paragraph 2; or
(c) obstructs any officer in the exercise of his functions in relation to the pool betting duty; or
(d) in connection with the pool betting duty, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular or with intent to deceive, produces or makes use of any book, account, record, return or other document which is false in a material particular; or
(e) is knowingly concerned in, or in the taking of steps with a view to the fraudulent evasion by him or any other person, of the pool betting duty.

4. Where a person is convicted of an offence under paragraph 3(d) or (e), the Court may, in lieu of or in addition to ordering him to pay the said penalty, order him to be imprisoned for a term not exceeding two years.

5. Where a person is convicted under paragraph 3 in respect of a failure to comply with any of the provisions of paragraph 2 and the failure continues after the conviction, then unless he has a reasonable excuse for the continuance of the failure, he shall be guilty of an offence under this Schedule.

6. Where an offence under this Schedule has been committed by a company, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the company, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity, and in all the circumstances.

7. (1) Summary proceedings in respect of an offence under this Schedule, notwithstanding anything to the contrary in the Summary Courts Act, may be taken at any time within six months from the date on which evidence comes to the knowledge of the Board or evidence which is in its opinion is sufficient to justify the proceedings but no proceedings shall be taken more than three years after commission of the offence. Ch. 4:20.

(2) For the purposes of this paragraph, a certificate from the Board as to the date on which such evidence as mentioned above came to its knowledge shall be conclusive evidence thereof.

8. In this Schedule, “officer” means any person who is expressly authorised by the Board to perform the duties of an officer for the purposes of this Schedule.

9. Any reference in this Schedule to the Board shall, in the case of pool betting business in respect of horse or dog races, be construed as a reference to the Betting Levy Board.

SUBSIDIARY LEGISLATION

**GAMBLING AND BETTING (LICENCES)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Application for grant of permits and licences.
4. *(Revoked by Act No. 13 of 1983).*
5. Form of permits and licences.
6. Register of permits and licences.
7. Fee for inspection of registers.

SCHEDULE.

**GAMBLING AND BETTING (LICENCES)
REGULATIONS**87/1963.
[51/1980
13 of 1983].*made under section 45*

1. These Regulations may be cited as the Gambling and Betting (Licences) Regulations. Citation.

2. (1) In these Regulations— Interpretation.
“Authority” has the same meaning as in paragraph 2 of the First Schedule to the Act;
“Schedule” means the Schedule to these Regulations.

(2) In these Regulations any reference to a Form in the Schedule shall include a reference to a form to the like effect with such variations as the circumstances may require.

3. An application made in accordance with paragraph 5 of the First Schedule to the Act for the grant of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the Act or a betting office licence, shall be made in writing in forms numbered 1 and 2, as the case may be, in the Schedule and shall contain such particulars and, if the application is for a permit, give such references as are required thereby. Application for grant of permits and licences.
Form 1.
Form 2.

4. *(Revoked by Act No. 13 of 1983).*

5. A permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the Act or a betting office licence shall be granted in form numbered 5 and renewed in form numbered 6 in the Schedule. Form of permits and licences.
Form 5.
Form 6.

6. The authority shall keep registers of permits to carry on business under section 28(1)(a) or (b) of the Act and betting office licences granted or renewed by him, and containing *inter alia* the following particulars: Register of permits and licences.

(a) in the case of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) which is cancelled under section 39, particulars of the cancellation;

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First Schedule.

(b) in the case of a betting office licence which by virtue of paragraph 19 of the First Schedule ceases to be in force, particulars of the circumstances in which it ceased to be in force.

Fee for
inspection of
registers.
[51/1980].

7. The register of permits and licences referred to in regulation 6 shall be opened during reasonable hours for inspection of permits by persons other than constables on payment of a fee of seventy-five cents.

SCHEDULE

FORM 1

Regulation 3.

THE GAMBLING AND BETTING ACT

Application for a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act.

To the Authority:

I,hereby apply for a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act, and declare as follows:

[That I was born on

That my office and usual place of residence is at

.....; and

That during the five years preceding the date of this application I have been resident as follows:

.....

.....

(insert addresses at which resident with dates in each case)

That I have not during the twelve months immediately preceding the date of this application been refused the grant or renewal of such a permit [save as follows:

.....

(insert details of refusals)

That I have not been the holder of such permit which has been forfeited and cancelled [save as follows:

.....

(insert details of cancellations)

Dated theday of, 20.....

.....

Two references as to the character of the applicant are to be provided in the following form:

I, of

(description)

have known..... of for a period of years and am of the opinion that he would be a fit and proper person to be the holder of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act. I am not related to him.

Dated the day of....., 20.....

.....

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Regulation 3.

FORM 2

THE GAMBLING AND BETTING ACT

Application for grant of betting office licence.

To the Authority:

I, hereby apply for a betting office licence in respect of

..... (insert address and description of premises)

a plan whereof, sufficient to show the [proposed] layout and location of the said premises and the means of access thereto, is appended hereto, and declare as follows:

[That I am the holder of a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act,

granted/last renewed on theday of, 20.....]

[That I am an applicant for a permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act, application having been made

on the day of, 20.....,

to (insert authority)]

Dated theday of, 20.....

.....

FORM 3

(Deleted by Act No. 13 of 1983)

FORM 4

(Deleted by Act No. 13 of 1983)

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Gambling and Betting (Licences) Regulations

[Subsidiary]

FORM 5

Regulation 5.

THE GAMBLING AND BETTING ACT

Permits to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act, and betting office licences / (grant).

Trinidad and Tobago

The Authority hereby grants to of this permit to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act, [authorising him to carry on such business on his own account] or this betting office licence authorising him to use

.....
(insert address and description of premises)

as a betting office

.....
(insert address and description of premises)

for such purpose.

This permit [licence] shall be in force from the..... day of, 20, and subject to paragraphs 19 and 20 of the First Schedule to the Gambling and Betting Act, shall cease to be in force on the thirtieth day of June, 20.....

Dated the day of..... , 20.....

.....
Authority

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Gambling and Betting

[Subsidiary]

Gambling and Betting (Licences) Regulations

Regulation 5.

FORM 6

THE GAMBLING AND BETTING ACT

Permits to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act, and betting office licences (renewal).

Trinidad and Tobago

Whereas

of, was on the day of, 20....., granted by the authority a [permit authorising him to carry on such business as is mentioned in section 28(1)(a) or (b) of the above-mentioned Act] [betting office licence authorising him to use

(insert address and description of premises)

as a betting office

(insert address and description of premises)

for such purposes] [which has from time to time been renewed];

And whereas the said permit [licence] ceases to be in force, subject to paragraphs 19 and 20 of the First Schedule to the Gambling and Betting Act, at the end of the day of

....., 20.....;

The authority hereby renews the said permit [licence].

The said permit [licence] shall be continued in force from the day of

....., 20....., and, subject to paragraphs 19 and 20 of the First Schedule to

the said Act, shall cease to be in force at the end of the day of 20.....

Dated the day of, 20.....

Authority