

ANTIGUA AND BARBUDA



THE GAMBLING ACT, 2016

No. 22 of 2016

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ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಅಧೀನದಲ್ಲಿ
ಕರ್ನಾಟಕ ಸರ್ಕಾರ

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ANTIGUA AND BARBUDA
THE GAMBLING ACT, 2016
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SCHEDULE 1

[L.S.]



I Assent,

Rodney Williams,
Governor-General.

14th February, 2017.

ANTIGUA AND BARBUDA

THE GAMBLING ACT, 2016

No. 22 of 2016

AN ACT to provide for the regulation of gambling and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

PRELIMINARY

1. Short title

This Act may be cited as the Gambling Act, 2016.

2. Commencement

(1) Chapters 1, 14, 16, 17, 18, 19 and 20 of this Act come into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(2) Chapter 2 comes into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(3) Chapter 3 comes into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(4) Chapters 4 and 5 come into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(5) Chapters 6, 7 and 8 come into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(6) Chapter 9 comes into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(7) Chapter 10 comes into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(8) Chapter 11 comes into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(9) Chapter 12 comes into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(10) Chapter 13 comes into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

(11) Chapter 15 comes into operation on the date that the Minister may, by Notice published in the *Gazette*, appoint.

3. Objectives

(1) The objectives of this Act are—

- (a) to ensure that forms of gambling permitted under this or any other Act are conducted honestly and that their management is free from criminal influence and exploitation;
- (b) to ensure that practices that could undermine public confidence in gambling are eliminated;
- (c) to promote tourism, employment and economic development generally in Antigua and Barbuda;
- (d) to protect Government revenue;
- (e) to ensure that gambling is not used to facilitate money laundering and terrorist financing; and

- (f) to promote a balanced contribution by the gambling industry to general community benefit and amenity.

CHAPTER 1 – THE GAMBLING AUTHORITY

PART 1 - THE AUTHORITY

4. Establishment and incorporation of the Authority

(1) There shall be established a body corporate to be known as the Gambling Authority of Antigua and Barbuda.

(2) The Authority—

- (a) is a body corporate with perpetual succession;
- (b) has an official seal;
- (c) may acquire, hold and dispose of real and personal property;
- (d) may do and suffer all acts and things that a body corporate may by law do or suffer.

5. Official seal

(1) The official seal of the Authority must—

- (a) be kept in such custody as the Authority directs; and
- (b) not be used except as authorised by the Authority.

(2) All courts must take judicial notice of the seal of the Authority affixed to a document and, until the contrary is proved, must presume that it was duly affixed.

6. Functions of the Authority

(1) The functions of the Authority are

- (a) to regulate gambling activities in and on Antigua and Barbuda in accordance with this Act;
- (b) to regulate interactive gambling activities in and from Antigua and Barbuda in accordance with the Interactive Gaming and Interactive Wagering Regulations, as amended from time to time;

- (c) to review gambling laws to ensure their continued relevance and appropriateness;
 - (d) to manage research and data collection in regard to the social and economic impacts of gambling in Antigua and Barbuda;
 - (e) to ensure compliance by gambling organisations and persons with payment of fees and tax liabilities;
 - (f) to manage its resources in an efficient and effective manner;
 - (g) to strive to prevent or eliminate illegal activity within the gambling sector by:
 - (i) ensuring that persons and organisations conducting gambling activities are suitable to do so;
 - (ii) ensuring that staff involved in the delivery of gambling services are fit and proper to do so; and
 - (iii) ensuring that gambling activities are conducted fairly and in accordance with relevant legislation and any associated rules and guidelines.
 - (h) to support the responsible and sustainable development of the gambling industry within Antigua and Barbuda;
 - (i) to promote the development of community awareness of the gambling laws;
 - (j) to consult and co-operate with other institutions, and with persons, associations, organisations and authorities, both within Antigua and Barbuda and internationally, in relation to the provision and regulation of gambling activities; and
 - (k) to do anything incidental to its functions under paragraphs (a) to (i).
- (2) In performing its functions, the Authority must have regard to the following principles:
- (a) minimum regulatory intervention by government;
 - (b) maximum co-operation between industry and government;
 - (c) performance-based risk management controls;
 - (d) proactive and competitive industry positioning;
 - (e) long term viability of the gambling industry;

- (f) protection of government revenue; and
- (g) a balanced approach to the social consequences of gambling.

7. Powers of the Authority

The Authority may do or perform all acts or things that are necessary for, or in connection with, the performance of its functions under and for the furtherance of the provisions of this Act that may lawfully be done or performed by a body corporate.

8. Control by Minister

In the exercise of its powers and the performance of its functions, the Authority is subject to a direction in writing of the Minister as to its general policy or policies in achieving the objectives of this Act.

9. Appointment and composition of the Authority

(1) The Authority shall consist of not less than five members appointed by the Minister, after consultation with Cabinet, on the grounds that they are fit and proper persons for appointment and on the basis of their knowledge and experience relevant to promoting the objectives of this Act.

(2) The Minister shall appoint a Chairperson and Deputy Chairperson from among persons appointed under subsection 0.

(3) No person shall be qualified to be appointed to the Authority if such a person is interested or concerned, whether directly or indirectly, in a gambling activity licensed under this Act, or been employed by, or significantly associated with, a person licensed under this Act.

(4) The exercise of the powers or the performance of the functions of the Authority shall not be affected by reason only of there being a vacancy in the office of a member.

10. Duties of Chairperson

The Chairperson shall, in accordance with the decisions of the Authority, and subject to the directions of the Minister, administer the affairs of the Authority.

11. Tenure of office

(1) Subject to this Part, a member shall be appointed for a period not exceeding 3 years and is eligible for reappointment.

(2) Notwithstanding subsection (1), unless a member sooner vacates office or is removed from office under this Part, the member shall continue in office until a successor is appointed.

12. Resignation of members

A member may resign from office by writing signed by the member and delivered to the Minister, with the resignation taking effect from the date of receipt of the resignation by the Minister.

13. Dismissal of members

(1) The Minister may, in the public interest, remove a member from office if the member:

- (a) has refused, neglected, or failed to carry out the functions or duties of office;
- (b) has engaged in misconduct in carrying out the functions, powers or duties of office;
- (c) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Authority;
- (d) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of the member's remuneration for their benefit; or
- (e) is convicted in Antigua and Barbuda of an indictable offence or elsewhere of an offence that, if committed in Antigua and Barbuda, would be an indictable offence.

14. Validity of decisions

A decision of the Authority is not invalid merely because of a defect or irregularity in, or in connection with, the appointment of a member or acting member.

15. Alternates of members

(1) The Minister may appoint a person to be the alternate of a member for such period as the Minister thinks fit.

(2) An alternate appointed under subsection (1) shall, in the event of the absence from a meeting of the Authority of the member for whom the member is the alternate, be entitled to attend the meeting and, when so attending, shall be deemed to be a member for the purposes of this Act.

(3) An act done by an alternate appointed under subsection (1) as a alternate shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of any powers or the performance of any functions did not arise or had ceased.

(4) Notwithstanding subsection (1), the Minister may revoke an appointment of an alternate at any time.

16. Leave of absence

The Minister may grant leave of absence to a member.

17. Disclosure of interests

(1) If a member has an interest in a matter being considered, or about to be considered, by the Authority, he or she must, as soon as practicable after the relevant facts come to his or her knowledge, disclose the nature of the interest to the Chairperson.

(2) If the Chairperson has an interest in a matter being considered, or about to be considered, by the Authority, he or she must, as soon as practicable after the relevant facts come to his or her knowledge, disclose the nature of the interest to the Minister.

(3) The Authority must make guidelines specifying the types of interests that a member must disclose for the purposes of this section.

18. Liability of Members

(1) A member, a delegate of the Authority, or a delegate of a member is not personally liable for anything done or omitted to be done in good faith—

- (a) in the exercise of a power or the performance of a function under this Act; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function under this Act.

(2) Any liability resulting from an act or omission that, but for subsection (1), would attach to a member or delegate attaches instead to the Authority.

19. Rules of Evidence

(1) In performing a function or duty the Authority—

- (a) is not bound by the rules of evidence but may inform itself in any way it thinks fit; and
- (b) is bound by the rules of natural justice.

20. Meetings

(1) The Chairperson must convene as many meetings of the Authority as he or she considers necessary for the efficient conduct of its affairs;

(2) A meeting convened, in accordance with this section, may be conducted

- (a) at a place determined by the Chairperson;
- (c) by telephone, closed circuit television or other means of communication that does not require the physical presence of each member in the same room.

(3) The Chairperson, or in his or her absence and if there is no acting Chairperson, a Deputy Chairperson, is to preside at a meeting or inquiry of the Authority.

(4) The quorum for a meeting of the Authority is 3 members, at least one of whom must be the Chairperson or a Deputy Chairperson.

(5) A matter arising at a meeting is determined by a majority of votes of the members present and voting on the question and the person presiding has a deliberative vote and, if voting is equal, a second or casting vote.

(6) The Authority shall keep records of its meetings.

(7) Subject to this Act, the Authority may regulate its own procedure.

21. Delegation

(1) The Authority may, in writing, delegate to a single member, the Director of Gambling or other employee of the Authority any of its powers and functions under this Act, except this power of delegation or a function specified in subsection (6).

(2) A power delegated under this section may be exercised by the delegate in accordance with the instrument of delegation and, where so exercised, shall, for the purposes of this Act, be deemed to have been exercised by the Authority.

(3) A delegation under this section to an employee may be to an employee from time to time holding, acting in or performing the duties of an office, designation or position.

(4) A delegation under this section is revocable at will and does not prevent the exercise of a power so delegated by the Authority.

(5) The powers or functions of the Authority specified in the following sections are not delegable—

- (a) s. 53 Determination of applications
- (b) s. 56 Amendment of conditions
- (c) s. 60 Cancellation, suspension or variation of resort casino licence

- (d) s. 63 Directions to operator
- (e) s. 71 Definitions, Approvals and Exemptions
- (f) s. 74 Notice to show cause why contract should not be terminated
- (g) s. 121 Review by the Authority
- (h) s. 172 Determination of applications
- (i) s. 324 Issue of licence
- (j) s. 379 Taking disciplinary action
- (k) s. 381 Authority may make declaration
- (l) s. 382 Suspension of the Organisation
- (m) s. 391 Review of Decision of Single Member or Delegate
- (n) s. 400 Suspension of licence

22. Power to engage Consultants

The Authority may engage consultants, contractors or agents for or in connection with the performance of its functions and duties.

23. Restrictions on Former Members

(1) A person who ceases to be a member or alternate member must not, at any time during the next 2 years without the approval of the Minister, be employed by, or significantly associated with—

- (a) a resort casino licensed under Chapter 3; or
- (b) a gambling provider licensed under Chapter 4.

24. Memoranda of Understanding

(1) The Authority may in the exercise of its collaborative functions enter into memoranda of understanding with overseas regulatory authorities for the purpose of assisting consolidated supervision with such authorities.

(2) No memorandum of understanding may call for assistance beyond that which is provided for by this Act, or relieve the Authority of any of its functions or duties under this Act.

25. Staff

(1) The Authority may appoint and employ staff at such remuneration and on such terms and conditions as it thinks fit for the proper carrying out of its functions.

(2) On the request of the Authority, the Minister may, subject to such conditions as he or she may impose, and after consultation with the Authority, approve the appointment of any public officer in the service of the Government by way of secondment to any office with the Authority, and any public officer so appointed shall, in relation to pension, gratuity or other allowance and to other rights and obligations as a public officer, be treated as continuing in the service of the Government.

(3) The Authority may, by instrument, nominate a person by name to assist or advise the Authority in the performance of functions under this Act, or any other Act.

(4) A nomination under subsection (3) must specify the functions in relation to which the nominated person is to assist or advise the Authority.

(5) A nomination under subsection (3) remains in force for the period determined by the Authority and may be extended from time to time by the Authority.

26. Duty of Confidentiality

(1) Subject to subsection (2) and (3), a person who is a member, officer, employee, agent, adviser, or external consultant of the Authority and who discloses any information-

- (a) relating to the affairs of the Authority;
- (b) relating to any application made to the Authority or the Government under this Act of the regulations;
- (b) relating to the affairs of a licensee;
- (d) relating to the affairs of an associate, customer, or employee of a licensee; or

- (e) shared by or with an overseas regulatory authority or any communication related thereto,

that he or she has acquired in the course of his or her duties or in the exercise of the Authority's functions under this or any other Act, is guilty of an offence and liable on summary conviction to a fine of \$30,000 and imprisonment for one year, and on conviction on indictment to a fine of \$150,000 and to imprisonment for three years.

(2) Subsection (1) shall not apply to a disclosure—

- (a) lawfully required or permitted by any court of competent jurisdiction within Antigua and Barbuda;
- (b) for the purpose of assisting the Authority to exercise any functions conferred on it by this Act, by any other Act or by regulations made there under;
- (c) in respect of the affairs of a licensee, or of an associate, customer, member, or employee of a licensee, which consent has been voluntarily given;
- (d) if the information disclosed is or has been available to the public from any other source;
- (e) where the information disclosed is in a summary or in statistics expressed in a manner that does not enable the identity of any licensee, or of any associate, customer, member, or employee of a licensee, to which the information relates can be ascertained;
- (f) lawfully made—
 - (i) to the Attorney General or a law enforcement agency in Antigua and Barbuda, with a view to the institution of, or for the purpose of criminal proceedings;
 - (ii) to the Minister, for the purposes of advising the Minister in relation to the functions and operations of this Act;
 - (iii) to a person pursuant to the Money Laundering (Prevention) Act 1996;
 - (iv) to a person pursuant to the Prevention of Terrorism Act 2005; or
 - (v) under subsection (3); or
- (g) for the purposes of the appointment or duties of a manager or receiver of a licensee.

(3) Subject to subsection (8), where the Authority is satisfied that a request for assistance from an overseas regulatory authority should be granted, the Authority

- (a) may disclose information necessary to enable the overseas regulatory authority to exercise regulatory functions, including the conduct of civil and administrative proceedings to enforce laws, regulations and rules administered by the overseas regulatory authority;
- (b) shall keep a record of all such requests and disclosures and an inventory of the information disclosed; and
- (c) may, either at the time of the request or at any time thereafter, consent to the use of the information for the purpose of-
 - (i) the conduct of civil and administrative enforcement proceedings;
 - (ii) assisting a self-regulatory organisation with surveillance of enforcement activities (insofar as the Authority is satisfied that the organisation is involved in the supervision of conduct that is the subject of the request); or
 - (iii) assisting a criminal investigation or prosecution of any charge applicable to the contravention of the provision specified in the request, where such charge pertains to a contravention of the laws and regulations administered by the requesting authority.

(4) In deciding whether or not to assist an overseas regulatory authority (whether by use if the Authority's powers under subsection (3) or otherwise), the Authority shall take into account-

- (a) whether corresponding assistance would be given in the relevant country or territory to the Authority;
- (b) whether the inquires relate to the possible breach of a law or other requirement which has no close parallel in Antigua and Barbuda or involve the assertion of a jurisdiction not recognised by Antigua and Barbuda; and
- (c) whether it is in the public interest to give the assistance sought.

(5) For the purpose of subsection 4(a), the Authority may require an overseas regulatory authority which requests assistance to give a written undertaking, in such form as the Authority may require, to provide corresponding assistance to the Authority.

(6) Where an overseas regulatory authority fails to comply with a requirement of the Authority under subsection (5), the Authority may refuse to provide the assistance sought.

(7) The Authority may decline to exercise its power under subsection (3) unless the overseas regulatory authority undertakes to make such contribution towards the costs of the exercise as the Authority considers appropriate.

(8) The Authority shall not give to an overseas regulatory authority any assistance involving the disclosure or gathering of, or the giving of access to, information or documents unless-

- (a) the Authority has satisfied itself that the intended recipient authority is subject to adequate legal restrictions on further disclosures; or
- (b) the Authority has been given an undertaking by the recipient authority not to disclose the information provided without the consent of the Authority; and
- (c) the Authority is satisfied that the assistance requested by the overseas authority is required for the purposes of the overseas regulatory authority's regulatory functions including the conduct of civil and administrative investigations or proceedings to enforce laws corresponding to the regulatory laws administered by that authority; and
- (e) the Authority is satisfied that information provided following the exercise of its powers will not be used against the person providing the information, other than proceedings for an offence of perjury.

27. Liability of Staff

(1) An employee of the Authority is not personally liable for anything done or omitted to be done in good faith—

- (a) in the exercise of a power or the performance of a function under this Act; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function under this Act.

(2) Any liability resulting from an act or omission that, but for subsection (1), would attach to an employee attaches instead to the Authority.

PART 2 - DIRECTIONS AND APPROVALS

28. Power to Issue Directions

(1) Without limiting the power of the Authority to give directions to any other person as provided by this Act, the Authority may give written directions to a person about a matter connected with the administration or enforcement of this Act, including but not limited to directions to the following persons about the following matters:

- (a) a licensee, or a licensee's agents, employees or associates, about the conduct of gambling or the administration of the licensee's licensed premises;
- (b) a recognised manufacturer or supplier of gaming machines about the manufacture, sale or supply of gaming machines; and
- (c) a person authorised or approved under this Act about the person's functions or powers under this Act.

(2) A person who fails to comply with, or contravenes, a direction given under subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) If a person is convicted of an offence under this section and persists in the contravention that constitutes the offence, the person is to be taken to commit a further offence on each day that the contravention continues and may be prosecuted accordingly, and on conviction, may be liable to a fine of up to \$50,000 for each day during which the offence continues.

(4) The direction takes effect when the direction is given to the licensee, licensees or person on such a date as is specified in the direction.

(5) The power conferred by this section includes a power to give a direction to a licensee or other person to adopt, vary, cease or refrain from any practice in respect of the conduct of gambling.

29. Approvals and authorities

(1) Where this Act provides that an act or thing shall not be done except with, or may be done with, the approval or authorisation of the Authority, the approval or authorisation may be granted by the Authority by instrument in writing.

(2) An approval or authorisation under this Act may:

- (a) be subject to such conditions as the Authority thinks fit; and
- (b) the Authority may at any time:
 - (i) impose further conditions on the approval or authorisation;
 - (ii) vary the conditions or further conditions; and
 - (iii) revoke the approval or authorisation,

if the Authority considers it necessary or appropriate in the public interest or for the proper conduct of gaming

(3) Except where a penalty is otherwise specified, a person who fails to comply with, or contravenes, a condition to which an approval or authorisation is subject, may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) A person who:

(a) modifies anything subject to an approval or authorisation from; or

(b) fails to maintain anything subject to an approval or authorisation in,

the form, state or condition in which it was approved or authorised except in order to comply with the conditions to which the approval or authorisation is subject, may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

30. Codes of practice

(1) For the purpose of providing practical guidance to persons granted licences under this Act on any matter relating to this Act, the Authority may approve a code of practice.

(2) A code of practice may consist of a code, standard, rule, specification or provision relating to matters in this Act formulated, prepared or adopted by the Authority and may apply, incorporate or refer to a document formulated or published by a body or authority as in force at the time the code of practice is approved or as amended, formulated or published from time to time.

(3) Except where a penalty is otherwise specified, a person who is the holder of a licence granted under this Act who contravenes or fails to comply with a code of practice approved under this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

PART 3 - INSPECTORS

31. Appointment

(1) The Chairperson may, by instrument, appoint as an inspector for the purposes of this Act, a person employed by the Authority who, in the Chairperson's opinion—

(a) is competent to perform the functions of an inspector; and

(b) is a fit and proper person to undertake the role of an inspector having regard to the person's reputation, character, honesty and integrity.

(2) Unless the Chairperson considers that there are special circumstances, the Chairperson cannot appoint as an inspector a person who is, or at any time in the previous 2 years has been employed by, or significantly associated with—

- (a) a resort casino licensed under Chapter 3; or
- (b) a gambling provider licensed under Chapter 4.

(3) Unless the Chairperson considers that there are special circumstances, the Chairperson cannot appoint as an inspector a person who has, or at any time in the previous 2 years has had any direct or indirect interest in the conduct of gambling, including the ownership of gambling equipment or receipt of the proceeds of gambling.

(4) For the purposes of subsection (3), a direct or indirect interest shall include a direct or indirect interest held by a family member of a person, which shall include a person's spouse, de facto partner, child and a child's spouse or de facto partner, and a parent.

32. Criminal records check

(1) The Authority may require a person under consideration for appointment as an inspector to consent to having his or her photograph, finger prints and/or palm prints taken.

(2) The Authority must refer a copy of any photograph, finger prints and palm prints and any supporting documentation to the Commissioner of Police.

(3) The Commissioner of Police must inquire into and report to the Authority on matters relating to whether the person under consideration is of good repute, having regard to character, honesty and integrity.

(4) The Commissioner of Police must ensure that—

- (a) any copies of photographs, finger prints and/or palm prints and any supporting documentation received under subsection (2) are destroyed—
 - (i) within 28 days after they are no longer required in connection with the Commissioner's inquiry and report under subsection (3); or
 - (ii) no later than 6 months from the date they were received—

whichever is the earlier; and

- (b) the person to whom they relate is notified of the destruction as soon as practicable.

(5) The Chairperson must ensure that—

- (a) any photographs, finger prints or palm prints taken under subsection (1) are destroyed—
 - (i) within 28 days after they are no longer required in connection with consideration of the person's appointment as a gambling and liquor inspector; or
 - (ii) no later than 6 months from the date they were taken—

whichever is the earlier; and

- (b) the person to whom they relate is notified of the destruction as soon as practicable.

33. Functions of inspectors

(1) An inspector has the functions conferred on an inspector under this Act or regulations made under this Act.

(2) An inspector has all the powers necessary to perform his or her functions under gambling legislation.

(3) An inspector may appear personally or be represented by a lawyer in any proceedings he or she has become involved in as a consequence of performing the functions of an inspector.

34. Powers of inspectors

(1) An inspector, who believes on reasonable grounds that it is necessary in the exercise or performance of the inspector's powers or functions under this Act, may enter, be and remain on licensed premises where the inspector believes on reasonable grounds any:

- (a) article is manufactured, assembled, sold, supplied, stored, transported, handled, installed, altered, obtained, possessed, operated, used, adjusted, maintained, repaired or kept; or
- (b) records are made, maintained, prepared, handled, stored or kept;

and may, with regard to the conduct of gambling:

- (c) make such investigations and inquiries as are necessary to ascertain whether the conduct of gambling is compliant with this Act;
- (d) make an inspection of the licensed premises and of:
 - (i) any articles, records, fittings and fixtures; and

- (ii) any other thing of any kind apparently used, or capable of being used, in connection with gambling or the conduct of gambling; or the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gambling equipment;
- (e) open, or order to be opened:
 - (i) any container or other receptacle of any kind; or
 - (ii) a door of any container or other receptacle of any kind,

used for the storage or conveyance of any article or records or that the inspector believes on reasonable grounds contains any article or records;

- (f) open or order to be opened any gambling equipment;
- (g) inspect and test any gambling equipment or part of the gambling equipment and order the withdrawal from use of any gambling equipment or part considered by the inspector to be unsatisfactory for use;
- (h) take such photographs, or films or audio or visual recordings that he or she considers may afford evidence as to the Authority of an offence against this Act or any other Act or law suspected by the inspector on reasonable grounds to have been, or to be likely to be, committed;
- (i) require a person to produce to the inspector any licence, registration, permit, approval, certificate or authorisation under this Act granted or issued to that person or alleged by that person to have been granted or issued to that person;
- (j) when so required by the Authority:
 - (i) alter a gaming machine to effect a change in the game, gaming token denomination or betting unit; or
 - (ii) take possession of and remove any gambling equipment or ancillary or related property and do such works and actions as are required in order to do so; and
 - (iii) in all other respects, exercise and perform the inspector's powers and functions under this Act.

(2) Where an act referred to in subsection (1)(a) or (b) is carried out during the night time, an entry and inspection under subsection (1) may be made at all reasonable times during the day time

or night time but otherwise such entry and inspection shall be made at all reasonable times during the day time.

(3) An inspector, who believes on reasonable grounds that it is necessary in the exercise or performance of the inspector's powers or functions under this Act, may:

- (a) require any licensed person, or employee or agent of a licensed person, who has in the person's possession or under the person's control any article or records to:
 - (i) produce for the inspector's inspection such article or records; and
 - (ii) attend before the inspector at a time and place named and to answer questions or supply information with respect to any article or records or any entry in any article or records;
- (b) inspect any article or records referred to in paragraph (a) and take such notes or copies of or in relation to such records or take extracts from such records as the inspector considers are necessary;
- (c) require any person responsible for or connected with:
 - (i) the conduct of gambling; or
 - (ii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gambling equipment; or
 - (iii) the administration of gambling in licensed premises,

to attend before the inspector at a time and place named and to answer any questions or supply any information with respect to the matters referred to in this paragraph;

- (d) require a person to state his or her full name, usual place of residence and date of birth;
- (e) require a person referred to in paragraph (c) to produce evidence of the correctness of any particular stated in answer under that paragraph if the inspector suspects that the particular is false;
- (f) receive and investigate complaints from any person with respect to:
 - (i) gambling;
 - (ii) the conduct of gambling;

- (iii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gambling equipment; or
- (iv) the administration of gambling in licensed premises,

and advise the person the results of the investigation;

- (g) call to the inspector's aid:
 - (i) another inspector or a member of the Police Force; or
 - (ii) use such force as is reasonably necessary in the circumstances in the exercise or performance of the inspector's powers or functions under this Act;

in order to identify or protect the integrity of any article, records or other thing,

- (h) mark, fasten, secure or seal:
 - (i) the article, records or other thing; or
 - (ii) any door, gate or opening that the inspector believes on reasonable grounds affords access to the article, records or other thing; and
- (i) exercise or perform such other powers or functions as may be prescribed.

(4) A copy of records provided under subsection (3) certified by the inspector as being a correct copy is admissible as evidence in any court and has the same effect as if it were the original of the records.

(5) In this section, unless the contrary intention appears:

article means:

- (i) gambling equipment;
- (ii) a device capable of being represented as being a gaming machine or linked jackpot arrangement;
- (iii) anything capable of forming gambling equipment;
- (iv) anything inserted, or capable of being inserted, into a gaming machine or betting terminal or automated lottery terminal in order to operate or gain

credit on the gaming machine or terminal (other than a gaming token of the denomination or type displayed on the gaming machine);

- (v) a device intended for use, or capable of being used, to interfere with the normal operation of gambling equipment;
- (vi) anything that permits or facilitates cheating or stealing;
- (vii) a gaming token;
- (viii) a lock or key;
- (ix) a counter of or apparatus for weighing gaming tokens; or
- (x) any other item related to gaming or the conduct of gaming or the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gambling equipment.

records means books, accounts, records or documents, in any form, which are related to:

- (a) the conduct of gambling;
- (b) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gambling equipment; or
- (c) the administration of gambling on licensed premises.

35. Identity cards

(1) An inspector is not authorised to perform the functions of an inspector unless he or she is in possession of an identity card in the form approved by the Chairperson.

(2) The identity card must bear a photograph and the name and signature of the inspector.

(3) Subject to this Act and any other Act conferring a function on an inspector, in the course of performing a function as an inspector, an inspector must, if requested to do so by a person affected by the performance of that function, produce the inspector's identity card for inspection by the person unless to do so would defeat the purpose for which the function is to be exercised.

36. Code of Conduct

(1) The Authority may determine and apply a Code of Conduct for inspectors with regard to the exercise of their functions as inspectors.

(2) The Code may specify disciplinary procedures and sanctions for breaches of the Code including termination of appointment as an inspector.

PART 4 - OFFENCES RELATING TO THE PERFORMANCE OF DUTIES

37. Former inspectors

(1) A person who ceases to be an inspector and who, without the approval of the Authority, at any time during the next 12 months, is employed by

- (a) a casino licensed under Chapter 3; or
- (b) a gambling provider licensed under Chapter 4

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

38. Bribery

(1) A person who corruptly asks for, receives, or obtains or agrees to receive or obtain any money, property or benefit of any kind for the person or any other person:

- (a) so that the person will forego or neglect his or her powers or functions under this Act or in order to influence the person in the exercise or performance of his or her powers or functions under this Act;
- (b) because of anything already done or omitted to be done or to be afterwards done or omitted to be done by the person in the exercise or performance of his or her powers or functions under this Act; or
- (c) for the person to use or take advantage of his or her position improperly to gain a benefit or advantage for or facilitate the Authority of an offence by another person,

may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(2) A person who corruptly gives, confers or procures or promises or offers to give, confer or procure to, on or for any other person money, property or benefit of any kind:

- (a) so that the person will forego or neglect his or her powers or functions under this Act or in order to influence that other person in the exercise or performance of his or her powers or functions under this Act;
- (b) because of anything already done or omitted to be done or to be afterwards done or omitted to be done by that other person in the exercise or performance of his or her powers or functions under this Act; or
- (c) for that other person to use or take advantage of his or her position improperly to gain any benefit or advantage for or facilitate the Authority of an offence,

may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

39. Financial connections and interests of inspectors

(1) An inspector:

- (a) shall not, without the written consent of the Authority, knowingly have, directly or indirectly:
 - (i) any business or financial connection with; or
 - (ii) any business or financial interest in any matter in conjunction with, the holder of a licence under this Act; or
- (b) shall not:
 - (i) be an employee in any capacity of; or
 - (ii) hold the position of executive officer or secretary of a body corporate which is, the holder of a licence under this Act.

(2) The holder of a licence under this Act:

- (a) shall not knowingly have, directly or indirectly, any business or financial connection, or any business or financial interest in any matter in conjunction with an inspector;
- (b) shall not employ in any capacity an inspector; or
- (c) shall not, without the written approval of the Authority, employ in any capacity or have a business or financial connection with a person who was an inspector for one year after the person ceases to be an inspector.

(3) An inspector or a licensee who contravenes subsection (1) or (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) An inspector who has directly or indirectly:

- (a) any business or financial connection with; or
- (b) any business or financial interest in any matter in conjunction with,

a person who becomes a listed person, the holder of a licence under this Act or the applicant for a licence under this Act shall, immediately on becoming aware that the person has become listed, licensed or an applicant:

- (d) notify the Authority of the connection or interest; and
- (d) if directed by the Authority, terminate the connection or relinquish the interest within a time specified by the Authority.

(5) An inspector who contravenes subsection (4) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(6) This section does not prohibit an inspector from having a business or financial connection with a listed person or the holder of a licence under this Act that is generally had by members of the public.

40. Offences relating to inspectors

(1) A person shall not:

- (a) assault, obstruct, hinder, threaten, abuse, insult or intimidate an inspector or person acting in aid of an inspector who is exercising or performing powers or functions under this Act or attempting to do so;
- (b) when required under this Act to produce:
 - (i) for inspection an article or record; or
 - (ii) a licence, registration, permit, approval, certificate or authorisation under this Act granted or issued to the person,
- (b) fail without lawful excuse to produce it in accordance with the requirement;
- (d) when required under this Act to attend before an inspector, fail without lawful excuse to so attend in accordance with the requirement;

- (e) when required under this Act to answer a question or supply information with respect to:
- (i) an article, record or an entry in a record;
 - (ii) the conduct of gambling;
 - (iii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gambling equipment; or
 - (iv) the administration of licensed premises; or
 - (v) knowing or being in a position to know the answer or information required, fail to answer that question or supply that information or supply information that is to the person's knowledge false, erroneous or misleading in a material particular;
- (f) when required under a provision of this Act to state the person's full name, the address of the person's usual place of residence and the person's date of birth or any of those particulars:
- (i) fail to immediately state any such particular; or
 - (ii) state any false particular;
- (g) when required under a provision of this Act to produce evidence of the correctness of any particular:
- (i) fail to produce that evidence; or
 - (ii) produce false evidence with respect to that particular;
- (h) retake an article, record or other thing seized and retained under this Act;
- (i) tamper with:
- (i) an article, record or other thing; or
 - (ii) a door, gate or opening that the inspector believes on reasonable grounds affords access to an article, record or other thing;

marked, fastened, secured or sealed under this Act;

- (j) fail to open a container or other receptacle of any kind, a door of a container or other receptacle of any kind or gaming equipment when ordered to do so by an inspector acting under this Act;
- (k) fail to withdraw from use gaming equipment or part of the gaming equipment considered by an inspector to be unsatisfactory for use when ordered to do so by an inspector acting under this Act; or

(1) prevent, directly or indirectly, a person from attending before an inspector, or producing to an inspector an article or record or answering a question or supplying information to an inspector when that person is required to do so under this Act.

(2) A person who contravenes a provision of subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

CHAPTER 2 - PROHIBITION ON GAMBLING

41. Gambling prohibited

All gambling is prohibited and illegal unless it is authorised by or under this Act and complies with this Act, the regulations, and any relevant licence, game rules, and standards.

42. Gaming or wagering contracts are void

Except for bets, wagers or subscriptions or contributions or entries to gambling permitted under this Act, a gaming or wagering contract or agreement (whether written or not) is void.

CHAPTER 3 – RESORT CASINOS PART 1 – LICENSING OF RESORT CASINOS

43. Definitions

(1) In this Chapter—

alternative cash access facility means a facility that—

- (a) enables a person to debit his or her funds without a person employed or engaged by the casino enabling the debit of those funds; and
- (b) issues a receipt or other authority requiring the casino to pay to that person cash representing the amount debited;

authorised deposit-taking institution means a bank or other deposit-taking institution approved the Authority

authorised person means a person authorised by the Authority to undertake a specific function, or activity

cash facility means—

- (a) an automatic teller machine; or
- (b) an EFTPOS facility; or
- (c) an alternative cash access facility; or
- (d) any other prescribed facility that enables a person to gain access to his or her funds or to credit;

resort casino means premises, or part of premises, defined as a casino for the time being under section 57 (Authority to define resort casino premises);

resort casino employee means an employee having functions in or in relation to a casino;

resort casino licence means a licence granted under this Chapter;

resort casino operator means a person who is the holder of a licence;

chips means any tokens used instead of money for the purpose of gaming;

Authority means the Gambling Authority of Antigua and Barbuda;

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

employ includes engage under a contract for services;

exclusion order means a written or oral order under section 120 (Exclusion orders) or a written order under section 122 (Exclusion Orders by Commissioner of Police) prohibiting a person from entering, or remaining in, a resort casino or the resort casino complex;

game means

- (a) a game of chance or a game that is partly a game of chance and partly a game requiring skill, or any game declared by the Authority to be a game under this Act;
- (b) approved betting facilities, enabling wagering on racing, sporting or other events.

gaming equipment means any device or thing (including chips) used, or capable of being used, for or in connection with gaming and includes—

- (a) a gaming machine; and
- (b) linked jackpot equipment; and
- (c) an electronic monitoring system; and
- (c) a part of, or replacement part for, any such machine, equipment or system—

but does not include interactive gaming equipment within the meaning of the Interactive Gaming and Interactive Wagering Regulations that is used or intended to be used for the purposes of interactive games;

international exclusion order means an order made by an international regulatory body or agency of a similar nature to an exclusion order made under section 120 (Exclusion Orders);

jackpot means the combination of letters, numbers, symbols or representations required to be displayed on the reels or video screen of a gaming machine, or rules in relation to other games, so that the winnings in accordance with the prize payout scale displayed on the machine, or in accordance with the rules of the other games, are payable from money which accumulates as contributions are made to a special prize pool;

junket means an arrangement whereby a person or a group of people is introduced to a resort casino operator by a junket organiser or promoter who receives a Authority based on the level of gaming in the resort casino attributable to the persons introduced by the organiser or promoter or otherwise calculated by reference to such play;

linked jackpot arrangement means an arrangement whereby 2 gaming machines or tables are linked to a device that—

- (a) records, from time to time, an amount which, in the event of a jackpot or other result being obtained on one of those machines or tables, may be payable, or part of which may be payable, as winnings; and

- (b) for the purpose of recording the amount referred to in paragraph (a), receives data from each gaming machine or table to which the device is linked; and
- (d) is not capable of affecting the outcome of a game on a gaming machine or table to which the device is linked;

linked jackpot equipment means any jackpot meter, payout display, linking equipment, computer equipment, programming or other device (other than a gaming machine) forming, or capable of forming, part of a linked jackpot arrangement;

operations, in relation to a resort casino, means—

- (a) the conduct of gaming in the resort casino;
- (b) the management and supervision of the conduct of gaming in the resort casino;
- (c) money counting in, and in relation to, the resort casino;
- (d) accounting procedures in, and in relation to, the resort casino;
- (e) the use of storage areas in the resort casino;
- (f) the safe-keeping of gaming stock, logs and records
- (g) premium player management
- (h) other matters affecting or arising out of, activities in the resort casino;

police officer means a police officer appointed under the Police Act

premium player arrangement means an arrangement whereby a resort casino operator agrees to pay a patron of the resort casino a Authority based on the patron's level of gaming in the resort casino or otherwise calculated by reference to such play;

public interest or interest of the public means public interest or interest of the public having regard to the creation and maintenance of public confidence and trust in the credibility, integrity and stability of resort casino operations;

record includes any book, account, document, paper or other source of information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or in any other matter or by any other means; and

this Act includes the regulations.

44. Meaning of associate

(1) Unless otherwise specified, for the purposes of this Chapter a person is an associate of a resort casino operator or an applicant for a resort casino licence if the person—

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

(2) In this section—

relevant financial interest, in relation to a business, means—

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business;

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

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

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

45. Licensed resort casinos declared lawful

(1) Subject to this Act, the conduct and playing of a game and the use of gaming equipment is lawful when the game is conducted, and the gaming equipment is provided, in a resort casino by or on behalf of the resort casino operator.

(2) For the avoidance of doubt, Chapters 4, 5, 6, 7, 8 and 9 of this Act do not apply to the conduct and playing of a game and the use of gaming equipment when the game is conducted and the gaming equipment is provided in a resort casino by or on behalf of the resort casino operator.

(3) This section does not operate to enable a proceeding to be brought to recover—

- (a) money won in the course of gaming or betting in a resort casino; or
- (b) money or a cheque or other instrument given in payment of money so won; or
- (c) a loan of money to be wagered in the course of gaming or betting in a resort casino—

unless the money was won from or wagered with a resort casino operator.

(4) The conduct of operations in a resort casino in accordance with this Act and the conditions of the relevant resort casino licence is not a public or private nuisance.

46. Ministerial directions as to requirements for resort casinos

(1) The Minister may issue directions in writing to the Authority for—

- (a) the maximum permissible number of resort casinos;
- (b) the permissible locations for resort casinos;
- (c) the required style and size of resort casinos generally or of any particular resort casino;
- (d) the recreational, tourist or cultural facilities that are to be established as part of a resort casino;
- (e) such other matters (if any) as the Minister considers relevant to the establishment and operation of a resort casino.

(2) The Authority must not grant a resort casino licence if to do so would be inconsistent with the Minister's directions.

(3) An action taken by the Authority is void if it is made inconsistently with the Minister's directions.

47. Management agreement

(1) The Authority must not consider or grant a licence unless an agreement in writing has been entered into between the Minister, for and on behalf of Antigua and Barbuda, and the proposed resort casino operator identifying the resort casino to be the subject of the licence and containing any terms and conditions that the Minister thinks fit.

(2) An agreement referred to in subsection (1) may be varied by the parties.

48. Application for resort casino licence

(1) A person may apply to the Authority to be granted a resort casino licence.

(2) An application for a licence must be made in a form in or to the effect of the form approved by the Authority and must be accompanied by the prescribed fee.

(3) The application must—

(a) describe the style and size of the proposed resort casino, and the recreational, tourist or cultural facilities that are proposed to be established as part of the resort casino; and

(b) contain or be accompanied by any additional information the Authority requires.

(4) If a requirement made by this section is not complied with, the Authority may refuse to consider the application.

(5) If an application is refused under subsection (4) or withdrawn by the applicant, the Authority, at its discretion, may refund the whole or part of the application fee.

49. Matters to be considered in determining applications

(1) The Authority must not grant an application for a resort casino licence unless satisfied that the applicant, and each associate of the applicant, as defined in section 44 (Meaning of Associate), is a suitable person to be concerned in or associated with the management and operation of a resort casino.

(2) In particular, the Authority must consider whether—

(a) each such person is a fit and proper person to hold a resort casino licence or to be concerned in or associated with the management and operation of a resort casino, having regard to the person's reputation, character, honesty and integrity;

(b) each such person is of sound and stable financial background;

(c) in the case of an applicant that is not a natural person, the applicant has, or has arranged, a satisfactory ownership, trust or corporate structure;

(d) the applicant has or is able to obtain financial resources that are adequate to ensure the financial viability of the proposed resort casino and the services of persons who have sufficient experience in the management and operation of a resort casino;

- (e) the applicant has sufficient business ability to establish and maintain a successful resort casino;
- (f) any of those persons has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources;
- (g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the operations or business of the applicant is a suitable person to act in that capacity.

50. Investigation of application

(1) On receiving an application for a resort casino licence, the Authority must cause to be carried out all such investigations and inquiries as it considers necessary to enable it to properly consider the application.

(2) In particular, the Authority—

- (a) may require any person it is investigating in relation to the person's suitability to be concerned in or associated with the management or operation of a resort casino to consent to having his or her photograph, finger prints and/or palm prints taken;
- (b) must refer a copy of the application and of any such photograph, finger prints and palm prints and any supporting documentation to the Commissioner of Police.

(3) The Commissioner of Police must inquire into and report to the Authority on such matters concerning the application as the Authority requests.

(4) The Authority may independently of the Commissioner of Police enquire into matters related to the application, and such enquiry may be by the Authority or an agent of the Authority.

(5) The Authority may refuse to consider an application for a resort casino licence if any person from whom it requires a photograph, finger prints and/or palm prints under this section refuses to allow his or her photograph, finger prints or palm prints to be taken.

51. Authority may require further information

(1) The Authority may, by notice in writing, require a person who is an applicant for a resort casino licence or a person whose association with the applicant is, in the opinion of the Authority, relevant to the application to do any one or more of the following—

- (a) to provide, in accordance with directions in the notice, any information, verified by statutory declaration, that is relevant to the investigation of the application and is specified in the notice; and
- (b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them; and
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); and
- (d) to furnish to the Authority any authorities and consents that the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the person and his or her associates or relations from other persons including, but not limited to, any gambling regulators of any other country, and any bank located in any country.

(2) If a requirement made under this section is not complied with, the Authority may refuse to consider the application concerned.

52. Updating of application

(1) If a change occurs in the information provided in or in connection with an application for a resort casino licence (including in any documents lodged with the application), before the application is granted or refused, the applicant must forthwith give the Authority written particulars of the change verified by statutory declaration.

(2) If—

- (a) the Authority requires information (including information in any records) from a person referred to in section 49 (Matters to be considered in determining application) whose association with the applicant is in the opinion of the Authority relevant to the application; and
- (b) a change occurs in that information before the application is granted or refused— that person must forthwith give the Authority written particulars of the change.

(3) When particulars of the change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of subsection (1) or (2) to any further change in the information provided.

53. Determination of applications

(1) The Authority must determine an application by either granting or refusing the application and must notify the applicant in writing of its decision.

(2) A licence may be granted subject to such conditions as the Authority thinks fit.

(3) Without limiting the matters to which conditions may relate, the conditions of a licence may relate to any matter for which provision is made by this Act.

(4) If an application is granted, the licence is granted for the term, subject to the conditions, and for the location, specified in the licence.

54. Licence not personal property

A licence is declared not to be personal property.

55. Authority may agree to exclusivity

(1) The Authority may, with the approval of the Minister, enter into an agreement with a person, in connection with the grant of a resort casino licence to the person, binding the Authority for a specified period not to grant another resort casino licence for a location within a specified distance from the location of the person's resort casino or not to grant another resort casino licence for a resort casino of a specified kind for such a location.

(2) Subsection (1) does not prevent the Authority from amending or varying any agreement made under this section before the commencement of the agreement referred to in that subsection or after that commencement in accordance with the terms of the agreement.

56. Amendment of conditions

(1) The conditions of a resort casino licence may be amended in accordance with this section.

(2) An amendment may be proposed—

(a) by the resort casino operator by requesting the Authority in writing to make the amendment; or

(b) by the Authority by giving notice in writing of the proposed amendment to the resort casino operator.

(3) The Authority must give the resort casino operator at least 14 days to make submissions to the Authority concerning any proposed amendment (whether proposed by the Authority or the licensee) and must consider the submissions made.

(4) The Authority must then decide whether to make the proposed amendment, either with or without changes from that originally proposed, and must notify the resort casino operator of its decision.

(5) Any amendment that the Authority decides upon takes effect when notice of the decision is given to the resort casino operator or on any later date that may be specified in the notice.

57. Authority to define resort casino premises

(1) The boundaries of a resort casino, as at the time when the resort casino licence is granted, must be defined by the resort casino licence within the location for which the licence is granted.

(2) The Authority may from time to time redefine the boundaries of a resort casino, at the location for which the licence is granted, as the Authority thinks fit and may do so of its own motion or on the application of the resort casino operator.

(3) An application for the redefining of the boundaries of a resort casino must be accompanied by the prescribed fee.

(4) The defining or redefining of the boundaries of a resort casino takes effect when the Authority gives written notice of it to the resort casino operator concerned or any later date specified in the notice.

58. Duration of resort casino licence

A resort casino licence remains in force for the period for which it was granted, as specified in the licence, unless it is sooner cancelled or surrendered under this Act.

59. Mortgage of resort casino licence

A resort casino operator must not mortgage, charge or otherwise encumber the resort casino licence except with the prior approval of the Authority.

60. Cancellation, suspension or variation of resort casino licence

(1) In this section—

- (a) *disciplinary action* means the cancellation or suspension of a resort casino licence, the issuing of a letter of censure, the variation of the terms of a resort casino licence or the imposition of a civil penalty by the Authority not exceeding \$300,000;
- (b) *grounds for disciplinary action* in relation to a resort casino licence means any of the following grounds—

- (i) that the licence was improperly obtained in that, at the time the licence was granted, there were grounds for refusing it;
- (ii) that the resort casino operator, a person in charge of the resort casino, an agent of the resort casino operator or a resort casino employee has contravened a provision of this Act or a condition of the licence;
- (iii) that the resort casino operator has contravened an agreement referred to in section 47 (Management agreement);
- (iv) that the resort casino premises are, for specified reasons, no longer suitable for the conduct of resort casino operations;
- (v) the resort casino operator is, for specified reasons, considered to be no longer a fit and proper person to hold the licence;
- (vi) the resort casino operator has failed to comply with a direction within the time specified in that direction, to terminate an association with an associate;
- (vii) that there have been repeated breaches by the resort casino operator of the resort casino operator's Operational Plan;
- (viii) for specified reasons, it is considered to be no longer in the public interest that the licence should remain in force.

(2) The Authority may serve on a resort casino operator a notice in writing affording the resort casino operator an opportunity to show cause within 14 days why disciplinary action should not be taken on the grounds for disciplinary action specified in the notice.

(3) The resort casino operator, within the period allowed by the notice, may make submissions to the Authority as to why disciplinary action should not be taken and the Authority must consider any submissions so made.

(4) The Authority may then take disciplinary action against the resort casino operator as the Authority sees fit and does so by giving written notice to the resort casino operator—

- (a) of the cancellation or suspension of the resort casino licence, the variation of the terms of the licence or the imposition of the civil penalty; or
- (b) in the form of a letter of censure; or
- (c) any combination of the sanctions referred to in paragraph (a) or paragraphs (a) and (b).

(5) The cancellation, suspension or variation of a resort casino licence under this section takes effect when the notice is given or on a later date specified in the notice.

(6) A letter of censure may censure the resort casino operator in respect of any matter connected with the operation of the resort casino and may include a direction to the resort casino operator to rectify within a specified time any matter giving rise to the letter of censure.

(7) If any direction given under subsection (6) is not complied with in the specified time, the Authority may by giving written notice to the resort casino operator, cancel, suspend or vary the terms of the resort casino licence or impose a civil penalty without affording the resort casino operator a further opportunity to be heard.

(8) A resort casino licence is of no effect while it is suspended but the suspension does not affect its operation for any other purpose.

(9) A civil penalty imposed under this section may be recovered as a debt due to the Authority.

(10) A member of the Authority who has participated in consideration of disciplinary action is not prevented by that reason alone from considering whether further disciplinary action should be taken.

61. Surrender of licence

(1) A resort casino operator may surrender the resort casino licence by giving notice in writing to the Authority.

(2) The surrender takes effect only if the Authority consents to the surrender.

62. Appointment of a manager if licence cancelled or suspended

(1) If a resort casino licence is suspended, cancelled or surrendered, the Authority may, if it is satisfied that it is in the public interest to do so, by instrument appoint a manager of the resort casino for the purposes of this section.

(2) In appointing a person to be a manager, the Authority must have regard to the suitability of the person.

(3) A manager is appointed on such terms and conditions as the Authority thinks fit.

(4) The appointment of a manager of a resort casino may be terminated at any time by the Authority and is terminated by the grant of another resort casino licence in respect of the resort casino.

(5) If the appointment of the manager is terminated, the manager ceases to be deemed to be the holder of a resort casino licence.

(6) A manager—

- (a) is deemed to be the holder of a resort casino licence on the same terms as those on which the resort casino operator held the licence before its cancellation, suspension or surrender, subject to such modifications as the Authority determines;
- (b) assumes full control of and responsibility for the business of the resort casino operator in respect of the resort casino and may retain for use in the resort casino any property of the resort casino operator; and
- (c) must conduct, or cause to be conducted, resort casino operations in accordance with this Act; and
- (d) has, in connection with the conduct of those operations, all the functions of the operator; and
- (e) may employ such staff as may be required to operate the resort casino.

(7) The Regulations may make provision for or with respect to the functions of a manager appointed under this section.

(8) The following provisions have effect in respect of the net earnings of a resort casino while operations in the resort casino are being conducted by a manager under this section—

- (a) subject to paragraph (b), no payment of net earnings is to be made to the former resort casino operator without the prior approval of the Authority;
- (b) the former resort casino operator is entitled to a fair rate of return out of net earnings (if any) on any property of the former resort casino operator retained by the manager;
- (c) the Authority may direct that all or any part of net earnings (other than that referred to in paragraph (b)) must be paid into the Consolidated Fund, with any balance to be paid to the former resort casino operator.

PART 2 - SUPERVISION AND CONTROL OF RESORT CASINO OPERATORS

63. Directions to operator

(1) The Authority may give to a resort casino operator a written direction that relates to the conduct, supervision or control of operations in the resort casino and the operator must comply with the direction as soon as it takes effect.

(2) A resort casino operator who fails to comply with a direction under subsection (1) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(3) The direction takes effect when the direction is given to the resort casino operator or on a later date specified in the direction.

(4) The power conferred by this section includes a power to give a direction to a resort casino operator to adopt, vary, cease or refrain from any practice in respect of the conduct of resort casino operations.

(5) A direction under this section must not be inconsistent with this Act or the conditions of the resort casino licence.

(6) If a person is convicted of an offence under this section and persists in the contravention that constitutes the offence, the person is to be taken to commit a further offence on each day that the contravention continues and may be liable to prosecution on indictment and, on conviction, to a fine of up to \$300,000 for each offence.

64. General investigations

(1) The Authority may investigate a resort casino from time to time and at any time that the Authority thinks it desirable to do so and, if it is directed to do so by the Minister, must investigate the resort casino.

(2) The investigation may include (but is not limited to) an investigation of any or all of the following matters—

- (a) the resort casino and operations in the resort casino;
- (b) the resort casino operator or a person who, in the opinion of the Authority, is an associate of the resort casino operator;
- (c) a person or persons who in the opinion of the Authority could affect the exercise of functions in or in relation to the resort casino; or

- (d) a person or persons who, in the opinion of the Authority, could be in a position to exercise direct or indirect control over the resort casino operator, or an associate of the resort casino operator, in relation to functions in or in relation to the resort casino.

(3) The Authority must make a report to the Minister on the results of such an investigation.

65. Regular investigations of resort casino operator's suitability

(1) Not later than 3 years after the commencement of operations in a resort casino, and thereafter at intervals not exceeding 5 years, the Authority must investigate and form an opinion as to each of the following matters—

- (a) whether or not the resort casino operator is a suitable person to continue to hold the resort casino licence;
- (b) whether or not the resort casino operator is complying with this Act, the regulations and any directions given under this Act;
- (c) whether or not the resort casino operator is complying with any agreements that impose obligations on the resort casino operator;
- (d) whether or not it is in the public interest that the resort casino licence should continue in force.

(2) The Authority must report its findings and opinion to the Minister, giving reasons for its opinion and, subject to the approval of the Minister, must take whatever action it considers appropriate in the light of its findings.

66. Operator to provide information

(1) The Authority may, by notice in writing, require a resort casino operator or a person who was a resort casino operator or a person who, in the opinion of the Authority, is or was directly or indirectly associated with the operator—

- (a) to provide the Authority or an authorised person, in accordance with directions in the notice, with such information relevant to the operator or that association or to the resort casino, or with such information as the Authority requires, as is specified in the notice; or
- (b) to produce to the Authority or an authorised person, in accordance with the directions in the notice, such records relevant to the operator or that association or to the resort casino, or to matters specified by the Authority, as are specified in the notice and to permit examination of those records, the taking of extracts from them and the making of copies of them; or

- (c) to attend before the Authority or an authorised person for examination in relation to any matters relevant to the operator or that association or to the resort casino, or to matters specified by the Authority, and to answer questions relating to those matters.

(2) A person is not excused from complying with a notice under this section on the ground that compliance might tend to incriminate the person but, if the person, in writing given to the Authority, claims, before complying with the notice, that compliance might tend to incriminate the person, information provided in compliance with the notice is not admissible in evidence against the person in criminal proceedings other than proceedings under this Act.

(3) If records are produced under this section, the Authority or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from them and the making of copies of them.

(4) At any reasonable times during the period for which records are retained, the Authority or authorised person must permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Authority or an authorised person.

(5) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

67. Failure to provide information punishable as contempt

(1) If the Authority is satisfied that a person has, without reasonable excuse, failed to comply with a requirement of a notice under section 66 (Operator to provide information), the Authority may certify the failure to the High Court.

(2) If the Authority so certifies, the High Court may inquire into the case and—

- (a) order the person to comply with the requirements within a period specified by the Court; or
- (b) if the Court is satisfied that the person failed, without reasonable excuse, to comply with the requirement—punish the person as if the person were in contempt of the Court and, if it thinks fit, also make an order under paragraph (a).

68. Change in situation of resort casino operator

(1) In this section—

major change in the situation existing in relation to a resort casino operator means—

- (a) any change in that situation which results in a person becoming an associate of the resort casino operator; or
- (b) any other change in that situation which is of a class or description prescribed as major for the purposes of this section;

minor change in the situation existing in relation to a resort casino operator means any change in that situation that is prescribed as a minor change for the purposes of this section.

(2) A resort casino operator must—

- (a) ensure that a major change in the situation existing in relation to the operator which is within the operator's power to prevent occurring does not occur except with the prior approval in writing of the Authority; and
- (b) notify the Authority in writing of the likelihood of any major change in the situation existing in relation to the operator to which paragraph (a) does not apply as soon as practicable after the operator becomes aware of the likelihood of the change; and
- (c) notify the Authority in writing of any major change in the situation existing in relation to the operator to which paragraphs (a) and (b) do not apply within 3 days after becoming aware that the change has occurred; and
- (d) notify the Authority in writing of any minor change in the situation existing in relation to the operator within 14 days after becoming aware that the change has occurred.

(3) A resort casino operator who fails to comply with a requirement of subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) If a major change for which the approval of the Authority is sought under this section involves a person becoming an associate of the resort casino operator, the Authority must not grant its approval unless satisfied that the person is a suitable person to be associated with the management of a resort casino.

(5) Sections 49 (Matters to be considered in determining applications), 49 (Investigation of application) and 51 (Authority may require further information) apply to and in respect of an application for approval under this section in the same way that they apply to and in respect of an application for a licence.

69. Change in situation of associate

(1) Whenever a change of a kind specified by the Authority in writing given to an associate of a resort casino operator takes place in the situation existing in relation to the associate of the resort casino operator, the associate must notify the Authority in writing of the change within 14 days after it takes place.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

70. On-going monitoring of associates and others

(1) The Authority may from time to time investigate—

- (a) an associate, or a person likely to become an associate, of a resort casino operator; or
- (b) any person, body or association having a business association with a person referred to in paragraph (a).

(2) A resort casino operator must—

- (a) notify the Authority in writing that a person is likely to become an associate as soon as practicable after the resort casino operator becomes aware of the likelihood; and
- (b) take all reasonable steps to ensure that a person does not become an associate except with the prior approval in writing of the Authority.

(3) If the Authority, having regard to the matters referred to in subsection (4), determines that an associate is unsuitable to be concerned in or associated with the business of the resort casino operator, the Authority may, by notice in writing, require the associate to terminate the association with the resort casino operator.

(4) In particular, the Authority must consider whether the associate—

- (a) is a fit and proper person to be an associate, having regard to reputation, character, honesty and integrity;
- (b) is of sound and stable financial background;
- (c) has any business association with any person, body or association who or which, in the opinion of the Authority, is not a fit and proper person, having regard to

reputation, character, honesty and integrity or has undesirable or unsatisfactory financial resources.

(5) If the Authority determines that an associate of a resort casino operator has engaged, or is engaging, in conduct that, in the Authority's opinion, is unacceptable for a person who is concerned in or associated with the ownership, management or operation of the business of the resort casino operator, the Authority may—

- (a) issue a written warning to the associate that the conduct is unacceptable, and advise the resort casino operator of the issuance of such a warning; or
- (b) give written notice to the associate requiring the associate to give a written undertaking to the Authority, within the period specified in the notice, regarding the future conduct of the associate, and advise the resort casino operator of the issuance of such a notice.

(6) If the associate fails to give an undertaking required under subsection (5)(b) or breaches an undertaking given under that provision, the Authority may give the associate written notice requiring the associate to terminate, within 14 days or a longer period agreed with the Authority, the association with the resort casino operator and advise the resort casino operator of the issuance of such a notice.

(7) If the association is not terminated within 14 days from the date of the notice referred to in subsection (3) or (5) or any longer period agreed with the Authority, the Authority may, by notice in writing, direct the resort casino operator to take all reasonable steps to terminate the association and the resort casino operator must comply with the direction within 14 days or any longer period agreed with the Authority.

(8) The Authority—

- (a) may require an associate or person likely to become an associate to consent to having his or her photograph, finger prints and/or palm prints taken; and
- (b) must refer a copy of such photograph, finger prints or palm prints and any supporting documents to the Commissioner of Police;
- (c) may seek the assistance, information and advice from any international regulatory or law enforcement agency or body.

(9) The Authority may independently of the Commissioner of Police enquire into matters related to the application, and such enquiry may be by the Authority or an agent of the Authority.

PART 3 - CONTRACTS

71. Definitions, Approvals and Exemptions

(1) In this Part—

contract includes any kind of agreement or arrangement;

controlled contract, in relation to a resort casino operator, means a contract that relates wholly or partly to the supply of goods or services to the resort casino or to any other matter that is specified by the Authority by notice in writing given to the resort casino operator as a controlled matter for the purposes of this definition but does not include a contract that relates solely to—

- (a) the construction of the resort casino; or
- (b) the alteration of premises used or to be used as the resort casino; or
- (c) the supply, maintenance, repair or modification of gaming machines or gaming equipment relating to gaming machines, being a contract between the resort casino operator and a person listed on the Roll; or
- (d) any other class of matter specified by the Authority by notice in writing given to the resort casino operator as not being controlled matter for the purposes of this definition; or
- (e) a class of contract of a kind approved under subsection (2); or
- (f) any other class of contract specified by the Authority by notice in writing given to the resort casino operator as not being a controlled contract for the purposes of this definition.

(2) The Authority may, by notice in writing given to the resort casino operator, approve an agreement or arrangement with a specified person for the supply of specified goods or services as an agreement or arrangement that is not a contract to which this Part applies.

(3) The Authority may, by notice in writing given to the resort casino operator, exempt the resort casino operator from any of the requirements or provisions of this Part (except section 72 (Requirements for controlled contracts)) that are specified in the notice in relation to contracts if the Authority is satisfied that the system of internal controls and administrative and accounting procedures approved by the Authority under section 149 (Approved system of controls and procedures to be implemented) in relation to the resort casino operator adequately provide for compliance with this Division.

(4) The notice may specify that it applies to contracts generally or to the classes of contracts specified in the notice.

72. Requirements for controlled contracts

(1) A resort casino operator must not enter into or be a party to, or to the variation of, a contract that is a controlled contract in relation to that operator unless—

- (a) the operator has given notice in writing to the Authority of the details of the proposed contract or variation at least 28 days (or any shorter period approved by the Authority in a particular case or in respect of a particular class of contract) before entering into or becoming a party to it; and
- (b) the Authority has not, within that period, given notice in writing to the operator that the Authority objects to the proposed contract or requires further time, the further time period to be specified in the notice, to conduct its investigations.

(2) An operator who fails to comply with a requirement specified in subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) If the Authority has notified the resort casino operator that it requires further time to conduct its investigations, and the operator enters into the contract before the expiration of the time period specified in the notice, the operator may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) If the Authority has notified the resort casino operator that it objects to the proposed contract, and the operator enters into the contract, the operator may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) The Authority must not object to a proposed contract unless it has first inquired into the operation of the contract and the suitability of each person who is a party to the contract.

73. Notice to be given of certain contracts

(1) If—

- (a) a resort casino operator enters into a contract relating solely to a class of matter or class of contract specified by the Authority under section 71 (Definitions, Approvals and Exemptions) as not being controlled matter or a controlled contract; or
- (b) any such contract is varied—

the resort casino operator must, within 14 days of entering into the contract or the variation is made, as the case may be, give notice in writing to the Authority of that fact and brief particulars of the contract or variation.

74. Notice to show cause why contract should not be terminated

(1) The Authority may serve on each party to a controlled contract a notice in writing affording the party an opportunity to show cause within 14 days why the contract should not be terminated on the ground that, for reasons specified in the notice, it is no longer in the public interest that the contract should remain in force.

(2) The notice must specify the reasons why it is considered that it is not in the public interest for the contract to remain in force.

(3) The person may, within the period specified in the notice arrange with the Authority for the making of submissions as to why the contract should not be terminated.

(4) After considering any submissions so made, the Authority may, by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.

(5) If the contract is not terminated as required by the notice, it is terminated by this Act at the expiration of the time period specified in the notice.

75. Effect of termination

(1) If a contract is terminated in accordance with this Part—

- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract; and
- (b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination; and
- (c) neither Antigua and Barbuda, nor the Authority, incurs any liability by reason of that termination.

76. Offence—giving effect to terminated contract

A party to a contract terminated in accordance with this Part who gives any effect to any part of the contract may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

77. Parties to contracts to provide information

Section 66 (Operator to provide information) applies in relation to a party to a controlled contract or contract to which section 73 (Notice to be given of certain contracts) applies in the same way as it applies in relation to a resort casino operator.

78. Injunctions to prevent contraventions

(1) If a resort casino operator has engaged or is proposing to engage in conduct that constitutes or would constitute—

- (a) a contravention of a provision of this Act or of a condition of the resort casino licence; or
- (b) attempting to contravene such a provision; or
- (c) aiding, abetting, counselling or procuring a person to contravene such a provision; or
- (d) inducing, or attempting to induce, whether by threats, promises or otherwise, a person to contravene such a provision; or
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision; or
- (f) conspiring with others to contravene such a provision—

the Authority may apply to the High Court for an injunction on such terms as the Court determines to be appropriate.

PART 4 - LICENSING OF RESORT CASINO EMPLOYEES**79. Definitions**

(1) In this Part—

licence means a licence issued by the Authority under this Part;

licensee means the holder of a licence under this Part;

special employee means a person who—

- (a) is employed or working in a resort casino in a managerial capacity or who is authorised to make decisions, involving the exercise of his or her discretion, that regulate operations in a resort casino; or

- (b) is employed or working in a resort casino in any capacity relating to the following activities—
 - (i) the conduct of gaming;
 - (ii) the movement of money or chips about the resort casino;
 - (iii) the exchange of money or chips to patrons in the resort casino;
 - (iv) the counting of money or chips in the resort casino;
 - (v) the security and surveillance of the resort casino;
 - (vi) the operation, maintenance, construction, or repair of gaming equipment;
 - (vii) the safe-keeping or security of gaming stock
 - (viii) the supervision of any of the above activities;
 - (ix) the management of premium customers
 - (x) any other activity relating to operations in the resort casino that is specified by the Authority for the purposes of this definition by notice in writing given to the resort casino operator.

80. Special employees to be licensed

(1) A person who exercises in or in relation to a resort casino any of the functions of a special employee except in accordance with the authority conferred on the person by a licence may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(2) A licence authorises the holder of the licence to exercise in or in relation to the resort casino the functions specified in the licence subject to the functions being exercised in accordance with the provisions of this Act and the conditions of the licence.

(3) A resort casino operator who—

- (a) employs or uses the services of a person to perform any function of a special employee in or in relation to a resort casino; or
- (b) allocates or permits or suffers to be allocated to a person the exercise of any function of a special employee in or in relation to the resort casino—

where the person is not authorised by a licence to exercise the function concerned may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

81. Application for licence

(1) An application for a licence must be in a form approved by the Authority, must be lodged with the Authority and must be accompanied by—

- (a) the prescribed fee; and
- (b) such documents (if any) as may be specified by the Authority and that the form of application requires accompany the application; and
- (c) evidence that the applicant is employed, or has been offered employment, by a resort casino operator.

(2) The information provided in and accompanying the application must, if required by the Authority, be verified by statutory declaration.

(3) If the applicant is a natural person, the Authority may require the applicant to consent to have taken his or her finger prints or palm prints or both, and a photograph.

(4) An application for a licence may not be made by a person who is under the age of 18 years or is a person within a class of persons prescribed as being ineligible to apply for a licence.

(5) If a requirement under this section is not complied with, the Authority may refuse to consider the application concerned.

82. Direction to apply for licence

(1) For the purposes of this section, a person has a special relationship with a resort casino if, in the opinion of the Authority—

- (a) the person is associated with the resort casino operator or is a resort casino employee, and has the power to exercise a significant influence over or with respect to operations in the resort casino; or
- (b) the person is associated with the resort casino operator or is a resort casino employee, and it is in the public interest that the person, by reason of his or her remuneration or his or her authority in relation to the operations in the resort casino, be licensed as a special employee.

(2) The Authority may by notice in writing given to a person who has a special relationship with a resort casino—

- (a) direct that the association or employment that constitutes the special relationship is to be regarded as the exercise by the person of the functions of a special employee; and
- (b) require the person to apply for the appropriate licence within a specified period of not less than 7 days.

(3) The association or employment specified in the notice must, for the purposes of this Part, be regarded as the exercise by the person of the functions of a special employee as soon as—

- (a) the period allowed by the direction for the making of an application for the appropriate licence expires with no application having been made; or
- (b) (if the application is made within that period) the application is determined.

(4) If this section results in a person who has a special relationship with a resort casino contravening section 80 (Special employees to be licensed) —

- (a) the Authority must notify that person and the resort casino operator of that fact; and
- (b) if the association or continued employment in the role that constitutes contravention is not terminated within 24 hours (or such longer period as the Authority may allow) after that notice is given, the person and the resort casino operator may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) The termination of an association or of employment in a particular role in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement and neither Antigua and Barbuda nor the Authority incurs any liability because of such a termination.

83. Updating of application for licence

(1) If a change occurs in the information provided in or in connection with an application for a licence (including in any documents lodged with the application) before the application is granted or refused, the applicant must forthwith give the Authority written particulars of the change verified by statutory declaration.

(2) When particulars of the change are given, those particulars are then to be considered to have formed part of the original application, for the purposes of the operation of subsection (1) in relation to any further change in the information provided.

84. Authority may require further information

(1) The Authority may, by notice in writing, require a person who is an applicant for a licence or who, in the opinion of the Authority has some association or connection with the applicant that is relevant to the application to do any one or more of the following—

- (a) to provide, in accordance with directions in the notice, such information, verified by statutory declaration, as is relevant to the investigation of the application and is specified in the notice; or
- (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them; or
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); or
- (d) to furnish to the Authority such authorities and consents as the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the person and his or her associates or relations from other persons including, but not limited to, any gambling regulators of any other country, and any bank located in any country.

(2) If a requirement made under this section is not complied with, the Authority may refuse to consider the application concerned.

85. Applications to be investigated

(1) The Authority must investigate each application.

(2) If, as a result of the investigation, the Authority decides that an application be refused, the Authority must notify the applicant in writing of that decision.

86. Determination of applications

(1) The Authority must consider an application for a licence and must take into account the investigation under section 85 (Applications to be investigated) and any submissions made by the applicant within the time allowed and must make an assessment of—

- (a) the integrity, responsibility, personal background and financial stability of the applicant; and

- (b) the general reputation of the applicant having regard to character, honesty and integrity; and
- (c) the suitability of the applicant to perform the type of work proposed to be performed by the applicant as a licensee.

(2) The Authority must determine the application by either issuing a licence to the applicant or refusing the application and must inform the applicant accordingly.

(3) The Authority is not required to give reasons for the decision but may give reasons if it thinks fit.

87. Conditions of licence

(1) A licence is subject to any condition imposed by the Authority and notified to the licensee on the issue of the licence or during its currency.

(2) A condition of a licence may be varied or revoked by the Authority whether or not on application made to the Authority by the licensee.

88. Review of Decisions

(1) If a decision to refuse to grant an application for a licence, or a decision to grant a licence subject to conditions, is made by a delegate of the Authority or by a single member of the Authority, the applicant may apply for a review of the decision to the Authority within 28 days of notification of the decision.

(2) An application for review must—

- (a) be in writing; and
- (b) specify the grounds on which it is made.

(3) After consideration of a review of a decision, the Authority may—

- (a) confirm the decision; or
- (b) in the case of a decision to refuse an application—grant the application, either unconditionally or subject to conditions; or
- (c) in the case of a decision to grant an application subject to conditions—vary or remove the conditions.

(4) The decision of the Authority on a review—

- (a) must be notified in writing to—
 - (i) the applicant; and
 - (ii) the resort casino operator who employs or proposes to employ the applicant, if the Authority knows who this is; and
- (b) may include the reasons for the decision.

The Authority as constituted for the purposes of the review must not include the member of the Authority who made the decision appealed against.

89. Identification

(1) A special employee, not being a person to whom an exemption under subsection (2) applies, must at all times while on duty in the resort casino wear identification of a kind approved by the Authority in such manner as to be visible to other persons in the resort casino.

(2) The Authority may exempt a person or class of persons from the requirements of subsection (1).

90. Provisional licences

(1) The Authority may, pending a decision on an application for a licence, grant the applicant a provisional licence.

(2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Authority when issuing the licence.

(3) A provisional licence may be cancelled by the Authority at any time and, unless sooner surrendered or cancelled, ceases to have effect on the approval or refusal of the provisional licensee's application for a licence.

(4) This Act applies to a provisional licence in the same way as it applies to a licence (to the extent that it is consistent with this section).

91. Duration of licence

(1) A licence remains in force until whichever of the following happens first—

- (a) the licence is cancelled; or
- (b) the licensee, by notice in writing, surrenders the licence to the Authority; or

- (c) the expiration of 3 years after the end of the month in which the licence was granted.

92. Renewal of licence

(1) A licensee may, not earlier than 1 month before the expiration of his or her current licence, apply to the Authority for a new licence, in which case—

- (a) the current licence continues in force until the new licence is issued or its issue is refused; and
- (b) if issued, the new licence must be taken to have been granted on the tenth anniversary of the date on which the current licence was granted and must be dated accordingly.

(2) An application for a new licence must be made in a form approved by the Authority and must be accompanied by the prescribed fee.

(3) This Part (except provisions relating to the form of an application or the issue of a provisional licence) applies to and in relation to—

- (a) an application under this section for a new licence;
- (b) the determination of such an application; and
- (c) any licence issued as a result of such an application—

as if the application has been made by a person other than a licensee.

93. Variation of licence

(1) Application may be made to the Authority, accompanied by the prescribed fee, for variation of a licence.

(2) Except in relation to the fee to accompany the application, this Act applies in relation to such an application in the same way as it applies to an application for a licence.

(3) If the application is approved, the Authority may vary the licence to which the application relates (or issue a new licence specifying the varied authority).

94. Loss of licence

If the Authority is satisfied that a licence has been lost, destroyed or damaged, the Authority may, on payment of the prescribed fee, issue a replacement licence.

95. Cancellation of licence

(1) In this section—

disciplinary action in relation to a licensee, means any of the following—

- (a) the service of a written notice on the licensee censuring him or her for any action specified in the notice; or
- (b) variation of the licence; or
- (c) suspension of the licence for a specified period; or
- (d) cancellation of the licence; or
- (e) cancellation of the licence and disqualification from obtaining or applying for a licence or permit under this Act for a specified period not exceeding 4 years;

grounds for disciplinary action means any of the following grounds in respect of a licence—

- (f) that the licence was improperly obtained in that, when it was granted there were grounds for refusing it;
- (g) that the licensee has been convicted or found guilty of—
 - (i) an offence against this Act or an offence against regulations made under this Act; or
 - (ii) an offence arising out of or in connection with the employment of the licensee under either Act; or
 - (iii) whether or not in Antigua and Barbuda, an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine);
- (h) that the licensee has contravened a condition of the licence;
- (i) that the licensee has failed to provide information that he or she is required by this Act to provide or has provided information knowing it to be false or misleading;
- (j) that the licensee has become bankrupt, applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit; or

(k) that for any reason, the licensee is not a suitable person to be the holder of the licence.

(2) The Authority may inquire into whether there are grounds for disciplinary action against a licensee.

(3) If the Authority decides that disciplinary action should be taken against the licensee, the Authority must give the licensee notice of the recommendation and at least 14 days to make submissions to the Authority on the matter.

(4) The Authority must consider any submissions made by the licensee within the time allowed and is to decide whether to take disciplinary action against the licensee.

(5) If the Authority decides that there are grounds for disciplinary action against a licensee, the Authority may take the action and does so by giving notice in writing of the action to the licensee.

(6) The disciplinary action takes effect when the notice is given or on a later date specified in the notice.

96. Suspension of licence

(1) The Authority may suspend the licence of a licensee by notice in writing given to the licensee if the Authority is satisfied that the licensee has been charged with, found guilty of or convicted of—

- (a) an offence against this Act or an offence against regulations made under this Act; or
- (b) an offence arising out of or in connection with the employment of the licensee under any of those Acts; or
- (c) whether or not in Antigua and Barbuda, an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine).

97. Effect of suspension

(1) During any period of suspension of a licence, the licensee is deemed not to be the holder of a licence.

(2) The Authority may, at any time, terminate or reduce a period of suspension of a licence.

98. Return of licence on suspension or cancellation

If the licence of a licensee is suspended or cancelled, a licensee who fails to return the licence to the Authority within 14 days after the suspension or cancellation may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

99. Termination of employment on suspension or cancellation of licence

(1) If a resort casino operator receives written notice from the Authority that the licence of an associate of the operator or the licence of an employee has been suspended under or cancelled, or has otherwise ceased to be in force, the operator must, within 24 hours after receiving the notice—

- (a) in the case of an associate of the operator, terminate the association that constitutes the exercise of the functions of a special employee; or
- (b) in the case of an employee, terminate the person's employment in the role that constitutes the exercise of the functions of a special employee or cause it to be terminated.

(2) An operator who fails to comply with a written notice issued under subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A termination of employment for a specified role in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement and neither Antigua and Barbuda, nor the Authority, incurs any liability because of such a termination.

100. Resort casino operator to provide information relating to licensees

(1) A resort casino operator—

- (a) within 7 days after a licensed employee commences to have functions in or in relation to the resort casino, must notify the Authority, in a form approved by the Authority, of the commencement of the exercise of those functions; and
- (b) not less than twice each year, on dates specified by the Authority, must submit to the Authority, in a form approved by the Authority, a list of the licensed employees having functions in or in relation to the resort casino; and
- (c) not later than 7 days after a licensed employee ceases to have functions in or in relation to the resort casino, must notify the Authority, in a form approved by the Authority, of the cessation of the exercise of those functions.

(1) An operator who fails to comply with a provision of subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(2) The Authority, by notice in writing, may require a licensee—

- (a) to provide, in accordance with directions in the notice, such information relevant to the holding of the licence as is specified in the notice; or
- (b) to produce, in accordance with directions in the notice, such records relevant to the holding of the licence as are specified in the notice and to permit examination of the records and the making of copies of the records.

(4) It is a condition of a licence that the licensee must comply with the requirements of a notice under this section.

101. Change in situation of licensee

(1) Whenever a change of a kind specified by the Authority in writing given to the holder of a licence takes place in the situation existing in relation to the holder of the licence, the holder must notify the Authority in writing of the change within 14 days after it takes place.

(2) An operator who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

102. Training courses for employees

(1) A resort casino operator must provide for persons employed or to be employed by the operator as special employees in the resort casino training courses relating to the playing of games, the conduct of games, anti-money laundering controls and procedures, prevention of the funding of terrorism controls and procedures, and associated activities in connection with resort casino operations.

(2) Training courses provided for the purposes of this section must be conducted by the resort casino operator or, with the approval of the Authority, the nominee of the resort casino operator.

(3) A resort casino operator may conduct gaming on a simulated basis for the purpose of training employees, testing gaming equipment and gaming procedures, and demonstrating the conduct and playing of games, but only if—

- (i) the operator has the approval of the Authority to do so; and
- (ii) no cash or chips are used without the approval of the Authority.

(4) Despite the provisions of any other law, the possession and use of gaming equipment as authorised by subsection (3) is lawful.

103. Compulsory training for special employees in relation to gaming machines

(1) Subject to subsection (2), a licensee who is employed by a resort casino operator, regardless of when that employment commenced, and who performs any of the functions of a special employee in relation to gaming machines must complete—

- (a) an appropriate approved training course within the period specified in subsection (2); and
- (b) an approved refresher course within the period of 3 years following completion of an approved training course and every period of 3 years thereafter.

(2) An approved training course must be completed—

- (a) within 6 months after the licensee commences to perform any of the functions of a special employee in relation to gaming machines; or
- (b) within 12 months after the approval of that course by the Authority—
whichever period expires later.

(3) A resort casino operator must ensure that a person employed by the resort casino operator as a special employee does not perform any of the functions of a special employee in relation to gaming machines if the person has not complied with subsection (1).

(4) An operator who fails to comply with subsection (3) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

PART 5 – RESORT CASINO OPERATIONS

104. Resort casino layout to be as approved by Authority

(1) It is a condition of a resort casino licence that gaming is not to be conducted in the resort casino unless the facilities provided in relation to the conduct and monitoring of operations in the resort casino are in accordance with plans, diagrams and specifications that are for the time being approved by the Authority under this section.

(2) The Authority may approve plans, diagrams and specifications indicating the following—

- (a) the situation within the resort casino of gaming tables and gaming equipment, counting rooms, cages and other facilities provided for operations in the resort casino;

- (b) the manner in which a closed circuit television system operates within the resort casino, including details of the positions and field of coverage of the cameras and viewing screens and the height of the cameras above the gaming;
- (c) the position and description of a catwalk surveillance system for the direct visual monitoring of operations in the resort casino; and
- (d) the communication facilities provided for persons monitoring operations in the resort casino, whether by means of the closed circuit television system or the catwalk surveillance system, or otherwise.

(3) The Authority may amend an approval under this section by giving not less than 14 days' written notice of the amendment to the resort casino operator.

105. Approval of games and rules for games

(1) The Authority may approve the games that may be played in a resort casino (other than games to be played on a gaming machine) and the rules for those games.

(2) The Authority may, under subsection (1), give approvals that differ according to differences in time, place or circumstances.

(3) A resort casino operator who permits a game to be conducted or played in a resort casino where —

- (a) an approval under this section is not in force for the game and the rules for the game; or
- (b) the approved rules for the game are not available for inspection in the resort casino at the time the game is conducted or played; or
- (c) the game is not conducted or played in accordance with the approved rules for the game.

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) A person who conducts a game in a resort casino, or permits a game conducted by him or her to be played in a resort casino, where—

- (a) an approval under this section is not in force for the game and the rules for the game; or

- (b) the approved rules for the game are not available for inspection in the resort casino at the time the game is conducted or played; or
- (c) the game is not conducted or played in accordance with the approved rules for the game.

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) It is a defence to a prosecution for a contravention of subsection (4) if the accused establishes that the contravention was permitted by the resort casino operator.

(6) Subsections (3) and (4) do not apply to a game played on a gaming machine in a resort casino.

106. Directions as to number of games to be available

(1) The Authority may give a direction in writing to a resort casino operator concerning any one or more of the following—

- (a) the particular games that are or are not to be available to be played in the resort casino;
- (b) the minimum number of any particular game that is to be available to be played in the resort casino;
- (c) the maximum number of any particular game that is to be available to be played in the resort casino.

(2) The Authority may amend any such direction by a further direction in writing to the resort casino operator.

(3) It is a condition of a resort casino licence that the resort casino operator is to comply with any direction for the time being in force under this section.

107. Approval of gaming equipment

(1) The Authority may investigate or authorise the investigation of gaming equipment for the purpose of determining whether the equipment is suitable to be approved for use in a resort casino and may require the cost of such an investigation to be paid by a person seeking the approval.

(2) The Authority may approve gaming equipment for use in a resort casino and, for that purpose, may approve particular equipment or may approve equipment of a specified class or description and may make the approval subject to conditions.

(3) The Regulations may specify standards with respect to the manufacture or supply of gaming equipment for use in a resort casino.

(4) Despite the provisions of any other law, the possession of gaming equipment is lawful if—

- (a) the possession is for the purposes of an investigation under this section; or
- (b) the equipment is identifiable in a manner approved by the Authority and is in a resort casino with the approval of the Authority or the circumstances of its possession are such as have been approved by the Authority generally or in a particular case.

(5) This section does not apply to gaming equipment that is a gaming machine.

108. Gaming machines in resort casinos

(1) Gaming machines intended for use in a resort casino must be obtained from manufacturers and suppliers listed on the Roll of Approved Manufacturers and Suppliers maintained by the Authority for the purpose of this Chapter.

(2) The Authority may from time to time give a direction in writing to a resort casino operator as to the bet limits to apply to gaming machines in the resort casino.

(3) The Authority may vary or revoke a direction by further direction in writing to the resort casino operator.

(4) A resort casino operator who fails to comply with a direction given under subsection (2) or (3) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

109. Powers of the Authority Regarding Note Acceptors, Autoplay facilities and Spin Rates

The Authority may, by a direction in writing, establish technical and functional standards and restrictions relating to gaming machines.

110. Linked jackpots unlawful without approval

(1) A person must not, without the approval of the Authority, install or cause to be installed a linked jackpot arrangement.

(2) A person who acts in contravention of subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

111. Unsatisfactory gaming equipment

(1) The Authority may, following a report to the Authority made by an inspector, direct a resort casino operator to rectify to the satisfaction of the Authority, or to destroy, gaming equipment that the Authority has directed the operator to cease to have available for use on the ground that it is unsatisfactory.

(2) An operator who fails to comply with a direction under subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

112. Conduct of gaming

(1) The resort casino operator is responsible for ensuring that the following provisions are complied with in the resort casino and is guilty of an offence if they are not complied with—

- (a) gaming equipment must not be used for gaming in the resort casino unless—
 - (i) the Authority has approved in writing of the use in the resort casino of that equipment or of the class or description of equipment concerned, whether or not subject to conditions; and
 - (ii) the equipment is used only in accordance with conditions to which the approval is subject;
- (b) all playing cards dealt in the course of gaming in the resort casino must be dealt from a card shoe or, if the Authority has approved, of the use of another procedure or device for dealing cards, by that procedure or from that device;
- (c) chips for gaming in the resort casino must not be issued unless the chips are paid for in money to the value of the chips or by chip purchase voucher that, on payment of the amount shown on the voucher, was issued by or on behalf of the operator;
- (d) gaming wagers must not be placed in the resort casino otherwise than by means of chips unless the rules of the game require or provide for the placing of wagers in money;
- (e) all wagers won in the course of gaming in the resort casino must be paid for in full without deduction of any commission or levy, other than a commission or levy provided for in the rules of the game;
- (f) all wagers won in the course of gaming in the resort casino must be paid in chips, unless the rules of a game specifically permit payment by cash or cheque;

- (g) at the request of a patron of the resort casino, during the times the resort casino is open to the public for gaming—
 - (i) chip purchase vouchers issued by the resort casino operator must be exchanged for chips; and
 - (ii) chips must be exchanged for other chips; and
 - (iii) chips, or chip purchase vouchers, issued by the resort casino operator, must be redeemed (for a value equivalent to their value) for money or, at the option of the operator, for a cheque made payable to the patron and drawn on an authorised deposit-taking institution approved by the Authority;
- (h) a person must not be required to pay a deposit, charge, commission or levy (whether directly or indirectly and whether or not it is claimed to be refundable) to enter the resort casino or, except as may be provided by the rules of a game or betting competition or as may be approved by the Authority, to take part in gaming or betting in the resort casino.

(2) An operator who fails to comply with a provision of subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) Despite subsection (1), a resort casino operator may accept gaming wagers, pay wagers won on gaming or issue or redeem chips in or for the currency of a country other than East Caribbean Dollars (XCD), or United States Dollars (USD) for commission based players in accordance with any relevant controls and procedures approved by the Authority in respect of the use of foreign currency in the resort casino.

(4) In subsection (3)—

Authority based player means a person who participates in a premium player arrangement or a junket where the person and the resort casino operator satisfy the requirements of any relevant controls and procedures approved by the Authority under section 149 (Approved system of controls and procedures to be implemented) in respect of a premium player or a junket player (as the case may be).

113. Times of operation of resort casinos

(1) A resort casino operator must cause the resort casino to be open to the public for gaming in accordance with this Act on such days and at such times as are from time to time, approved by the Authority in writing.

(2) The operator must cause the resort casino to be closed to the public—

- (a) on days and at times that are not days or times specified in an approval for the time being in force under this section in relation to the resort casino; and
- (b) on days or at times specified in such an approval as days on which, or times at which, the opening of the resort casino to the public is prohibited.

(3) An operator who fails to comply with subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) Before giving or varying a direction under this section, the Authority must consider any representations made by the resort casino operator in relation to the hours and days to be specified in the direction.

114. Notices

(1) A resort casino operator must ensure that a minimum wager indicated in respect of a game at a table or location is not changed to a higher minimum unless a sign indicating the new minimum and the proposed time of change is displayed at the table or location at least 20 minutes before the time of proposed change.

(2) An operator who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

115. Operation of security equipment

(1) A resort casino operator must ensure that all resort casino installations, equipment and procedures for security and safety purposes are used, operated and applied at all relevant times for the preservation and maintenance of those purposes.

(2) An operator who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

116. Credit

(1) In this section—

cheque means a cheque (other than a traveller's cheque) that—

- (a) is drawn on an account of an authorised deposit-taking institution for a specific amount payable on demand; and
- (b) is dated but not post-dated.

(2) Except to the extent that this section otherwise allows, a resort casino operator must not, and an agent of the operator or a resort casino employee must not, in connection with any gaming or betting in the resort casino—

- (a) accept a wager made otherwise than by means of money or chips; or
- (b) lend money or any valuable thing; or
- (c) provide money or chips as part of a transaction involving a credit card or a debit card; or
- (d) extend any other form of credit; or
- (e) except with the approval of the Authority, wholly or partly release or discharge a debt.

(3) A resort casino operator may establish for a person a deposit account to which is to be credited the amount of any deposit to the account comprising—

- (a) money; or
- (b) a cheque payable to the operator; or
- (c) a traveller's cheque.

(4) The operator may issue to a person who establishes a deposit account and debit to the account chip purchase vouchers or money, not exceeding in total value the amount standing to the credit of the account at the time of issue of the vouchers or money.

(5) The operator may, in exchange for a cheque payable to the operator or a traveller's cheque, issue to a person chip purchase vouchers of a value equivalent to the amount of the cheque or traveller's cheque.

(6) A cheque accepted by the operator may, by agreement with the operator, be redeemed in exchange for the equivalent in value to the amount of the cheque of any one or more of the following—

- (a) money;
- (b) cheque payable to the operator;
- (c) chip purchase vouchers; and
- (d) chips.

(7) The resort casino operator—

- (a) must, within the time specified by the Authority by notice in writing given to the operator for the purposes of this subsection, deposit a cheque with an authorised deposit-taking institution into an account held by the operator under this section; and
- (b) must not agree to the redemption of such a cheque for the purpose of avoiding compliance with paragraph (a).

(8) An operator who fails to comply with subsection (7) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(9) Despite subsection (2), a resort casino operator may provide chips on credit to a person who is not ordinarily resident in Antigua and Barbuda for use while participating in—

- (a) a premium player arrangement with the resort casino operator; or
- (b) a junket at the resort casino—

if the resort casino operator and the person satisfy the requirements of any relevant controls and procedures approved by the Authority under section 149 (Approved system of controls and procedures to be implemented) in respect of a premium player or a junket player (as the case may be).

117. Right of entry to a resort casino

(1) Except as provided by this section and section 118 (Police powers of entry to a resort casino), a person enters and remains in a resort casino only by the licence of the operator of the resort casino.

(2) An inspector may enter, and remain in, a resort casino, or any part of a resort casino, in the performance of functions conferred or imposed on the inspector by this Act.

118. Police powers of entry to a resort casino

(1) For the purpose of the discharge of the duty of a police officer, any part of a resort casino to which the public has access is to be considered to be a public place.

(2) A police officer may, on being authorised by the Authority or an inspector so to do, enter any part of a resort casino to which the public does not have access and may remain there for the purpose of discharging his or her duty as a police officer.

(3) Such an authorisation may be given in a particular case or generally and may be given so as to operate on a specified occasion or throughout a specified period.

(4) The Authority or an inspector giving such an authorisation to a police officer must inform the resort casino operator or the person for the time being in charge of the resort casino as soon as practicable.

(5) Nothing in this section affects any power a police officer has by law to enter any part of a resort casino.

119. Recommendation for Exclusion Order

(1) The Authority must consider a recommendation from the Supervisory Authority of the Office of National Drugs and Money Laundering Control Policy (“ONDPCP”), with respect to the making of an exclusion order.

(2) The Authority must consider the circumstances pertaining to the issuance of any international exclusion order before it decides whether or not to impose a corresponding exclusion order under this Part.

120. Exclusion orders

(1) The Authority or a resort casino operator or the person for the time being in charge of a resort casino, may, by order given to a person orally or in writing, prohibit the person from entering or remaining in the resort casino.

(2) An oral order lapses after 14 days.

(3) If a person is given an oral order and the person requires the order to be given in writing, the oral order is suspended while the order is put in writing (but only if the person remains available in the resort casino to be given the written order).

(4) The Authority or a resort casino operator may give a written order under this section to a person, on the voluntary application of the person, prohibiting the person from entering or remaining in a resort casino.

(5) An application under subsection (3) must be in writing and signed by the applicant in the presence of a person authorised by the Authority to witness such an application.

(6) As soon as practicable after a resort casino operator gives a written order under this section, the operator must cause a copy of the order to be given to the Authority.

(7) An operator who fails to comply with subsection (6) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

121. Review by the Authority

(1) If a written order under section 120 (Exclusion orders) prohibiting the person from entering or remaining in a resort casino is made by—

- (a) a single member of the Authority; or
- (b) a resort casino operator; or
- (c) a person for the time being in charge of a resort casino—

the person receiving the order may apply for a review of the decision to the Authority within 28 days of receipt of the written order.

(2) An application for review must—

- (a) be in writing; and
- (b) specify the grounds on which it is made.

(3) After consideration of a review, the Authority may, by order—

- (a) confirm the order; or
- (b) substitute a new order or vary the order.

(4) An order of the Authority following a review—

- (a) must be notified in writing to the person; and
- (b) must include the reasons for its decision to make the order.

(5) Nothing in this section prejudices the right of the Authority, a resort casino operator or a person in charge of a resort casino to make a further order in respect of that person for a reason considered sufficient by the Authority, resort casino operator or person in charge.

(6) An application for a review of an order does not affect the operation of the decision or prevent the taking of action to implement the order.

(7) In the case of an application for review of an order made by a single member, the Authority as constituted for the purposes of the review must not include that member.

122. Exclusion orders by Commissioner of Police

(1) The Commissioner of Police may, if he or she considers it necessary in the public interest, by written order given to a person, prohibit the person from entering or remaining in a resort casino or the resort casino complex.

(2) As soon as practicable after making an exclusion order, the Commissioner of Police must give a copy of the order to the resort casino operator and the Authority and, if practicable, make available to the resort casino operator a photograph of the person who is the subject of the order; and

(3) For the avoidance of doubt, an exclusion order given under this section is not subject to review under section 121 (Review by the Authority).

123. Procedure on application for review

(1) This section applies if an application is made to a court for review of a decision by the Commissioner of Police under section 122 (Exclusion orders by Commissioner of Police) to make an exclusion order.

(2) If the Commissioner of Police objects to the disclosure or production of protected information at the hearing of the application for review, the Commissioner may apply before the hearing to the court to hear and determine the application for review—

- (a) at a hearing at which evidence given by a police officer is given on the basis of a confidential affidavit that is not disclosed to one or more of the parties or any representative of those parties; or
- (b) at a hearing held in closed court in which the Commissioner of Police and each party to the proceeding has a right to make submissions; or
- (c) at a hearing held without notice to, and without the presence of, one or more of the parties or any representative of those parties; or
- (d) by any combination of the methods set out in paragraphs (a), (b) and (c).

(2) If the court is satisfied that it is not in the public interest to hear and determine the application for review by the method specified by the Commissioner of Police in the application under subsection (2), the court may hear and determine the application by any other method set out in subsection (2).

(3) In deciding which method to hear and determine the application for review, the court must take into account—

- (a) the public interest in protecting the confidentiality of police investigative techniques and protected information in the possession of the police; and
- (b) the extent to which the method of hearing and determining the application may disclose any intelligence information, or document or thing the disclosure of which—
 - (i) reveals the identity of the police officer who provided information on the basis of which the exclusion order was made or puts that officer's safety at risk; or
 - (ii) reveals the identity of a person who has provided a police officer with information on the basis of which the exclusion order was made, or puts that person's safety at risk; or
 - (iii) reveals the identity of a person whose name appears in any evidence given or information provided to a police officer relating to an investigation, or puts that person's safety at risk; or
 - (iv) reveals the identity of a person who is or has been the subject of an investigation by a police officer, or puts that person's safety at risk; or
 - (v) places at risk an ongoing investigation by a police officer; or
 - (vi) risks the disclosure of any investigative method used by police officers; or
 - (vii) is otherwise not in the public interest.

(5) If the court decides to hear and determine the application for review by the method set out in subsection (2)(a), the court may require the police officer to provide the court with any further confidential affidavits the court requires to determine the application.

(6) In this section protected information means any intelligence information, document or thing the production or inspection of which—

- (a) is likely to reveal any matter referred to in subsection (4)(b)(i) to (vii); or
- (b) is likely to place at risk an ongoing investigation by a police officer; or
- (c) is likely to risk the disclosure of any investigative method used by police officers; or
- (d) is otherwise not in the public interest.

124. Duration of exclusion orders

(1) An exclusion order remains in force in respect of a person unless and until it is revoked by the person who gave the order.

(2) An exclusion order given by a person for the time being in charge of a resort casino may be revoked by any other person who is for the time being in charge of the resort casino or by the resort casino operator.

(3) If the Commissioner of Police revokes an exclusion order, he or she must notify each resort casino operator and the Authority of the revocation.

(4) When an exclusion order is revoked by a resort casino operator or by the person for the time being in charge of a resort casino, the resort casino operator must give notice of the revocation to the Authority as soon as practicable after it occurs.

(5) An operator who fails to comply with subsection (4) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

125. List of excluded persons

(1) A resort casino operator must, immediately before gaming or betting commences in the resort casino on any day—

- (a) prepare a list of names bearing the date of that day; or
- (b) add the date of that day to an unchanged list of names applicable under this subsection on the last preceding day—
 - (i) those names being the names of persons who, immediately before the only day, or each day, of which the date appears on the list, were the subject of exclusion orders under section 120 (Exclusion orders) for the resort casino, or exclusion orders under section 122 (Exclusion orders by Commissioner of Police) for the resort casino or resort casino complex, or, if notified by the Authority in any particular case, international exclusion orders, of which the operator is or was aware.

(2) The operator must—

- (a) on each day on which the resort casino is open for gaming, provide an inspector on duty in the resort casino with a copy of the list referred to in subsection (1) that bears the date of that day; and

- (b) notify an inspector on duty in the resort casino of the making, or the revocation, of an exclusion order or international exclusion order of which the operator becomes aware during that day.

(3) A person must not provide any part of a list prepared under subsection (1) to any person except—

- (a) the resort casino operator; or
- (b) a resort casino employee; or
- (c) the Authority; or
- (d) an inspector; or
- (e) a person approved by the Authority for the purpose.

(4) An operator who fails to comply with a provision of this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

126. Excluded person not to enter resort casino or resort casino complex

(1) A person who is—

- (i) the subject of an exclusion order under section 120 (Exclusion orders) relating to a resort casino and who enters or remains in the resort casino; or
- (ii) the subject of an exclusion order under section 122 (Exclusion Orders by Commissioner of Police) relating to a resort casino or the resort casino complex and who enters, or remains in, the resort casino or resort casino complex

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

127. Proceedings against certain excluded persons

A proceeding for an offence against section 126 (Excluded person not to enter resort casino or resort casino complex) may only be brought by a police officer.

128. Removal of excluded persons from resort casino

(1) This section applies to the following persons in a resort casino—

- (a) the person for the time being in charge of the resort casino;
- (b) an agent of the resort casino operator;
- (c) a resort casino employee.

(2) A person to whom this section applies who reasonably believes that a person the subject of an exclusion order under section 120 (Exclusion orders) is in the resort casino, must notify an inspector as soon as practicable.

(3) A person who fails to comply with subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) The inspector must remove the person from the resort casino or cause the person to be removed from the resort casino.

(5) It is lawful for a person to whom this section applies, using no more force than is reasonably necessary—

- (a) to prevent a person the subject of an exclusion order under section bb from entering the resort casino; and
- (b) to remove such a person from the resort casino or cause such a person to be removed from the resort casino.

129. Notification requirements for exclusion orders made under section 122

(1) This section applies to the following persons in a resort casino—

- (a) the person for the time being in charge of the resort casino;
- (b) an agent of the resort casino operator; and
- (c) a resort casino employee.

(2) A person to whom this section applies who reasonably believes that a person the subject of an exclusion order under section 122 is in the resort casino, must notify a police officer as soon as practicable.

(3) A person who fails to comply with subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

130. Power of Authority and inspectors to notify

If the Authority or an inspector reasonably believes that a person the subject of an exclusion order under section 120 is in the resort casino complex, the Authority or inspector may notify a police officer.

131. No advertising to excluded persons

(1) A resort casino operator who knowingly sends or directs by any means advertising or other promotional material relating to the resort casino to a person who is the subject of an exclusion order under section 120 (Exclusion orders) or 122 (Exclusion orders by Commissioner of Police) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(2) For the purposes of subsection (1), a resort casino operator does not send or direct material to a person only because the resort casino operator makes the material available generally to members of the public.

132. Forfeiture of winnings

(1) This section applies to a person who is subject to an exclusion order.

(2) If a person to whom this section applies enters or remains in a resort casino in contravention of this Act, all winnings (including linked jackpots) paid or payable to the person in respect of gaming on gaming machines or playing any game approved under section 105 (Approval of games and rules for games) in the resort casino are forfeited to the Authority.

(3) If winnings referred to in subsection (2) comprise or include a non-monetary prize, the resort casino operator must pay the value of that prize to the Authority.

(4) Any dispute between a person to whom this section applies and a resort casino operator as to the amount of winnings forfeited under this section must be investigated and determined by an inspector.

133. Gambling in the resort casino by certain persons prohibited

(1) An inspector or an authorised person must not gamble or bet in a resort casino except to the extent that it may be necessary to do so in the exercise of his or her functions in the course of the administration of this Act.

(2) A special employee in a resort casino who gambles or bets in the resort casino may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) If a person—

- (a) has a special relationship with a resort casino within the meaning of section 82 (Direction to apply for a licence); and
- (b) is required under that section to apply for a licence and—
 - (i) the requirement has not been withdrawn in writing; or
 - (ii) the association or employment constituting the special relationship is not terminated—

the person must not gamble or bet in the resort casino.

(4) If an authorised person ceases to be an authorised person, he or she must not gamble or bet in a resort casino, without the approval of the Authority, during the next 12 months.

(5) A person who fails to comply with subsections (3) or (4) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

134. Gratuities

(1) A special employee in a resort casino who solicits or accepts from a patron of the resort casino any gratuity, consideration or other benefit relating to the performance of his or her duties as a special employee may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(2) Subsection (1) does not apply to a person, or a class of persons, authorised by the Authority, by notice in writing to the resort casino operator, to accept gratuities.

135. Possession of certain things prohibited

(1) A person must not, in a resort casino, use any device for the purpose of enabling the person or some other person to count or otherwise record cards dealt in the course of gaming in the resort casino.

(2) A person must not, in a resort casino or on premises of which a resort casino forms part, use or have in his or her possession—

- (a) chips that he or she knows are bogus or counterfeit chips; or
- (b) cards, dice or coins that he or she knows have been marked, loaded or tampered with; or
- (c) for the purpose of cheating or stealing, any equipment, device or thing that permits or facilitates cheating or stealing.

(3) A person who fails to comply with subsections (1) or (2) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) Subsection (2) does not prohibit the possession in a resort casino of anything referred to in subsection (2)(a) or (b) by a person in charge of the resort casino, an agent of the operator, a resort casino employee, an inspector, or a police officer, if that thing has been seized by any of those persons from another person for use as evidence in proceedings for an offence.

136. Possession of a Material Amount of Gaming Chips Outside of the Resort casino

(1) A person who, outside the resort casino premises, is in possession of a material number of gaming chips, or chips of a material value may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(2) For the purposes of this section, a material amount of chips is an amount over the value of USD\$200, or such other amount as may be prescribed.

137. Detention of suspected person

(1) A person who is—

- (a) for the time being in charge of a resort casino; or
- (b) an agent of the resort casino operator; or
- (c) a resort casino employee—

and who suspects on reasonable grounds that a person in the resort casino is contravening or attempting to contravene section 135 (Possession of certain things prohibited) or a prescribed provision of this Act or has contravened any such section or provision may detain the suspected person in a suitable place in or near the resort casino until the arrival at the place of detention of a police officer.

(2) A person may not be detained under this section unless—

- (a) no more force is used than may be reasonably necessary; and
- (b) the person detained is informed of the reasons for the detention; and
- (c) the person effecting the detention immediately notifies a police officer of the detention and the reasons for the detention.

138. Payment of winnings and cashing of cheques

(1) Unless otherwise approved by the Authority in writing, a resort casino operator must not pay out, or allow another person to pay out, winnings or accumulated credits exceeding \$500, or such other amount as the Authority may approve from time to time, from a gaming machine to a person except by cheque.

(2) Subsection (1) does not apply to a game played on a gaming machine located in an area specified by notice of the Authority if the resort casino operator complies with the conditions, if any, specified in the notice.

(3) A resort casino operator must, at the request of a person, pay out any winnings or accumulated credits from a gaming machine to the person by cheque.

(4) A resort casino operator must not, at the resort casino, give, or allow another person to give, a person cash or gaming tokens in exchange for a cheque drawn on an account of the resort casino operator to enable that person to play a gaming machine in the resort casino.

(5) An operator who fails to comply with a provision of this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

139. Malfunction of Machines

(1) A resort casino operator may refuse:

- (a) to make payment; or
- (b) to allow payment to be made,

to a person in respect of a bet made, or gaming machine credits accumulated, on a gaming machine where the resort casino operator is satisfied that the gaming machine failed to function in the way in which it was designed and programmed to function.

(2) Subsection (1) applies irrespective of the reason for the failure of the gaming machine to function in the way in which it was designed and programmed to function.

(3) A resort casino operator who refuses to make or allow payment under subsection (1) shall:

- (a) not allow, other than for testing purposes, the gaming machine to be played until it is functioning in the way in which it was designed and programmed to function; and

- (b) not later than the close of business on the following working day, forward to the Authority a report in the form determined by the Authority in respect of the refusal.

(4) A resort casino operator may, and shall, if so directed by the Authority, overrule a refusal referred to in subsection (1) and make the payment that has been refused.

(5) An operator who fails to comply with a provision of this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(6) Nothing in this section operates so as to prejudice or affect any other right or remedy of any person.

140. Gambling or betting by intoxicated persons prohibited

A resort casino operator who knowingly allows a person who is in a state of intoxication to gamble or bet in the resort casino may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

PART 6 - INSPECTORS

141. Rights of inspector on resort casino premises

(1) An inspector may at any time enter and remain on the premises of a resort casino for the purposes of doing any one or more of the following—

- (a) observing any of the operations of the resort casino;
- (b) ascertaining whether the operation of the resort casino is being properly conducted, supervised and managed;
- (c) ascertaining whether the provisions of this Act are being complied with; or
- (d) in any other respect, exercising his or her functions under this Act.

(2) An inspector who enters a resort casino under subsection (1) is not authorised to remain in the resort casino if, on the request of the resort casino operator or a resort casino employee, the inspector does not show his or her identity card to the operator or employee.

142. Functions of inspectors

(1) The functions of inspectors are—

- (a) to monitor operations in a resort casino, and to inspect the gaming equipment used in a resort casino, for the purpose of ascertaining whether or not the resort casino operator is complying with the provisions of this Act, the conditions of the resort casino licence, and any directions issued by the Authority under this Act;
- (b) to monitor the handling and counting of money in a resort casino;
- (c) to assist in any other manner, where necessary, in the detection of offences committed against this Act in a resort casino;
- (d) to receive and investigate complaints from resort casino patrons relating to the conduct of gaming in a resort casino;
- (e) to report to the Authority regarding operations in a resort casino; and
- (f) any other functions as are conferred on inspectors under this Act or the regulations.

PART 7 - FEES AND TAXATION

143. Resort casino supervision and control charge

(1) The resort casino operator must pay to the Authority for payment into the Consolidated Fund—

- (a) on the grant of a resort casino licence, any premium payment determined by the Minister under subsection (2); and
- (b) the prescribed resort casino supervision and control charge, if any, in respect of the prescribed periods in each year not later than the prescribed date for each such period.

(2) The Minister may determine an amount as the premium payment payable under subsection (1)(a).

(3) The amount determined by the Minister under subsection (2) must be specified in the agreement referred to in section 46.

(4) If a resort casino licence is cancelled or surrendered, the Authority may refund the whole or part of the premium payment referred to in subsection (2).

(5) The premium payment payable under subsection (1)(a) and the resort casino supervision and control charge prescribed for the purposes of subsection (1) (b) are taxes.

144. Resort casino tax

(1) The resort casino operator must pay to the Authority for payment into the Consolidated Fund the prescribed resort casino tax in respect of each resort casino licence.

(2) The regulations may require the resort casino tax to be determined by reference to a percentage of certain revenue arising from the operations of the resort casino or in such other manner as is specified in the regulations.

(3) The regulations may specify the time within which tax must be paid.

145. Returns to gaming machine players

(1) A resort casino operator must ensure that the pay-out table on gaming machines in the resort casino is set so as to return to players the players' proportion of the total amounts wagered on gaming machines each year at the resort casino, after deduction of the sum of jackpot special prizes as approved for the time being under section 109 and payable during that year.

(2) The players' proportion is—

(a) not less than 85 per centum; or

(b) if the Authority so determines in accordance with subsection (3), a fixed percentage greater than 85 per centum.

(3) A determination under subsection (2) must be expressed to have effect on and after a specified date.

146. Interest on overdue amounts

(1) Interest is payable by way of penalty on any amount of resort casino licence fee, premium payment, resort casino supervision and control charge, or resort casino tax that is not paid by the due date.

(2) Interest begins to run from the date that the amount concerned became due.

(3) The rate of interest and method of calculation is as prescribed by the regulations.

(4) Any interest paid under this section is to be considered to have been paid as resort casino licence fee, premium payment, resort casino supervision and control charge, or resort casino tax as appropriate to the amount on which it is paid as interest.

(5) The Authority may waive or refund payment of interest under this section, as the Authority thinks fit.

147. Recovery of amounts owing

An amount payable under this Part is a debt due to Antigua and Barbuda and may be recovered in a court of competent jurisdiction.

148. Offences relating to revenue

(1) A person must not—

- (a) wilfully evade the payment of any fee, premium payment, charge, or tax payable by the person under this Act; or
- (b) furnish a return, or make a statement or report, to the Authority or an inspector in respect of any fee, premium payment, charge, or tax payable under this Act knowing that the return, statement or report is false or misleading in a material particular.

(2) An operator who fails to comply with subsection (1) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

PART 8 – RESORT CASINO INTERNAL CONTROLS

149. Approved system of controls and procedures to be implemented

(1) A resort casino operator must not conduct operations in the resort casino unless the Authority has approved in writing of a system of internal controls and administrative and accounting procedures for the resort casino.

(2) Any such approval may be amended from time to time, as the Authority thinks fit.

(3) An approval or amendment of an approval under this section takes effect when notice of it is given in writing to the resort casino operator concerned, or on a later date specified in the notice.

(4) The resort casino operator who fails to ensure that the system approved for the time being under this section for the resort casino is implemented may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

150. Content of approved system

(1) A system of internal controls and administrative and accounting procedures approved for the purposes of section 149 (Approved system of controls and procedures to be implemented) must include (but is not limited to) details of the following—

- (a) accounting procedures, including the standardisation of forms, and the definition of terms, to be used in operations in a resort casino;
- (b) procedures, forms and, where appropriate, formulas for or with respect to—
 - (i) hold percentages and the calculation thereof;
 - (ii) revenue drop;
 - (iii) complementary services;
 - (iv) salary arrangements; and
 - (v) personnel practices;
- (c) the system of organising personnel and chain of command authority such as to establish diversity of responsibility among employees engaged in operations in a resort casino and identification of primary and secondary supervisory positions for areas of responsibility, which areas must not be so extensive as to be impractical for an individual to supervise effectively;
- (d) procedures for the prevention of money laundering and or the financing of terrorism;
- (e) procedures for the conduct and playing of games;
- (f) procedures for the receipt, storage and disbursement of chips and cash, the cashing of cheques, the redemption of chips and the recording of all transactions pertaining to resort casino operations;
- (g) procedures for the collection and security of money at the gaming tables and other places in a resort casino where games are conducted;
- (h) procedures and forms relating to transfers of money within a resort casino;
- (i) procedures for the transfer of money from the gaming tables and other places in a resort casino where games are conducted to other areas of a resort casino for counting;
- (j) procedures and forms for the transfer of money or chips from and to a gaming or betting area;
- (k) procedures and security for the counting and recording of revenue;

- (l) procedures and security for the transfer of money from a resort casino to an authorised deposit-taking institution and from an authorised deposit-taking institution to a resort casino;
- (m) procedures for the security, storage and recording of chips utilised in the gaming operations in a resort casino;
- (n) procedures and standards for the maintenance, security and storage of gaming equipment;
- (o) procedures for the payment and recording of winnings associated with games where the winnings are paid by cash or cheque;
- (p) procedures for the issue of chip purchase vouchers and the recording of transactions in connection therewith;
- (q) procedures for the cashing of cheques and recording of transactions by cheque;
- (r) procedures for the establishment and use of deposit accounts;
- (s) procedures for the use and maintenance of security and surveillance facilities, including catwalk systems and closed circuit television systems;
- (t) procedures governing the utilisation of security personnel within a resort casino;
- (u) procedures for the management of Authority players, credit provided to Authority players and wagers by Authority players
- (v) procedures for the management of unclaimed prizes and jackpots;
- (w) procedures for the control of keys used or for use in operations in a resort casino;
- (x) procedures and standards for assessing the suitability of suppliers of goods or services to the resort casino and the resort casino operator which may vary according to the nature of the goods or services or the nature of the suppliers of goods or services;
- (y) procedures for maintaining records of the suppliers of goods and services; and
- (z) procedures for the promotion and conduct of junkets or premium player arrangements.

(2) For the purposes of an approval or amendment of an approval, controls and procedures may be described in writing or represented diagrammatically, or by a combination of both methods.

151. Banking

(1) A resort casino operator must—

- (a) keep and maintain separate accounts, as approved by the Authority, at an authorised deposit-taking institution for use for all banking transactions arising under this Act in relation to the operator; and
- (b) from time to time provide the Authority, as required, and in a form approved by the Authority, with a written authority addressed to the authorised deposit-taking institution referred to in paragraph (a) authorising the authorised deposit-taking institution to comply with any requirements of an inspector exercising the powers conferred by this section.

(2) An operator who fails to comply with a provision of subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) An inspector may, by notice in writing, require the manager or other principal officer of an authorised deposit-taking institution referred to in subsection (1) to provide the inspector with a statement of an account referred to in that section and such other particulars relating to the account as may be specified in the notice.

(4) A person to whom a notice is given under subsection (2), and who fails to comply with the notice may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) An inspector may not exercise the powers conferred by this section without the prior written approval of the Authority.

152. Accounts to be kept

(1) A resort casino operator must keep such accounting records as correctly record and explain the transactions and financial position of the operations of the resort casino.

(2) The accounting records must be kept in such a manner as will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

(3) An operator who fails to comply with subsections (1) or (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

153. Statement of accounts

(1) A resort casino operator must, as soon as practicable after the end of the financial year determined for the resort casino by the Authority, prepare financial statements and accounts, including:

- (a) trading accounts, where applicable, for the financial year; and
- (b) profit and loss accounts for the financial year; and
- (c) a balance-sheet as at the end of the financial year that gives a true and fair view of the financial operations of the operator in relation to the resort casino.

(2) An operator who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

154. Books to be kept on resort casino premises

(1) A resort casino operator must ensure that all documents relating to the operations of the resort casino are—

- (a) kept at the resort casino; and
- (b) retained for not less than 7 years after the completion of the transactions to which they relate.

(2) An operator who fails to comply with a requirement of subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) The Authority may by instrument in writing grant an exemption to a resort casino operator from all or specified requirements of this section in respect of all or specified, or specified classes of documents and may grant such an exemption subject to conditions.

155. Audit

(1) A resort casino operator must, as soon as practicable after the end of the financial year determined for the resort casino by the Authority, cause the books, accounts and financial statements of the operator in relation to the resort casino to be audited by a person approved by the Authority to audit the accounting records of the operator.

(2) The resort casino operator must cause the auditor's report and the profit and loss account and balance sheet of the operator in relation to the resort casino to be lodged with the Authority within 4 months after the end of the financial year to which the report, profit and loss account and balance sheet relate.

(3) An operator who fails to comply with a requirement of subsections (1) or (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

156. Submission of reports

(1) A resort casino operator must submit to the Authority reports relating to the operations of the resort casino.

(2) The reports are to be submitted at the times, and are to contain the information, that is specified by notice in writing given to the resort casino operator by the Authority from time to time.

(3) An operator who fails to comply with a requirement of subsections (1) or (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

157. Forgery and impersonation

(1) A person must not—

- (a) forge or counterfeit chips, a chip purchase voucher, a licence under this Act or a special employee's form of identification; or
- (b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, a licence under this Act or a special employee's form of identification; or
- (c) impersonate the holder of such a licence or form of identification.

(2) A person who fails to comply with subsection (1) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

158. Conduct in resort casino

(1) A resort casino operator must not permit any indecent, violent or quarrelsome conduct within the resort casino.

(2) An operator who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

159. Appeals

Except where otherwise provided, a person aggrieved by a decision of the Authority under a provision of this Chapter may make an application for appeal or review in accordance with Part 3 of Chapter 16 of this Act.

160. No right to compensation for cancellation

No right to compensation enforceable against the Antigua and Barbuda or the Authority arises in relation to the cancellation, suspension or variation of the terms of licence, or an amendment of the conditions of a licence, under this Act.

161. Seizure of offending articles

A police officer may, in a resort casino, seize and retain possession of any equipment, article or thing that he or she reasonably suspects is unlawful under this Act.

162. Information gathering for law enforcement purposes

(1) For the purpose of obtaining information that may be of assistance to a law enforcement agency, the Authority may direct a resort casino operator in writing to provide the Authority with information obtained by the operator concerning gaming in the resort casino.

(2) Such direction may relate to particular information or to information generally and may relate to particular or general information concerning a specified person.

(3) The direction must specify—

- (a) the kind of information that the resort casino operator is required to provide; and
- (b) the manner in which the information is to be provided.

(4) It is a condition of a resort casino licence that the resort casino operator must comply with such a direction.

(5) The Authority may make information obtained by the Authority under this section available to any law enforcement agency.

(6) In this section *law enforcement agency* includes any agency, authority or person responsible for the enforcement of laws in any country.

163. Regulations

(1) Regulations may be made for or with respect to—

- (a) the installations, devices and equipment to be provided in a resort casino for gaming and other purposes and the maintenance of the installations, devices and equipment;

- (b) the facilities and amenities to be provided for patrons of, and inspectors on duty in, a resort casino and the maintenance of those amenities;
- (c) the provision to players of gaming machines in a resort casino of information relevant to gaming on gaming machines;
- (d) the provision and security of drop boxes and other places for the depositing of money;
- (d) the movement of gaming equipment to and from a resort casino;
- (f) advertising relating to a resort casino;
- (g) the submission of reports by resort casino operators;
- (g) regulating in the resort casino the activities of persons (other than licensees under Part

2, Division 3) who are in the resort casino in the course of their employment or prohibiting any of those activities;

- (i) the testing of operations, or of proposed operations, in a resort casino;
- (j) the acquisition of gaming equipment for use in a resort casino;
- (k) the servicing of gaming equipment used in a resort casino;
- (l) the issue and storage of gaming equipment for use in a resort casino;
- (m) the form of contracts that, within the meaning of section 72 (Definitions approvals and exemptions), are controlled contracts, the approval of the Authority before a specified class of those contracts may take effect and the disclosure to the Authority of the existence of any such contracts;
- (n) requirements relating to betting facilities and betting rules; and
- (o) any other matter or thing required or permitted or desirable to be prescribed or necessary to be prescribed or desirable to be prescribed to give effect to this Act.

(2) Regulations made under this Act—

- (a) may impose a maximum penalty not exceeding a fine of up to \$200,000 for a breach of the regulations; and

- (b) may be of general or of specially limited application; and
- (c) may differ according to differences in time, place or circumstance; and
- (d) may confer a discretionary authority or impose a duty on the Authority.

CHAPTER 4 - LICENSING OF LOCAL COMMERCIAL GAMBLING PROVIDERS

PART 1 – APPLICATIONS FOR LICENSES

164. Application of this Chapter

- (1) This Chapter applies to licenses for a local gambling provider —
- (a) endorsed to permit the conduct of gambling using gaming machines
 - (b) endorsed to conduct gambling by means of gaming tables.
 - (c) endorsed to offer betting facilities;
 - (d) endorsed to conduct a commercial lottery.

165. Definitions

- (1) In this Chapter—
- (a) applicant means an applicant for a licence specified in section 166 (Application for a licence);
 - (b) gaming machine endorsement means a licence with respect to activities authorised under Chapter 6;
 - (c) gaming table endorsement means a licence with respect to activities licensed under Chapter 7;
 - (d) betting provider’s endorsement means a licence with respect to activities authorised under Chapter 9;
 - (e) commercial lottery endorsement means a licence with respect to activities authorised under Chapter 10;
 - (f) local gambling provider’s licence means a licence endorsed with respect to specified gambling activities.

166. Application for licence

(1) A person may apply to the Authority for a licence.

(2) A licence application—

- (a) shall identify the type of licence or gambling activity for which approval is sought;
- (b) must be in the form, contain the information and be accompanied by the documents required by the Authority; and
- (c) must be lodged in accordance with the procedural requirements, if any, specified by the Authority; and
- (d) must be accompanied by the prescribed application fee.

(3) An applicant for a local gambling provider's licence may seek endorsement to operate gaming machines, or offer table games, or provide betting facilities, or any combination of these activities, or to conduct commercial lotteries.

(4) The Authority may require an applicant to provide any further information to the Authority in connection with the application.

(5) If a requirement made by this section is not complied with, the Authority may refuse to consider the application.

(6) If an application is refused under subsection (5) or withdrawn by the applicant, the Authority, at its discretion, may refund the whole or part of the application fee.

167. Matters to be considered in determining applications

(1) The Authority must not grant an application for a licence unless satisfied that the applicant, and each associate of the applicant, as defined in subsection (4), is a fit and proper person to be concerned in or associated with the management and operation of an activity to be conducted under the licence.

(2) For the purpose of determining suitability to be concerned in or associated with the management and operation of the business the Authority is to consider whether:

- (a) the applicant and each associate is a fit and proper person, having regard to reputation, character, honesty and integrity, and
- (b) the applicant and each associate is of sound and stable financial background, and

- (c) the applicant has, or has arranged, a satisfactory ownership or corporate structure, and
- (d) the applicant has or is able to obtain financial resources that are both suitable and adequate for ensuring the financial viability of the business, and
- (e) the applicant has or is able to obtain the services of persons who have sufficient experience in the management and operation of the business, and
- (f) the applicant has sufficient business ability to establish and maintain a successful business, and
- (g) the applicant has sufficient technical expertise and resources to conduct gambling activities of the kind to be conducted as part of the business, and
- (h) the applicant or any associate has any business association with any person, body or association who, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial sources, and
- (i) each director, partner, executive officer and secretary and any other officer or person determined by the Authority to be associated or connected with the ownership, administration or management of the operations of the business of the applicant is a fit and proper person to act in that capacity.

(3) This section does not limit the matters that the Authority can consider in determining suitability to be concerned in or associated with the management and operation of a business and does not limit the matters that the Authority can consider in deciding whether to grant an operator licence to the applicant.

(4) For the purposes of this section, a person is an "associate" of an applicant for, or the holder of, a gambling operator's licence if the person

- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in his or her own right or on behalf of any other person), in the business of the applicant or licensee that is or will be carried on under the authority of the licence, and by virtue of that interest or power is or will be able (in the opinion of the Authority) to exercise a significant influence over or with respect to the management or operation of that business, or
- (b) holds or will hold any relevant position, whether in his or her own right or on behalf of any other person, in the business of the applicant or licensee that is or will be carried on under the authority of the licence.

(5) In this section:

"relevant financial interest", in relation to a business, means:

- (a) any share in the capital of the business, or
- (b) any entitlement to receive any income derived from the business, or to receive any other financial benefit or financial advantage from the carrying on of the business, whether the entitlement arises at law or in equity or otherwise, or
- (c) any entitlement to receive any rent, profit or other income in connection with the use or occupation of premises on which the business is or is to be carried on (such as, for example, an entitlement of the owner of the premises to receive rent as lessor of the premises).

"relevant position" means:

- (a) the position of director, manager or secretary, or
- (b) any other position, however designated, if it is an executive position.

"relevant power" means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

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

(6) For the purposes of this section, a financial institution is not a close associate by reason only of having a relevant financial interest in relation to a business.

168. Investigations by the Authority

(1) For the purposes of determining whether to grant or refuse to grant a licence under this Chapter the Authority may carry out, or cause to be carried out, such investigations and inquiries as the Authority considers necessary.

(2) In particular, the Authority—

- (a) may require any person it is investigating in relation to the person's suitability to be concerned in or associated with the management or operation of the gambling activity to consent to having his or her photograph, finger prints and/or palm prints taken;

- (b) must refer a copy of the application and of any such photograph, finger prints and palm prints and any supporting documentation to the Commissioner of Police.

(3) The Commissioner of Police must inquire into and report to the Authority on such matters concerning the application as the Authority requests.

(4) The Authority may refuse to consider an application for a licence if any person from whom it requires a photograph, finger prints or palm prints under this section refuses to allow his or her photograph, finger prints or palm prints to be taken.

169. Authority may require further information.

(1) The Authority may, by notice in writing, require a person who is an applicant for a licence or a person whose association with the applicant is, in the opinion of the Authority, relevant to the application to do any one or more of the following—

- (a) to provide, in accordance with directions in the notice, any information, verified by statutory declaration, that is relevant to the investigation of the application and is specified in the notice; and
- (b) to produce, in accordance with directions in the notice, any records relevant to the investigation of the application that are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them; and
- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); and
- (d) to furnish to the Authority any authorities and consents that the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the person and his or her associates or relations from other persons including, but not limited to, any gambling regulators of any other country, and any bank located in any country.

(2) If a requirement made under this section is not complied with, the Authority may refuse to consider the application concerned.

170. Updating of application

(1) If a change occurs in the information provided in or in connection with an application for a licence (including in any documents lodged with the application), before the application is granted or refused, the applicant must forthwith give the Authority written particulars of the change verified by statutory declaration.

(2) If—

- (a) the Authority requires information (including information in any records) from a person referred to in section 167 (Matters to be considered in determining applications) whose association with the applicant is in the opinion of the Authority relevant to the application; and
- (b) a change occurs in that information before the application is granted or refused—

that person must forthwith give the Authority written particulars of the change.

(3) When particulars of the change are given, those particulars must then be considered to have formed part of the original application, for the purposes of the application of subsection (1) or (2) to any further change in the information provided.

171. Costs of investigation of application

(1) Where the Authority carries out an investigation or inquiry under section 168 (Investigations by the Authority), the Authority may require the applicant for the licence to meet the cost of the investigation or inquiry.

(2) The Authority may require the applicant to make specified payments towards the cost of the investigation or inquiry before the investigation or inquiry begins and during the course of the investigation or inquiry.

(3) If a payment is not made as required by the Authority, the Authority may discontinue the investigation or inquiry.

(4) At the end of the investigation or inquiry, the Authority must certify the cost of the investigation or inquiry and any unpaid balance of that cost may be recovered from the applicant as a debt due and payable to the Authority.

(5) In proceedings for recovery of the cost (or the balance of the cost) of an investigation or inquiry, the Authority's certificate is conclusive evidence of the cost.

172. Determination of applications

(1) The Authority is to determine whether to grant or refuse a licence application after considering the findings of an investigation conducted under section 168 (Investigations by the Authority).

(2) The Authority may grant a licence application only if it satisfied that the granting of the application is in the public interest, taking into account the matters referred to in section 167 (Matters to be considered in determining applications) and any other matters the Authority considers relevant.

(3) The Authority has an absolute discretion as to whether to licence an applicant to:

- (a) offer betting facilities, and if it is minded to so, the locations at which such facilities may be located; or
- (b) conduct gaming by way of gaming machines, and if it is minded to do so, the number and type of machines it authorises for use; or
- (c) conduct gaming by way of gaming tables, and, if it is so minded to do so, the number and type of gaming tables; or
- (d) to conduct a commercial lottery.

(4) If the Authority refuses a licence application, it must give written notice to the applicant.

173. Issue of licence

(1) If the Authority grants a licence application, it may impose any conditions it thinks fit the licensee, including—

- (a) conditions prescribed, if any;
- (b) conditions referred to in any other provision of this Act;
- (c) conditions that leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Authority;
- (d) conditions that remain in effect after the licence expires or is surrendered, cancelled or suspended.

(2) A licence shall apply to the premises specified in the licence.

(3) Where the Authority grants a licence to an incorporated body, it may impose conditions relating to the structure and assets of the incorporated body, including requiring the approval of the Authority before any change may be made to its structure or assets or to the Directors and persons concerned in the management or control of the incorporated body and requiring the giving of undertakings and the lodging of securities by directors and persons concerned in the management or control of the incorporated body.

(4) Where a licence is granted to a person who has applied for the licence on behalf of and for the benefit of the licensee and other persons, the licence shall, in addition to the name of the licensee, contain an endorsement of the names and addresses of the persons, other than the licensee, on behalf of whom and for whose benefit the licence is granted.

(5) A person whose name is not endorsed on a licence who, except with the approval of the Authority, acquires or holds an interest in or derives a benefit from the gambling business conducted under the licence may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

174. Security may be required

(1) The Authority may, in its discretion, not grant a licence under this Chapter unless the person has given security to the Authority, in the approved form, in an amount or to a value determined by the Authority, for payment of all winning bets or prizes or for payment of moneys payable by that person to the Authority.

(2) The Authority may, from time to time, re-determine the amount or the value of the security required under subsection (1) and where it does so, it shall not, if the re-determined amount or value is greater than the previous amount or value, renew the licence until the licensee has increased the security given to the Authority to the re-determined amount or value.

(3) Where the Authority is satisfied that a licensee has refused or omitted to pay an amount payable for any taxes or charges, winning bets or prizes, or amounts otherwise due to the Authority, it may pay that amount from any money received by it under and in accordance with a security given by the licensee and held by it under this section.

(4) Where the Authority makes a payment under subsection (3), it may, under section 185 (Cancellation, suspension or variation of a licence), cancel the licence or suspend the licence until such time as the licensee repays to the Authority the amount that it has paid and for such further time, if any, as the Authority thinks fit.

(5) Moneys payable by a betting provider for any taxes or charges or other amounts due to the Authority shall be paid in full from any security given by a licensee and held under this section by the Authority before payment is made of a winning bet or prize.

175. Variation of licences

(1) A licensee may apply to the Authority for a variation of his or her licence or the conditions to which it is subject and the Authority may, or may refuse to, vary the licence or the conditions, as it thinks fit.

(2) Subject to this section, the Authority may, on its own motion, from time to time, vary the licence of a licensee or the conditions to which it is subject or impose additional conditions on the licence.

(3) Before exercising its powers under subsection (2), the Authority shall, by notice in writing to the licensee, notify the licensee of the variation of the licence or the conditions or of the conditions to be imposed on the licence.

(4) The Authority may, not earlier than 28 days after a notice is sent to a licensee under subsection (3), vary the licence or the conditions to which it is subject or impose additional conditions on the licence.

(5) The Authority shall, in exercising its powers under subsection (4), consider the representations, if any, of the licensee.

(6) This section does not permit the Authority to vary the effect of a prescribed condition to which the licence is subject.

176. Duration of licence

(1) A licence—

- (a) takes effect at the time of issue or at the later time specified in the licence; and
- (b) is valid for the term, not exceeding 10 years, specified in the licence, unless terminated earlier in accordance with this Chapter.

177. Renewal of licences

(1) On application in the approved form by a licensee and payment of the prescribed fee, the Authority may renew a licence granted under this Part.

(2) Section 167 (Matters to be considered in determining applications) applies to an application for the renewal of a licence under this section as if the application were for the grant of the licence.

(3) The renewal of a licence under this Part shall be:

- (a) subject to the same conditions as the original licence; or
- (b) if the Authority thinks fit, subject to different conditions.

(4) Subsection (3)(b) does not permit the Authority to impose a condition that varies the effect of a prescribed condition to which the licence is subject.

178. No Legitimate Expectation of Renewal

A licensee has no legitimate expectation regarding the renewal of any licence.

179. Licence may authorise preparatory action

(1) This section applies to a licence that takes effect at a time specified in the licence that is later than the time of issue of the licence.

(2) The licence may authorise the licensee to take preparatory action from a time specified in the licence (which may be the time of issue) even though the licence has not taken effect.

(3) An authorisation under subsection (2) may specify a single time from which any preparatory action may be taken or different times from which different kinds of preparatory action may be taken.

(4) Any time specified from which preparatory action may be taken must not be more than 12 months before the time the licence takes effect.

(5) Despite section 176 (Duration of licence), the licence is taken to be in effect for the purpose of any preparatory action taken in accordance with an authorisation under subsection (2).

(6) No account is to be had to this section in determining the term of the licence under section 176 (Duration of licence).

(7) In this section:

preparatory action means anything necessary or convenient to be done for the purpose of conducting the licensed gambling activity, other than offering the gambling activity to the public.

180. Licence is non-transferable

A licence is not transferable to any other person.

181. Inspection of licence

A licensee must make a copy of the licence available for inspection by members of the public at the licensee's principal place of business in Antigua and Barbuda during normal business hours.

182. Register of licences

(1) The Authority must cause a register of licenses to be kept.

(2) The register must contain—

- (a) the name and address of the licensee; and
- (b) the gambling activity authorised to be conducted by the licence; and
- (c) any other information determined by the Authority.

183. Offences

(1) Every person who—

- (a) obtains the grant or renewal of any licence from the Authority under this Chapter by wilful misrepresentation; or
- (b) in relation to any application for such grant or renewal wilfully or recklessly gives any false or misleading information or makes a false or misleading statement;

may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

184. Mortgage of licence

A licensee must not mortgage, charge or otherwise encumber the licence except with the prior approval of the Authority.

185. Cancellation, suspension or variation of licence

(1) In this Part—

disciplinary action means the cancellation or suspension of a licence, the issuing of a letter of censure, the variation of the terms of a licence or the imposition of a civil penalty by the Authority not exceeding \$100,000;

grounds for disciplinary action in relation to a licence means any of the following grounds—

- (a) that the licence was improperly obtained in that, at the time the licence was granted, there were grounds for refusing it;
- (b) that the licensee, a person in charge of the premises, an agent of the licensee or an employee of the licensee has contravened a provision of this Act or a condition of the licence or a direction of the Authority;
- (c) that the premises are, for specified reasons, no longer suitable for the conduct of the licensed gambling operations;
- (d) the licensee is, for specified reasons, considered to be no longer a fit and proper person to hold the licence;
- (e) for specified reasons, it is considered to be no longer in the public interest that the licence should remain in force.

(2) The Authority may only take disciplinary action following the completion of the Show Cause Procedure specified in Part 2 of Chapter 16.

186. Surrender of licence

(1) A licensee may surrender the licence by giving notice in writing to the Authority.

(2) The surrender takes effect only if the Authority consents to the surrender.

187. Appointment of a manager if licence cancelled or suspended

(1) If a licence is suspended, cancelled or surrendered, the Authority may, if it is satisfied that it is in the public interest to do so, by instrument appoint a manager of the gambling business for the purposes of this section.

(2) In appointing a person to be a manager, the Authority must have regard to the suitability of the person.

(3) A manager is appointed on such terms and conditions as the Authority thinks fit.

(4) The appointment of a manager may be terminated at any time by the Authority and is terminated by the grant of another licence in respect of the gambling business.

(5) If the appointment of the manager is terminated, the manager ceases to be deemed to be the holder of a licence.

(6) A manager—

- (a) is deemed to be the holder of a licence on the same terms as those on which the licensee held the licence before its cancellation, suspension or surrender, subject to such modifications as the Authority determines;
- (b) assumes full control of and responsibility for the business of the licensee and may retain for use in the business any property of the licensee; and
- (c) must conduct, or cause to be conducted, gambling operations in accordance with this Act; and
- (d) has, in connection with the conduct of those operations, all the functions of the operator; and
- (e) may employ such staff as may be required to operate the gambling business.

(7) The Authority may make provision for or with respect to the functions of a manager appointed under this section.

(8) The following provisions have effect in respect of the net earnings of a gambling business while operations are being conducted by a manager under this section—

- (a) subject to paragraph (b), no payment of net earnings is to be made to the former licensee without the prior approval of the Authority;
- (b) the former licensee is entitled to a fair rate of return out of net earnings (if any) on any property of the former licensee retained by the manager;
- (c) the Authority may direct that all or any part of net earnings (other than that referred to in paragraph (b)) must be paid into the Consolidated Fund, with any balance to be paid to the former licensee.

188. General investigations

(1) The Authority may investigate a licensee from time to time and at any time that the Authority thinks it desirable to do so and, if it is directed to do so by the Minister, must investigate the licensee.

(2) The investigation may include (but is not limited to) an investigation of any or all of the following matters—

- (a) the gambling business;
- (b) the licensee or a person who, in the opinion of the Authority, is an associate of the licensee;
- (c) a person or persons who in the opinion of the Authority could affect the exercise of functions in or in relation to the gambling business; or
- (d) a person or persons who, in the opinion of the Authority, could be in a position to exercise direct or indirect control over the licensee, or an associate of the licensee, in relation to functions in or in relation to the business.

189. Operator to provide information

(1) The Authority may, by notice in writing, require a licensee or a person who was a licensee or a person who, in the opinion of the Authority, is or was directly or indirectly associated with the operator—

- (a) to provide the Authority or an authorised person, in accordance with directions in the notice, with such information relevant to the operator or that association or to the gambling business, or with such information as the Authority requires, as is specified in the notice; or
- (b) to produce to the Authority or an authorised person, in accordance with the directions in the notice, such records relevant to the licensee or that association or to the gambling business, or to matters specified by the Authority, as are specified in the notice and to permit examination of those records, the taking of extracts from them and the making of copies of them; or
- (c) to attend before the Authority or an authorised person for examination in relation to any matters relevant to the licensee or that association or to the gambling business, or to matters specified by the Authority, and to answer questions relating to those matters.

(2) A person is not excused from complying with a notice under this section on the ground that compliance might tend to incriminate the person but, if the person, in writing given to the Authority, claims, before complying with the notice, that compliance might tend to incriminate the person, information provided in compliance with the notice is not admissible in evidence against the person in criminal proceedings other than proceedings under this Act.

(3) If records are produced under this section, the Authority or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from them and the making of copies of them.

(4) At any reasonable times during the period for which records are retained, the Authority or authorised person must permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Authority or an authorised person.

(5) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

190. Failure to provide information punishable as contempt

(1) If the Authority is satisfied that a person has, without reasonable excuse, failed to comply with a requirement of a notice under section 189 (Operator to provide information), the Authority may certify the failure to the High Court.

(2) If the Authority so certifies, the High Court may inquire into the case and—

- (a) order the person to comply with the requirements within a period specified by the Court; or

- (b) if the Court is satisfied that the person failed, without reasonable excuse, to comply with the requirement—punish the person as if the person were in contempt of the Court and, if it thinks fit, also make an order under paragraph (a).

191. Change in situation of licensee

(1) In this section—

major change in the situation existing in relation to a licensee means—

- (a) any change in that situation which results in a person becoming an associate of the licensee; or
- (b) any other change in that situation which is of a class or description prescribed as major for the purposes of this section;

minor change in the situation existing in relation to a licensee means any change in that situation that is prescribed as a minor change for the purposes of this section.

(2) Except where otherwise provided in a licence, a licensee must—

- (a) ensure that a major change in the situation existing in relation to the operator which is within the operator's power to prevent occurring does not occur except with the prior approval in writing of the Authority; and
- (b) notify the Authority in writing of the likelihood of any major change in the situation existing in relation to the operator to which paragraph (a) does not apply as soon as practicable after the operator becomes aware of the likelihood of the change; and
- (c) notify the Authority in writing of any major change in the situation existing in relation to the operator to which paragraphs (a) and (b) do not apply within 3 days after becoming aware that the change has occurred; and
- (d) notify the Authority in writing of any minor change in the situation existing in relation to the operator within 14 days after becoming aware that the change has occurred.

(3) A licensee who fails to comply with a provision of subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) If a major change for which the approval of the Authority is sought under this section involves a person becoming an associate of the licensee, the Authority must not grant its approval

unless satisfied that the person is a suitable person to be associated with the management of a gambling business.

(5) Sections 167 (Matters to be considered in determining applications), 168 (Investigations by the Authority), 169 (Authority may require further information), 170 (Updating of application) and 171 (Costs of investigation of application) apply to and in respect of an application for approval under this section in the same way that they apply to and in respect of an application for a licence.

(6) If a major change is proposed or has occurred involving a person becoming an associate of the licensee and the approval of the Authority to the change is not required—

- (a) the Authority must inquire into the change to determine whether it is satisfied that the person is a fit and proper person to be associated with the management of a gambling business; and
- (b) if it is not so satisfied, must take such action as it considers appropriate.

192. Change in situation of associate

(1) Whenever a change of a kind specified by the Authority in writing given to an associate of a licensee takes place in the situation existing in relation to the associate of the licensee, the associate must notify the Authority in writing of the change within 14 days after it takes place.

(2) A licensee who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

193. On-going monitoring of associates and others

(1) The Authority may from time to time investigate—

- (a) an associate, or a person likely to become an associate, of a licensee; or
- (b) any person, body or association having a business association with a person referred to in paragraph (a).

(2) A licensee must—

- (a) notify the Authority in writing that a person is likely to become an associate as soon as practicable after the licensee becomes aware of the likelihood; and
- (b) take all reasonable steps to ensure that a person does not become an associate except with the prior approval in writing of the Authority.

(3) If the Authority, having regard to the matters referred to in subsection (4), determines that an associate is not a fit and proper person to be concerned in or associated with the business of the licensee, the Authority may, by notice in writing, require the associate to terminate the association with the licensee.

(4) In particular, the Authority must consider whether the associate—

- (a) is a fit and proper person having regard to reputation, character, honesty and integrity;
- (b) is of sound and stable financial background;
- (c) has any business association with any person, body or association who or which, in the opinion of the Authority, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources.

(5) If the Authority determines that an associate of a licensee has engaged or is engaging in conduct that, in the Authority's opinion, is unacceptable for a person who is concerned in or associated with the ownership, management or operation of the business of the licensee, the Authority may—

- (a) issue a written warning to the associate that the conduct is unacceptable; or
- (b) give written notice to the associate requiring the associate to give a written undertaking to the Authority, within the period specified in the notice, regarding the future conduct of the associate; and
- (c) shall advise the licensee of the issuance of such a warning or notice.

(6) If the associate fails to give an undertaking required under subsection (5)(b) or breaches an undertaking given under that provision, the Authority may give the associate written notice requiring the associate to terminate, within 14 days or a longer period agreed with the Authority, the association with the licensee, and shall advise the licensee of the issuance of such a notice.

(7) If the association is not terminated within 14 days from the date of the notice referred to in subsection (3) or (5) or any longer period agreed with the Authority, the Authority may, by notice in writing, direct the licensee to take all reasonable steps to terminate the association and the licensee must comply with the direction within 14 days or any longer period agreed with the Authority.

(8) The Authority—

- (a) may require an associate or person likely to become an associate to consent to having his or her photograph, finger prints and/or palm prints taken; and

- (b) may refer a copy of such photograph, finger prints and palm prints and any supporting documents to the Commissioner of Police;
- (c) may seek the assistance, information and advice from any international regulatory or law enforcement agency or body.

PART 2 - LICENCE HOLDER OBLIGATIONS

194. Nominee to be located in Antigua and Barbuda

(1) Where the licensee is a body corporate, the Authority may require the licensee to nominate a person as a Nominee.

(2) The person(s) endorsed on the Licence as the nominee(s) ("Company Nominee) must be located in Antigua and Barbuda and contactable at all times. If the Nominee departs from Antigua and Barbuda or is not contactable readily, the licensee shall ensure that an alternative nominee approved by the Authority is available at all times to provide access to the business premises of the licensee and to respond to queries from the Authority.

195. Changes to Management of the Licensee

(1) The licensee shall obtain the approval of the Authority before any change is made to any of the directors, the Nominee(s), and the persons concerned in the management or control of the licensee or any person having an interest of 10% or more in the licensee.

(2) The licensee provider shall provide such information, as the Authority may require, to enable the Authority to consider whether to grant approval under this section.

196. Changes to the Shareholding of a Licensee

(1) Where the licensee is a body corporate, the licensee shall not allow any transfer of its shares, or issue any new shares which results in any person having an interest of 10% or more (direct or indirect) in the licensee, without first obtaining the approval of the Authority.

(2) The licensee shall not make any changes to the structure of its share capital or ownership, without the prior approval of the Authority.

197. Notice of Legal Action

(1) The licensee shall immediately give written notice to the Authority (with that notice providing a reasonable summary) of:

- (a) any legal action involving an amount of \$30,000 or more involving betting activity and/or integrity issues relating to the business conducted under the licence which is:
 - (i) instigated against the licensee or
 - (ii) instigated by the licensee;
- (b) any formal notice giving intention to wind up the licensee.

198. Notice of Investigations

(1) The licensee must inform the Authority, as soon as practicable, of any investigation commenced by a professional, statutory or other regulatory or government body (in whatever jurisdiction) into the licensee's activities, or those of a business associate, where such investigation could result in the imposition of a sanction or penalty which, if imposed, could reasonably be expected to raise doubts about the licensee's continued suitability to hold a gambling licence.

CHAPTER 5 - LICENSING OF ASSOCIATES, AGENTS AND EMPLOYEES

199. Definitions

(1) In this Part—

licence means a licence issued by the Authority under Chapter 4;

licensee means the holder of a licence under this Chapter;

key employee means a person who—

- (a) is employed or working in a gambling business in a managerial capacity or who is authorised to make decisions, involving the exercise of his or her discretion, that regulate operations in a gambling business; or
- (b) is employed or working in a gambling business in any capacity relating to the following activities—
 - (i) the conduct of gaming or betting;
 - (ii) is, if the Regulations provide, entitled to hold
 - (A) a repairer's licence;

- (B) a machine manager's licence;
 - (C) a monitoring provider's licence;
 - (D) a service contractor's licence;
- (iii) the supervision of any of the above activities;
 - (iv) any other activity relating to operations in the gambling business that is specified by the Authority for the purposes of this definition by notice in writing given to the licensee.

200. Key employees to be licensed

(1) If a person is required by the Authority to be licensed as a key employee, that person must not exercise in or in relation to a gambling business any of the functions of a key employee except in accordance with the authority conferred on the person by a licence.

(2) A licence authorises the holder of the licence to exercise in or in relation to the gambling business the functions specified in the licence subject to the functions being exercised in accordance with the provisions of this Act and the conditions of the licence.

(3) If subsection (1) applies, the holder of a licence under Chapter 4 must not—

- (a) employ or use the services of a person to perform any function of a key employee in or in relation to a gambling business; or
- (b) allocate or permit or suffer to be allocated to a person the exercise of any function of a key employee in or in relation to the gambling business —

unless the person is authorised by a licence to exercise the function concerned.

(4) A person who fails to comply with subsection (1) or a licensee who fails to comply with subsection (3), may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

201. Application for licence

(1) An application for a licence must be in a form approved by the Authority, must be lodged with the Authority and must be accompanied by—

- (a) the prescribed fee; and

(b) such documents (if any) as may be specified by the Authority and that the form of application requires accompany the application.

(2) The information provided in and accompanying the application must, if required by the Authority, be verified by statutory declaration.

(3) The Authority may require the applicant to consent to have taken his or her finger prints or palm prints or both, and a photograph.

(4) An application for a licence may not be made by a person who is under the age of 18 years or who is a person within a class of persons prescribed as being ineligible to apply for a licence.

(5) If a requirement under this section is not complied with, the Authority may refuse to consider the application concerned.

202. Direction to apply for licence

(1) For the purposes of this section, a person has a special relationship with a holder of a licence under Chapter 4 if, in the opinion of the Authority—

(a) the person is associated with the holder of such a licence or is an agent or employee of the holder of such a licence, and has the power to exercise a significant influence over or with respect to operations of the gambling business; or

(b) the person is associated with the holder of such a licence or is an agent or employee of the licensee, and it is in the public interest that the person, by reason of his or her remuneration or his or her authority in relation to the operations in the gambling business, be licensed as a key employee.

(2) The Authority may by notice in writing given to a person who has a special relationship with a gambling business —

(a) direct that the association or employment that constitutes the special relationship is to be regarded as the exercise by the person of the functions of a key employee; and

(b) require the person to apply for the appropriate licence within a specified period of not less than 7 days.

(3) The association or employment specified in the notice must, for the purposes of this Part, be regarded as the exercise by the person of the functions of a key employee as soon as—

- (a) the period allowed by the direction for the making of an application for the appropriate licence expires with no application having been made; or
- (b) if the application is made within that period, the application is determined.

(4) If this section results in a person who has a special relationship with a gambling business contravening subsection (2)—

- (a) the Authority must notify that person and the licensee of that fact; and
- (b) if the association or employment role that constitutes the contravention is not terminated within 24 hours (or such longer period as the Authority may allow) after that notice is given, the person and licensee may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) The termination of an association or employment role in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement and neither Antigua and Barbuda nor the Authority incurs any liability because of such a termination.

203. Updating of application for licence

(1) If a change occurs in the information provided in or in connection with an application for a licence (including in any documents lodged with the application) before the application is granted or refused, the applicant must forthwith give the Authority written particulars of the change verified by statutory declaration.

(2) When particulars of the change are given, those particulars are then to be considered to have formed part of the original application, for the purposes of the operation of subsection (1) in relation to any further change in the information provided.

204. Authority may require further information

(1) The Authority may, by notice in writing, require a person who is an applicant for a licence or who, in the opinion of the Authority has some association or connection with the applicant that is relevant to the application to do any one or more of the following—

- (a) to provide, in accordance with directions in the notice, such information, verified by statutory declaration, as is relevant to the investigation of the application and is specified in the notice; or
- (b) to produce, in accordance with directions in the notice, such records relevant to investigation of the application as are specified in the notice and to permit examination of the records, the taking of extracts from them and the making of copies of them; or

- (c) to authorise a person described in the notice to comply with a specified requirement of the kind referred to in paragraph (a) or (b); or
- (d) to furnish to the Authority such authorities and consents as the Authority directs for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the person and his or her associates or relations from other persons including, but not limited to, any gambling regulators of any other country, and any bank located in any country.

(2) If a requirement made under this section is not complied with, the Authority may refuse to consider the application concerned.

205. Applications to be investigated

(1) The Authority must investigate each application.

(2) If, as a result of the investigation, the Authority decides that an application be refused, the Authority must notify the applicant in writing of that decision.

206. Determination of applications

(1) The Authority must consider an application for a licence and must take into account the investigation under section 205 (Applications to be investigated) and any submissions made by the applicant within the time allowed and must make a determination of whether the applicant is a fit and proper person to hold a licence having regard to —

- (a) the integrity, responsibility, personal background and financial stability of the applicant; and
- (b) the general reputation of the applicant having regard to character, honesty and integrity; and
- (c) the suitability of the applicant to perform the type of work proposed to be performed by the applicant as a licensee.

(2) The Authority must determine the application by either issuing a licence to the applicant or refusing the application and must inform the applicant accordingly.

(3) The Authority is not required to give reasons for the decision but may give reasons if it thinks fit.

207. Conditions of licence

(1) A licence is subject to any condition imposed by the Authority and notified to the licensee on the issue of the licence or during its currency.

(2) A condition of a licence may be varied or revoked by the Authority whether or not on application made to the Authority by the licensee.

208. Appeal and Review

If a decision is made to refuse to grant an application for a licence, the applicant may seek a review of or lodge an appeal against the decision, in accordance with the provisions of Part 3 of Chapter 16.

209. Identification

(1) A key employee, not being a person to whom an exemption under subsection (2) applies, must at all times while on duty at the gambling premises wear identification of a kind approved by the Authority in such manner as to be visible to other persons on the premises.

(2) The Authority may exempt a person or class of persons from the requirements of subsection (1).

210. Provisional licences

(1) The Authority may, pending a decision on an application for a licence, grant the applicant a provisional licence.

(2) A provisional licence is subject to any conditions or restrictions of which the provisional licensee is notified by the Authority when issuing the licence.

(3) A provisional licence may be cancelled by the Authority at any time and, unless sooner surrendered or cancelled, ceases to have effect on the approval or refusal of the provisional licensee's application for a licence.

(4) This Act applies to a provisional licence in the same way as it applies to a licence (to the extent that it is consistent with this section).

211. Duration of licence

(1) A licence remains in force until whichever of the following happens first—

(a) the licence is cancelled; or

(b) the licensee, by notice in writing, surrenders the licence to the Authority; or

- (c) the expiration of 3 years after the end of the month in which the licence was granted.

212. Renewal of licence

(1) A licensee may, not earlier than 1 month before the expiration of his or her current licence, apply to the Authority for a new licence, in which case—

- (a) the current licence continues in force until the new licence is issued or its issue is refused; and
- (b) if issued, the new licence must be taken to have been granted on the tenth anniversary of the date on which the current licence was granted and must be dated accordingly.

(2) An application for a new licence must be made in a form approved by the Authority and must be accompanied by the prescribed fee.

(3) This Chapter (except provisions relating to the form of an application or the issue of a provisional licence) applies to and in relation to—

- (a) an application under this section for a new licence;
- (b) the determination of such an application; and
- (c) any licence issued as a result of such an application—

as if the application has been made by a person other than a licensee.

213. Variation of licence

(1) Application may be made to the Authority, accompanied by the prescribed fee, for variation of a licence.

(2) Except in relation to the fee to accompany the application, this Act applies in relation to such an application in the same way as it applies to an application for a licence.

(3) If the application is approved, the Authority may vary the licence to which the application relates (or issue a new licence specifying the varied authority).

214. Loss of licence

If the Authority is satisfied that a licence has been lost, destroyed or damaged, the Authority may, on payment of the prescribed fee, issue a replacement licence.

215. Cancellation or suspension of licence

(1) In this section—

disciplinary action in relation to a licensee, means any of the following—

- (a) the service of a written notice on the licensee censuring him or her for any action specified in the notice;
- (b) variation of the licence;
- (c) suspension of the licence for a specified period;
- (d) cancellation of the licence;
- (e) cancellation of the licence and disqualification from obtaining or applying for a licence or permit under this Act for a specified period not exceeding 4 years;

grounds for disciplinary action means any of the following grounds in respect of a licence—

- (a) that the licence was improperly obtained in that, when it was granted there were grounds for refusing it;
- (b) that the licensee has been convicted or found guilty of—
 - (i) an offence against this Act or an offence against regulations made under this Act; or
 - (ii) an offence arising out of or in connection with his or her employment by the holder of a licence under Chapter 4; or
 - (iii) whether or not in Antigua and Barbuda, an offence involving fraud or dishonesty punishable on conviction by imprisonment for 3 months or more (whether or not in addition to a fine);
- (c) that the licensee has contravened a condition of the licence;
- (d) that the licensee has failed to provide information that he or she is required by this Act to provide or has provided information knowing it to be false or misleading;
- (e) that the licensee has become bankrupt, applied to take the benefit of any law relating to bankrupt or insolvent debtors, has compounded with his or her creditors or made an assignment of his or her remuneration for their benefit;

- (f) that for any reason, the licensee is not a suitable person to be the holder of the licence.

(2) The Authority may inquire into whether there are grounds for disciplinary action against a licensee.

(3) If the Authority decides that disciplinary action should be taken against the licensee, the Authority must comply with the Show Cause Procedure set out in Part 2 of Chapter 16.

216. Effect of suspension

(1) During any period of suspension of a licence, the licensee is deemed not to be the holder of a licence.

(2) The Authority may, at any time, terminate or reduce a period of suspension of a licence.

217. Return of licence on suspension or cancellation

(1) If the licence of a licensee is suspended or cancelled, the licensee must return the licence to the Authority within 14 days after the suspension or cancellation.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

218. Termination of employment on suspension or cancellation of licence

(1) If a person holding a licence issued under Chapter 4 receives written notice from the Authority that the licence of an associate of the operator or the licence of an employee has been suspended under section 215 (Cancellation or Suspension of licence) or cancelled, or has otherwise ceased to be in force, the gambling service provider must, within 24 hours after receiving the notice—

- (a) in the case of an associate of the licensee, terminate the association; or
- (b) in the case of an employee, terminate the employment of the employee in the role requiring licensing.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A termination of the role of the employee in accordance with this section may be effected despite any other Act or any law, award or industrial or other agreement and neither Antigua and Barbuda, nor the Authority, incurs any liability because of such a termination.

219. Licensee to provide information relating to licensees

(1) A person holding a licence issued under Chapter 4, not later than 7 days after a licensed employee ceases to have functions in or in relation to the gambling business, must notify the Authority, in a form approved by the Authority, of the cessation of the exercise of those functions.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

220. Change in situation of licensee

Whenever a change of a kind specified by the Authority in writing given to the holder of a key employee licence takes place in the situation existing in relation to the holder of the licence, the holder must notify the Authority in writing of the change within 14 days after it takes place.

A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

CHAPTER 6 – GAMING MACHINES**PART 1 - GENERAL****221. Definitions**

(1) In this Chapter, unless the contrary intention appears:

arrangement includes a scheme, understanding, promise or undertaking, whether express or implied.

approved finance provider means:

- (a) a financial institution that is approved as a finance provider under section or
- (b) a person or body prescribed as a finance provider for the purposes of this Act.

approved gaming machine means a gaming machine of a type approved by the Authority;
basic monitoring service means a monitoring service that is prescribed.

betting unit means the least valuable bet a player may make on a gaming machine.

centralised credit system means an electronic or computer system or device that is so designed that it may be used for, or adapted to enable, the transfer of credits of gaming tokens to or from a gaming machine.

computer cabinet, in relation to a gaming machine, means the sealable cabinet in the machine that contains the game program storage medium and the Random Access Memory;

decommission means to destroy or to render a gaming machine, gaming table, a betting terminal, lottery equipment and supplies unfit for the use and purpose for which it was built and designed and for which it was previously operated;

electronic monitoring system means an electronic or computer system or device that is designed so that it may be used, or adapted, to receive data from gaming equipment in relation to the security, accounting or operation of gaming equipment.

employ means to employ for fee or reward, to engage in an honorary capacity or to engage without fee or reward.

financial institution means:

- (a) an authorised deposit-taking institution; or
- (b) a person or body prescribed as a financial institution for the purposes of this Act.

game means a game designed to be played on a gaming machine and identifiable from all other games by differences in rules or programming.

gaming means the playing of a gaming machine.

gaming equipment means a gaming machine, linked jackpot equipment, electronic monitoring system, centralised credit system or any part of or replacement part for such a machine, equipment or system.

gaming machine means a device that is designed so that:

- (a) it may be used for the purpose of playing a game of chance or a game of mixed chance and skill; and
- (b) it may be operated, wholly or in part:
 - (i) by the insertion of a gaming token into the device;
 - (ii) by the use of gaming machine credits;
 - (iii) by the electronic transfer of credits of gaming tokens to the device; or
 - (iv) by the use of gaming tokens held, stored or accredited by the device or elsewhere; and

- (v) because of making a bet on the device, winnings may become payable,

but does not include any device declared by the Authority under section 250 (Exemption of devices) not to be a gaming machine.

gaming machine area means a location on licensed premises where a licensee is permitted to install, or has installed, a gaming machine.

gaming machine credit means a credit of a gaming token registered by a gaming machine.

local gambling provider's licence means a licence issued under Chapter 4.

gaming machine type means a type of gaming machine in which different games may be installed.

gaming token means East Caribbean Dollars, United States Dollars, other currency or a token, credit or other thing that enables a bet to be made on a gaming machine, but does not include a gaming machine credit.

gross monthly profit, in respect of licensed premises, means the monetary amount of all bets made on gaming machines by persons who played those machines on the premises during the period covered by an assessment less the monetary amount of all payments made to those persons in respect of their playing of those machines during that period.

jackpot means the combination of letters, numbers, symbols or representations required to be displayed on the reels or video screen of a gaming machine so that the maximum winnings in accordance with the prize payout scale displayed on the machine are payable.

licensed premises means premises on which a licensee is licensed to conduct gaming.

licensee means the holder of a local gambling provider's licence authorising the use of gaming machines.

linked jackpot arrangement means an arrangement under which 2 or more gaming machines are linked to a device, being a device:

- (a) that records, an amount which, in the event of a jackpot or other result being obtained on one of those machines, may be, or part of the amount may be, payable as winnings;
- (b) that, for the purpose of recording the amount referred to in paragraph (a), receives data from each gaming machine to which the device is linked; and

- (c) that is not capable of affecting the outcome of a game on a gaming machine to which the device is linked.

linked jackpot equipment means a jackpot meter, payout display, linking equipment, computer equipment, programming or other device (other than a gaming machine) forming, or capable of forming, part of a linked jackpot arrangement.

listed person means a person listed on:

- (a) the Roll of recognised manufacturers and suppliers of gaming machines maintained under section 235 (Recognised manufacturers or suppliers of gaming machines); or
- (b) the Roll of recognised suppliers of restricted components maintained under section 236 (Recognised suppliers of restricted components).

money clearance means the removal of gaming tokens from the drop box of a gaming machine.

multiple site linked jackpot arrangement means a linked jackpot arrangement linking gaming machines with other gaming machines on 2 or more licensed premises.

recognised manufacturer or supplier of gaming machines means a person who is approved as a recognised manufacturer or supplier of gaming machines under section 235 (Recognised manufacturers or suppliers of gaming machines).

restricted component means a component that is prescribed as a restricted component when it does not form part of a gaming machine, linked jackpot equipment, electronic monitoring system or centralised credit system but does not include anything declared under section 251 (Exemption of devices) not to be a restricted component.

schedule of gaming machines means the schedule of gaming machines issued under section 226 that, for the time being, is in existence in respect of the licensed premises specified in the schedule.

seal means a seal issued or approved by the Authority.

single site linked jackpot arrangement means a linked jackpot arrangement linking gaming machines with gaming machines on the same licensed premises.

222. Meaning of conduct of gaming

(1) A reference in this Chapter and, as applicable, in Chapter 8, to *conduct of gaming* is a reference to:

- (a) the management, use, supervision, operation and conduct of gaming equipment;
- (b) the sale, redemption or use of gaming tokens;
- (c) the carrying out of centralised credit transactions;
- (d) the installation, alteration, adjustment, maintenance or repair of gaming equipment;
- (e) the use or distribution of proceeds from the conduct of gaming; and
- (f) accounting, banking, storage and other acts in connection with or related or incidental to gaming and the conduct of gaming.

223. Meaning of play a gaming machine

(1) For the purposes of this Chapter, and, as applicable, in Chapter 8, a person is taken to play a gaming machine if the person, directly or indirectly:

- (a) inserts a gaming token into;
- (b) causes gaming machine credits to be registered by;
- (c) makes a bet on;
- (d) causes the activation of any process relating to the game of; or
- (e) makes or participates in the making of the decisions involved in playing,

the gaming machine.

224. Power to restrict gaming machine numbers

(1) The Regulations may prescribe restrictions on gaming machine numbers.

(2) In particular, the regulations may:

- (a) restrict the aggregate number of gaming machines authorised for use under local gambling provider licences in Antigua and Barbuda to a maximum number fixed in, or determined in accordance with, the regulations; or
- (b) impose a restriction of any other kind on gaming machine numbers; or
- (c) impose any combination of restrictions on gaming machine numbers.

225. Certain applications to be summarily rejected

Despite any other provision of this Act, if the grant of an application for a local gambling provider's licence, or for an increase in the number of gaming machines authorised for use under a local gambling provider's licence, would result in contravention of a restriction imposed under this section 224 (Power to restrict gaming machine numbers), the Authority must reject the application without further inquiry.

226. Schedule of gaming machines

(1) Where the Authority grants a local gambling provider's licence permitting the use of gaming machines, the Authority shall, in respect of licensed premises, issue to the licensee a schedule of gaming machines.

(2) A schedule of gaming machines shall:

- (a) identify the local gambling provider's licence and the licensed premises to which it applies;
- (b) specify the number of gaming machines and the number of gaming machines of each betting unit authorised for use under the licence in respect of the licensed premises;
- (c) if applicable, specify the manufacturer's serial number and the identification number, if any, issued by the Authority under the regulations, for each gaming machine authorised for use under the licence in respect of the licensed premises or required to be stored by the licensee under section 230 (Installation and storage of gaming machines by licensee); and
- (d) specify the date from which the schedule is to apply.

(3) Where:

- (a) the accuracy of a schedule of gaming machines is affected by anything done by the Authority under section 227 (Increase in gaming machines) or 228 (Decrease in machines); or

- (b) the Authority is satisfied that a schedule of gaming machines has been damaged, lost or destroyed,

the Authority shall issue another schedule of gaming machines to the licensee.

(4) The issue of a schedule of gaming machines under subsection (3) cancels the previous schedule of gaming machines on and from the date specified in the schedule and is taken for all purposes to be the schedule of gaming machines for the licensed premises.

(5) A licensee shall, not later than 14 days after receiving a schedule of gaming machines issued under subsection (3), deliver the cancelled schedule of gaming machines to the Authority.

(6) A person who fails to comply with subsection (5) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

227. Increase in gaming machines

(1) A licensee may apply to have the number of gaming machines authorised for use under the licence increased.

(2) An application under subsection (1):

- (a) shall be made in the form determined by the Authority;
- (b) must specify the number of additional gaming machines that the applicant seeks to have authorised for use under the licence and the total number of gaming machines that would then be on the licensee's licensed premises should the application be granted;
- (c) shall contain or be accompanied by such other information, records, reports, documents and writings relating to the application or the licensee as are determined by the Authority;
- (d) shall be forwarded to or lodged with the Authority; and
 - (i) must be accompanied by:
 - (ii) the prescribed fee; and
 - (ii) the prescribed levy, if any, for each additional gaming machine that the applicant seeks to have authorised for use under the licence.

(3) The Authority shall as soon as reasonably practicable determine whether to grant or refuse to grant the application and, if granted, the increased number of gaming machines authorised for use under the licence.

(4) In determining an application under subsection (1) the Authority shall have regard to:

- (a) the increased number of gaming machines that the applicant seeks to have authorised for use under the licence;
- (b) the gross monthly profit of existing gaming machines operated on the premises;
- (c) the hours and days when the premises are open;
- (d) the size, layout and facilities of the premises together with any proposed modification or relocation of the gaming machine areas of the premises; and
- (e) such other matters as the Authority considers are relevant.

(5) If the Authority increases the number of gaming machines authorised for use under a licence, the number of additional gaming machines authorised must not be greater than the number sought in the application.

(6) The Authority may require the licensee to submit such additional information or material as the Authority considers is necessary in order to make a determination under this section.

(7) Where the Authority, on consideration of an application under this section, considers that it should not be granted or proposes to increase the number of gaming machines authorised for use under the licence by a number that is less than that requested in the application:

- (a) the Authority shall defer making a decision in respect of the application or determining the increase in the number of gaming machines; and
- (b) the Authority shall give written notice to the applicant and invite the applicant to submit, within such time as is specified in the notice, such additional information or material in support of the application as the applicant thinks fit.

(8) Any additional information or material submitted under subsection (6) or (7) shall be considered in making the determination.

(9) If an application under subsection (1) is refused, the Authority shall as soon as practicable give the applicant written notice of, and the reasons for, the decision.

228. Decrease in machines

(1) The Authority may determine that the number of gaming machines authorised for use under the licence be decreased by such number as the Authority thinks fit.

(2) The Authority may do so on an application under subsection (4) or on the Authority's own initiative.

(3) If the Authority makes a determination under subsection (1), the Authority shall, as soon as practicable after the determination is made, give the licensee written notice of, and the reasons for, the determination.

(4) An application to the Authority under this section may be in the form of:

- (a) an application by a licensee that the number of gaming machines authorised for use under the licence be decreased;
- (b) a written report of an inspector with respect to:
 - (i) any general change in conditions that have happened in the neighbourhood in which a licensee's licensed premises are located; or
 - (ii) any change in a licensee's circumstances;

since the licence was granted and recommending that the number of gaming machines authorised for use under the licence be decreased.

(5) The Authority must:

- (a) advise the licensee by written notice of:
 - (i) the relevant details of a request or report made under subsection (4); or
 - (ii) if the Authority proposes to decrease the number of gaming machines authorised for use under a licence on the Authority's own initiative – details of that proposal; and
 - (iii) invite the licensee to make a submission with respect to the request, report or proposal within such time as is specified in the notice.

(6) A licensee shall decommission and dispose of the number of gaming machines specified in a determination made under subsection (1), in a manner approved by the Authority.

(7) A licensee who fails to comply with subsection (6) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(8) A person to whom a gaming machine is surrendered under subsection (5):

(a) is authorised to be in possession of the gaming machine in accordance with procedures approved by the Authority; and

(b) must not dispose of the gaming machine except in accordance with procedures approved by the Authority.

(9) When a licensee decommissions a gaming machine, gaming table, a betting terminal, lottery equipment including but not limited to other gaming equipment and supplies, it is the responsibility of the licensee to ensure that the removal from service, decommissioning and destruction of the said equipment is conducted in accordance with procedures approved by the authority. All expenses incurred in the decommissioning of the said gaming equipment and supplies is the responsibility of the license holder.

(10) A person who fails to comply with subsection (8)(b) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

229. Modification or relocation of gaming machines areas

(1) A licensee shall not, without the approval of the Authority, modify or relocate the gaming machine areas of the licensee's licensed premises.

(2) A licensee who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) An application for an approval under subsection (1) shall be accompanied by:

(a) a plan of the premises indicating the proposed locations on the premises where it is intended to install the gaming machines; and

(b) a statutory declaration declaring the matters referred to in subsection (3).

(4) A statutory declaration under subsection (2)(b) shall declare that:

(a) the proposed locations referred to in subsection (2)(a) are within the premises to which the licensee's licence relates; and

(b) the gaming machines installed in the locations will allow:

(c) proper cleaning and maintenance of the gaming machines;

- (d) unrestricted access to fire exits; and
- (e) the proper use of things provided on the premises for safety and security.

(5) The Authority shall determine an application under this section as soon as is reasonably practicable.

(6) Where the Authority, on consideration of an application under this section, considers that it should not be granted:

- (a) the Authority shall defer making a decision in respect of the application; and
- (b) the Authority shall give written notice to the applicant and invite the applicant to submit, within such time as is specified in the notice, such additional information or material in support of the application as the applicant thinks fit.

(7) Any additional information or material submitted under subsection (4) shall be considered in making the decision.

(8) Where the Authority:

- (a) determines that the number of gaming machines authorised for use under a licence be decreased; or
- (b) considers that it is necessary for the proper conduct of gaming that the gaming machine areas of licensed premises be modified or relocated,

the Authority shall, by written notice, direct the licensee to modify or relocate the gaming machine areas of the licensee's licensed premises in accordance with the direction.

(9) A licensee to whom a direction is given under subsection (7) shall not contravene or fail to comply with the direction.

(10) The Authority may require a licensee who has made an application under this section to submit such information as the Authority considers appropriate, and the licensee shall comply with the requirement.

(11) A person who fails to comply with subsections (9) or (10) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(12) The Authority may, having regard to:

- (a) the size, layout and facilities of the licensee's licensed premises; and

(b) such other matters as the Authority considers are relevant,

grant or refuse to grant an application under subsection (1).

(13) On and from the date of completion of a modification or relocation approved or directed under this section, the gaming machine areas of the licensed premises are as modified or relocated.

(14) If an application under this section is refused, the Authority shall, as soon as s for, the decision. practicable after the application is refused, give the applicant written notice of, and the reason

230. Installation and storage of gaming machines by licensee

(1) A licensee must not install a gaming machine or other prescribed gaming equipment in an area other than a gaming machine area on the licensee's licensed premises.

(2) A licensee must not store a gaming machine or other prescribed gaming equipment that is not installed in a gaming machine area on the licensee's licensed premises, except in a room, and in a manner, approved by the Authority.

(3) A licensee is authorised to store in accordance with subsection (2) gaming machines in excess of the number of gaming machines authorised for use under the licence.

(4) A licensee must not install on the licensed premises a gaming machine that is being stored by the licensee if, as a result, the number of gaming machines installed on the premises would exceed the number of gaming machines authorised for use under the licence.

(5) A licensee who fails to comply with subsections (1), (2) or (4) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

231. Malfunction of gaming machines

(1) A licensee shall refuse:

- (a) to make payment; or
- (b) to allow payment to be made,

to a person in respect of a bet made, or gaming machine credits accumulated, on a gaming machine installed on the licensed premises, where the licensee is satisfied that the gaming machine failed to function in the way in which it was designed and programmed to function.

(2) Subsection (1) applies irrespective of the reason for the failure of the gaming machine to function in the way in which it was designed and programmed to function.

(3) A licensee who refuses to make or allow payment under subsection (1) shall:

- (a) not allow, other than for testing purposes, the gaming machine to be played until it is functioning in the way in which it was designed and programmed to function;
- (b) not later than the close of business on the following working day, forward to the Authority a report in the form determined by the Authority in respect of the refusal.

(4) A licensee who fails to comply with subsection (3) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) A licensee:

- (a) may; or
- (b) shall, if so directed by the Authority;

overrule a refusal referred to in subsection (1) and make the payment that has been refused.

(6) A licensee who fails to comply with a direction under subsection (5) (b) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(7) Nothing in this section operates so as to prejudice or affect any other right or remedy of any person.

232. Defective gaming machines not allowed

(1) A licensee shall not allow, other than for testing purposes, a gaming machine:

- (a) that is installed on the licensed premises; and
- (b) that does not function in the way in which it was designed and programmed to function,

to be played until it is functioning in the way in which it was designed and programmed to function.

(2) A licensee who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove that the defendant:

- (a) had taken all reasonable precautions to ensure that the gaming machine was functioning in the way in which it was designed and programmed to function; and
- (b) at the time of the alleged offence, did not know, and ought not to have known, that the gaming machine was not functioning in the way in which it was designed and programmed to function.

233. Security of keys

(1) A licensee shall ensure that all keys and other devices related to the security of gaming equipment on the licensee's licensed premises are kept, stored, secured, possessed and used in accordance with the written directions of the Authority.

(2) A person shall not possess or use a key or other device referred to in subsection (1) unless the possession or use is permitted by, and is in accordance with, the written directions of the Authority.

(3) A person who fails to comply with subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

234. Certain persons only to have access to gaming machines

(1) A person shall not, in relation to a gaming machine on licensed premises:

- (a) open the gaming machine;
- (b) check gaming tokens contained inside the gaming machine;
- (c) remove gaming tokens from the cabinet or drop box of the gaming machine; or
- (d) place gaming tokens into the gaming machine (other than for the purpose of playing a game on the gaming machine),

unless the person is:

- (e) the licensee of the licensed premises;
- (f) an employee of the licensee who is carrying out money clearances;
- (g) an inspector in the exercise or performance of the inspector's powers and functions under this Act; or
- (h) any other person approved by the Authority under this Act or the Regulations.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

PART 2 - CONTROL OF GAMING MACHINES

235. Recognised manufacturers or suppliers of gaming machines

(1) The Authority may approve a person to be a recognised manufacturer or supplier of gaming machines for the purposes of this Act.

(2) An approval under subsection (1) is subject to:

- (a) the conditions (if any) that are prescribed; and
- (b) the conditions the Authority may impose in the public interest or for the proper conduct of gaming.

(3) The Authority shall maintain a Roll of recognised manufacturers or suppliers of gaming machines.

(4) The Authority may approve particular gaming machines manufactured or supplied by persons listed on the Roll maintained under subsection (3).

(5) The Authority may, at any time, remove a person the roll of recognised manufacturers or suppliers of gaming machines if at any time the Authority considers that the listed person is not a fit and proper person to continue to be a listed.

236. Recognised suppliers of restricted components

(1) The Authority may approve a person to be a recognised supplier of restricted components for the purposes of this Act.

(2) An approval under subsection (1) is subject to:

- (a) the conditions (if any) that are prescribed; and
- (b) the conditions the Authority may impose in the public interest or for the proper conduct of gaming.

(3) The Authority must maintain a roll of recognised suppliers of restricted components.

(4) The Authority may, at any time, remove a person the roll of recognised suppliers of restricted components if at any time the Authority considers that the listed person is not a fit and proper person to continue to be a listed person.

237. Manufacture, sale, supply, obtaining or possession of gaming machines

(1) A person shall not manufacture, sell, supply, obtain or be in possession of:

- (a) a gaming machine;
- (b) a linked jackpot arrangement; or
- (c) a device capable of being represented as being a gaming machine or linked jackpot arrangement,

except under and in accordance with the authority of a licence or other authorisation under this Act.

(2) A person shall not manufacture, sell, supply, obtain or be in possession of a restricted component except under and in accordance with the authority of a licence or other authorisation under this Act.

(3) A person who fails to comply with subsections (1) or (2) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) It is a defence to a prosecution for an offence against subsection (2) for the defendant to prove that:

- (a) the manufacturing, selling, supplying, obtaining or possession of a restricted component was not related to the manufacture, assembly, installation, alteration, operation, use, adjustment, maintenance or repair of gaming equipment; and
- (b) the restricted component was not intended to be used to interfere with the normal operation of gaming equipment.

(5) A licensee is authorised to enter into an arrangement with a listed person, another licensee or a person approved by the Authority for the supply to the licensee of gaming equipment of a type specified in subsection (1).

(6) A licence or other authorisation under this Act is:

- (a) subject to this Act; and
- (b) taken to extend to a person in the genuine employ of the holder of the licence or authorisation to such extent as is necessary for the employee to carry out the duties of the employee on behalf of the holder.

(7) For the purposes of this section, *gaming machine* includes any incomplete device that was a gaming machine or that is, or was, intended to be made into a gaming machine and to which there is affixed an identification plate with the manufacturer's serial number displayed on the plate.

238. Possession of gaming machines and restricted components by recognised manufacturers or suppliers of gaming machines

(1) A recognised supplier of gaming machines is authorised to:

- (a) obtain and be in possession of gaming machines, linked jackpot arrangements and restricted components;
- (b) sell or supply, on written order:
 - (i) gaming machines and linked jackpot arrangements to a licensee, a person approved by the Authority or a recognised supplier of gaming machines; or
 - (ii) restricted components to a person authorised under this Act to obtain and be in possession of the restricted components; or
 - (iii) sell or supply, on written order, gaming machines, linked jackpot arrangements or restricted components to a person in a country where possession of such gaming machines, linked jackpot arrangements or restricted components by the person is lawful.

(2) A recognised supplier of gaming machines shall not use premises for the assembly, storage or handling of gaming machines, linked jackpot arrangements or restricted components unless the premises are approved by the Authority.

(3) A recognised supplier of gaming machines shall not manufacture, obtain or be in possession of gaming machines or restricted components unless it is for the purpose of:

- (a) the submission for evaluation by the Authority of a particular device;
- (b) an action authorised under subsection (1) (b) or (c); or
- (c) conducting genuine testing or development work; or

(4) A recognised supplier of gaming machines shall, not later than one day after the assembly, disassembly or destruction of a gaming machine, advise the Authority in the form determined by the Authority of the manufacturer's serial number of the gaming machine.

(5) A person who fails to comply with subsections (2), (3) or (4) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

239. Sale of gaming machines and gaming equipment by licensees

A licensee is authorised to sell gaming machines and gaming equipment in accordance with the procedures and conditions specified in Regulations.

240. Possession of restricted components by recognised suppliers of restricted components

(1) A recognised supplier of restricted components is authorised to:

- (a) manufacture, obtain and be in possession of restricted components;
- (b) sell or supply, on written order, restricted components to a person authorised under this Act to obtain and be in possession of the restricted components; or
- (c) sell or supply, on written order, restricted components to a person in a country where possession of such restricted components by the person is lawful.

(2) A recognised supplier of restricted components who manufactures, obtains or is in possession of a restricted component except for the purpose of:

- (a) the submission for evaluation by the Authority of a particular device;
- (b) an action authorised under subsection (1)(b) or (c); or
- (c) conducting genuine testing or development work;

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

241. Possession of gaming machines and restricted components by licensees

(1) A licensee is authorised to:

- (a) be in possession of gaming machines and linked jackpot arrangements, on the licensee's licensed premises, that are authorised under the local gambling provider's licence issued to the licensee;
- (b) obtain and be in possession of restricted components, on the licensee's licensed premises, to such extent as is necessary for the efficient conduct of gaming on the licensed premises;
- (c) supply restricted components to:
 - (i) a person authorised under this Chapter to have the restricted components; or

- (ii) another licensee; or
- (iii) a person prescribed in the Regulations

(2) A licensee shall not, on the licensee's licensed premises, be in possession of, or allow a person to play:

- (a) a gaming machine that is not authorised under the licence held by the licensee for gaming on the licensed premises; or
- (b) a gaming machine that is not in accordance with the game, gaming token denomination or betting unit of the gaming machine authorised under the licence.

(3) A person whose local gambling provider's licence is suspended under this Act is authorised to be in possession of gaming machines authorised under the person's licence, and restricted components, during the period of suspension.

(4) A licensee must not purchase a gaming machine unless:

- (a) the gaming machine is of a type approved by the Authority; and
- (b) the particular purchase is approved by the Authority.

(5) A licensee who fails to comply with a provision of this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

242. Possession of gaming machines by other persons

(1) A person who carries out an installation, alteration, adjustment, maintenance or repair that is prescribed, is authorised to obtain and be in possession of restricted components to such extent as is necessary to carry out the installation, alteration, adjustment, maintenance or repair.

(2) Where a person is authorised to sell, supply, obtain or be in possession of gaming machines, linked jackpot arrangements or restricted components, a carrier hired by that person is authorised to have possession of the gaming machines, linked jackpot arrangements or restricted components to such extent as is necessary for the purpose of transporting it.

(3) A person conducting a genuine training course relating to the conduct of gaming who is not a listed person is authorised to be in possession of gaming machines, linked jackpot arrangements and restricted components subject to:

- (a) the gaming machines, linked jackpot arrangements and restricted components being provided by the Authority or being provided with the approval of the Authority; and

- (b) compliance with all conditions (including the payment of fees) as may be imposed by the Authority.

(4) The Authority or a member of the Police Force is authorised to obtain and be in possession of gaming machines, linked jackpot arrangements, restricted components and devices capable of being represented as being gaming machines or linked jackpot arrangements obtained by them in the course of their duties and to do such acts with those things as may be necessary for the exercise or performance of their powers and functions under this Act.

(5) A person, authorised by the Authority, may manufacture, obtain, be in possession of or use (other than for gaming or the conduct of gaming) a gaming machine, linked jackpot arrangement, restricted component or device capable of being represented as being a gaming machine or linked jackpot arrangement.

243. Consignment or movement of gaming machines

(1) A recognised manufacturer or supplier of gaming machines shall advise the Authority, in the form determined by the Authority, before gaming machines are moved by, or on behalf of, the recognised manufacturer or supplier of gaming machines:

- (a) to or from approved premises; or
- (b) to a place in Antigua and Barbuda from outside Antigua and Barbuda.

(2) An advice under subsection (1) shall include:

- (a) the number of gaming machines;
- (b) the gaming machine type, game and manufacturer's serial number of each of the gaming machines;
- (c) the origin and destination of the gaming machines;
- (d) the intended dates of transport;
- (e) the way the gaming machines are to be transported;
- (f) the name of the carrier; and
- (g) such other particulars as are specified in the form.

(3) A person who fails to comply with subsections (1) and (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

PART 3 - APPROVAL AND OPERATION OF GAMING MACHINES**244. Acceptance by Authority of gaming equipment and games for evaluation**

(1) The Authority may, on payment of the prescribed fee, accept gaming equipment types and games for evaluation.

(2) Where the Authority accepts a gaming equipment type or game for evaluation under subsection (1), the Authority shall, after evaluation of the gaming equipment type or game, approve the gaming equipment type or game or reject it.

(3) Where, under subsection (1), the Authority accepts for evaluation a gaming equipment type or game, the Authority may require the person who submitted the gaming equipment type or game to provide such additional information or material as the Authority considers is necessary in order to make the evaluation.

(4) Where a requirement under subsection (3) is not complied with to the satisfaction of the Authority, the Authority may reject the gaming equipment type or game without evaluation.

(5) Where the Authority accepts a gaming equipment type or game for evaluation, the Authority must:

- (a) evaluate it; or
- (b) refer it to an approved evaluator for evaluation.

(6) If the Authority evaluates the gaming equipment type or game, the Authority must approve it or reject it.

(7) If an approved evaluator evaluates the gaming equipment type or game, the Authority must:

- (a) accept the evaluator's decision to accept or reject it; or
- (b) refuse to accept the evaluator's decision and substitute the Authority's own decision to reject or accept it.

(8) The Authority must notify the person who submitted a gaming equipment type or game for evaluation of the Authority's decision under this section.

(9) The costs and expenses incurred by the Authority in obtaining an evaluation from an approved evaluator for the purposes of this section are a debt due to Antigua and Barbuda by the person who submitted the gaming equipment type or game for evaluation.

(10) The Authority may approve a person to be an evaluator for the purposes of this Act.

(11) An approval under subsection (10) is subject to:

- (a) the conditions (if any) that are prescribed; and
- (b) the conditions the Authority may impose in the public interest or for the proper conduct of gaming.

245. Withdrawal of approval of gaming machine types and games

(1) The Authority may, at any time, withdraw its approval of any gaming machine type or game, where it is of the opinion that the machine type or game

- (a) is no longer compatible with current or future control systems or procedures; or
- (b) has attributes or features that are no longer in the public interest; or
- (c) does not function consistently with the terms, conditions and described functionality of its approval.

(2) If the Authority, under subsection (1), withdraws the approval of an approved gaming machine type or game, the Authority shall as soon as practicable give written notice of, and reasons for the withdrawal to licensees using a gaming machine of that gaming machine type or game.

(3) A licensee who permits gaming on a gaming machine of a gaming machine type or game specified in a notice given to the licensee under subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

246. Gaming machines supplied to be in accordance with approval

(1) A recognised manufacturer or supplier of gaming machines who, without the approval of the Authority, supplies a gaming machine which is in any material particular different from:

- (a) the gaming machine type or game approved by the Authority; or
- (b) the gaming machine type or game specified in the order placed by a licensee.

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

247. Linked jackpots

(1) A licensee on the licensee's licensed premises shall not, without the written approval of the Authority:

- (a) install or operate or cause or allow to be installed or operated a single site linked jackpot arrangement;
- (b) install or operate or cause or allow to be installed or operated or participate in the operation of, a multiple site linked jackpot arrangement; or
- (c) install or operate or cause or allow to be installed or operated or participate in the operation of any other electronically connected gaming machine system, under which the return to a player for a result obtained on a gaming machine or by electronically connected equipment is different to the return provided for that result by the game as approved by the Authority.

(2) An application for an approval under subsection (1) shall:

- (a) be made by a licensee in the form determined by the Authority;
- (b) contain or be accompanied by such other matters and particulars as determined by the Authority;
- (c) be accompanied by the prescribed fee, if any; and
- (d) be forwarded to or lodged with the Authority.

(3) An approval under subsection (1) shall be given an identifying approval number.

(4) A licensee shall not cease to operate or participate in the operation of an arrangement or system approved under subsection (1) without the written approval of the Authority.

(5) A licensee operating or participating in the operation of an arrangement or system approved under subsection (1) who shall comply with:

- (a) a condition to which the approval is subject; or
- (b) a requirement prescribed in relation to the conduct or operation of the arrangement or system approved under subsection (1).

(6) The Authority may approve arrangements as the Authority considers appropriate in order for the Authority or another person to:

- (a) collect moneys from licensees participating in the operation of linked jackpot arrangements; and
- (b) make payments to persons entitled to the amount, or part of the amount, recorded by the linked jackpot arrangement.

(7) A licensee shall comply with an arrangement approved under subsection (6).

(8) A licensee who fails to comply with subsections (1), (4) (5) or (7) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(9) The Authority may do any of the following in respect of linked jackpot equipment operated under a gambling provider's licence:

- (a) remove the equipment, or cause the equipment to be removed, from the licensee's licensed premises;
- (b) approve, or refuse to approve, the replacement of equipment removed under paragraph (a); and
- (c) cause equipment removed under paragraph (a) to be replaced.

(10) Linked jackpot equipment shall be in accordance with such type or description as the Authority determines.

(11) If an application for an approval under subsection (1) is refused, the Authority shall as soon as practicable give the applicant written notice of, and the reasons for, the refusal.

248. Unlawful interference with gaming equipment

(1) Subject to subsection (2), a person shall not:

- (a) have possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of gaming equipment on licensed premises;
- (b) do any act or thing calculated, or likely, to interfere with the normal operation of gaming equipment on licensed premises;
- (c) except as authorised under this Chapter, do an act or thing calculated to interfere with gaming equipment under which the return to a player for a result obtained on a gaming machine on licensed premises is different to the return provided for that result by the game as approved by the Authority;
- (d) do an act or thing calculated to render a gaming machine on licensed premises, either temporarily or otherwise, incapable of producing a winning combination; or
- (e) wilfully insert, or cause to be inserted, in a gaming machine on licensed premises anything other than a gaming token of the denomination or type displayed on the

gaming machine as a gaming token to be used in order to operate or gain credit on the gaming machine.

(2) Subsection (1) does not apply to any act or thing done in good faith in connection with:

- (a) the installation, alteration, adjustment, maintenance or repair of gaming equipment by a licensed repairer;
- (b) an alteration to a gaming machine to effect a change of game, gaming token denomination or betting unit approved by the Authority; or
- (c) the exercise or performance of a power or function by an inspector under this Act.

(3) A person shall not knowingly, because of fraudulent computer programming, gain for that person or another person an advantage in the operation of gaming equipment.

(4) A person who dishonestly, or because of gross negligence, during the design, manufacture or assembly of gaming equipment, makes provision to subsequently gain for that person or another person an advantage in the operation of the gaming equipment is guilty of an offence.

(5) A person who fails to comply with subsections (1), (3) or (4) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

249. Protection of sensitive areas of gaming equipment

(1) Subject to subsections (2) and (3), a person, other than an inspector, shall not:

- (a) remove, replace or in any way affect or interfere with the operation of a computer cabinet or anything within the computer cabinet;
- (b) remove or interfere with a security device of a gaming machine;
- (c) interfere with the normal operation of the components of a gaming machine;
- (d) interfere with information stored or transmitted electronically by a gaming machine or linked jackpot arrangement;
- (e) remove, alter or otherwise interfere with the manufacturer's identification plate or the manufacturer's serial number of a gaming machine; or
- (f) do such things as are prescribed for the purposes of this section.

(2) The Authority may authorise a person to do anything referred to in subsection (1).

(3) A person shall not do anything to a gaming machine to effect a change in the game, gaming token denomination or betting unit of the gaming machine unless:

- (a) the alteration is approved by the Authority; and
- (b) the person performing the alteration immediately submits a conversion report to the Authority in the form determined by the Authority.

(4) A person who fails to comply with subsections (1) and (3) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

250. Use of gaming machines not provided to licensees

(1) A person, other than an inspector or a person referred to in subsection (2), shall not play or allow another person to play a gaming machine unless it is provided under a local gambling provider's licence.

(2) A person who has possession of a gaming machine for the purpose of conducting:

- (a) a training course referred to in section 242 (Possession of gaming machines by other persons); or
- (b) genuine testing or development work referred to in section 242 (Possession of gaming machines by other persons);

may play or allow another person to play the gaming machine only for the purpose of simulating gaming.

(3) A person shall not:

- (a) play, or allow another person to play a gaming machine referred to in subsection (2) by the use of a gaming token which is:
 - (i) currency; or
 - (ii) in any way negotiable; or
 - (iii) allow any winnings to become payable because of playing a gaming machine referred to in subsection (2).

(4) A person who fails to comply with subsections (1) or (3) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

251. Exemption of devices, &c.

(1) The Authority may declare that anything is not a gaming machine or a device capable of being represented as being a gaming machine for the purposes of this Act.

(2) The Authority may declare that anything is not a restricted component for the purposes of this Act.

252. The Regulations

(1) Without limiting the application of any other provision of this Act, Regulations may prescribe

- (a) a licensing scheme for repairers, service contractors, monitoring providers and machine managers.
- (b) a scheme for attaching seals and identification numbers to gaming machines; and
- (c) the application of provisions of this Chapter to such schemes.

(2) The Regulations may prescribe processes and procedures for:—

- (a) conducting money clearances from gaming machines,
- (b) the reconciliations of all money received from the gaming machines,
- (c) the submission of reports to the Authority,
- (c) the keeping of records and
- (e) related matters.

**CHAPTER 7 – GAMING TABLES
PART 1 – GENERAL**

253. Definition

In this Chapter and, as applicable, in Chapter 8, unless the contrary intention appears:

betting unit means the least valuable bet a player may make on a gaming table;

employ means to employ for fee or reward, to engage in an honorary capacity or to engage without fee or reward;

financial institution means:

- (a) an authorised deposit-taking institution; or
- (b) a person or body prescribed as a financial institution for the purposes of this Act.

game means a game designed to be played on a gaming table and identifiable from all other games by differences in rules;

gaming table means a table being used to play a gambling game, or that is available at that time to be used for that purpose;

gaming means the playing a game at a gaming table;

gaming table area means a location on licensed premises where a licensee is permitted to install, or has installed, a gaming table;

local gambling provider's licence means a licence issued under Chapter 4.

gaming table type means a type of gaming table which is designed to play a specific game;

gross monthly profit, means the monetary amount of all bets made on gaming tables by persons who played those games during the period covered by an assessment less the monetary amount of all payments made to those persons in respect of their playing of those games during that period;

licensed premises means premises on which a licensee is licensed to conduct table gaming;

licensee means the holder of a local gambling provider's licence authorising the use of gaming tables;

money clearance means the removal of cash from the drop box of a gaming table;

schedule of gaming tables means the schedule of gaming tables issued under section 258 (Schedule of gaming tables) that, for the time being, is in existence in respect of the licensed premises specified in the schedule.

254. Meaning of conduct of gaming

(1) A reference in this Chapter and, as applicable, in Chapter 8, to the conduct of gaming is a reference to:

- (a) the management, use, supervision, operation and conduct of gaming tables

- (b) the sale, redemption or use of chips;
- (c) the installation, alteration, adjustment, maintenance or repair of gaming tables;
- (d) the use or distribution of proceeds from the conduct of gaming; and
- (e) accounting, banking, storage and other acts in connection with or related or incidental to gaming and the conduct of gaming.

255. Meaning of play at a gaming table

(1) For the purposes of this Chapter and, as applicable, in Chapter 8, a person is taken to play at a gaming table if the person, directly or indirectly:

- (a) makes a bet on;
- (b) causes the activation of any process relating to; or
- (c) makes or participates in the making of the decisions involved in playing,

the game being conducted on the gaming table.

256. Power to restrict gaming table numbers

(1) The Regulations may prescribe restrictions on gaming tables.

(2) In particular, the regulations may:

- (a) restrict the aggregate number of gaming table authorised for use under local gambling provider licences in Antigua and Barbuda to a maximum number fixed in, or determined in accordance with, the regulations; or
- (c) impose a restriction of any other kind on gaming tables; or
- (d) impose any combination of restrictions on gaming table numbers.

257. Certain applications to be summarily rejected

Despite any other provision of this Act, if the grant of an application for a local gambling provider's licence, or for an increase in the number of gaming tables authorised for use under a local gambling provider's licence, would result in contravention of a restriction imposed by the regulations, the Authority must reject the application without further inquiry.

258. Schedule of gaming tables

(1) Where the Authority grants a local gambling provider's licence permitting the use of gaming tables, the Authority shall, in respect of licensed premises, issue to the licensee a schedule of gaming tables.

(2) A schedule of gaming tables shall:

- (a) identify the local gambling provider's licence and the licensed premises to which it applies;
- (b) specify the number of gaming tables and the type of gaming tables authorised for use under the licence in respect of the licensed premises;
- (c) specify the date from which the schedule is to apply.

(3) Where:

- (a) the accuracy of a schedule of gaming tables is affected by anything done by the Authority under section 259 (Increase in gaming tables) or 260 (Decrease in tables); or
- (b) the Authority is satisfied that a schedule of gaming tables has been damaged, lost or destroyed,

the Authority shall issue another schedule of gaming tables to the licensee.

(4) The issue of a schedule of gaming tables under subsection (3) cancels the previous schedule of gaming tables on and from the date specified in the schedule and is taken for all purposes to be the schedule of gaming tables for the licensed premises.

(5) A licensee shall, not later than 14 days after receiving a schedule of gaming tables issued under subsection (3), deliver the cancelled schedule of gaming machines to the Authority.

(6) A licensee who fails to comply with subsection (5) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

259. Increase in gaming tables

(1) A licensee may apply to have the number of gaming tables authorised for use under the licence increased.

(2) An application under subsection (1):

- (a) shall be made in the form determined by the Authority;
- (b) must specify the number of additional gaming tables that the applicant seeks to have authorised for use under the licence and the total number of gaming tables that would then be on the licensee's licensed premises should the application be granted;
- (c) shall contain or be accompanied by such other information, records, reports, documents and writings relating to the application or the licensee as are determined by the Authority;
- (d) shall be forwarded to or lodged with the Authority; and
- (e) must be accompanied by:
 - (i) the prescribed fee; and
 - (ii) the prescribed levy, if any, for each additional gaming table that the applicant seeks to have authorised for use under the licence.

(3) The Authority shall determine as soon as is reasonably practicable whether to grant or refuse to grant the application and, if granted, the increased number of gaming tables authorised for use under the licence.

(4) In determining an application under subsection (1) the Authority shall have regard to:

- (a) the increased number of gaming tables that the applicant seeks to have authorised for use under the licence;
- (b) the gross monthly profit of existing gaming tables operated on the premises;
- (c) the hours and days when the premises are open;
- (d) the size, layout and facilities of the premises together with any proposed modification or relocation of the gaming table areas of the premises; and
- (e) such other matters as the Authority considers are relevant.

(5) If the Authority increases the number of gaming tables authorised for use under a licence, the number of additional gaming tables authorised must not be greater than the number sought in the application.

(6) The Authority may require the licensee to submit such additional information or material as the Authority considers is necessary in order to make a determination under this section.

(7) Where the Authority, on consideration of an application under this section, considers that it should not be granted or proposes to increase the number of gaming tables authorised for use under the licence by a number that is less than that requested in the application:

- (a) the Authority shall defer making a decision in respect of the application or determining the increase in the number of gaming tables; and
- (b) the Authority shall give written notice to the applicant and invite the applicant to submit, within such time as is specified in the notice, such additional information or material in support of the application as the applicant thinks fit.

(8) Any additional information or material submitted under subsections (6) or (7) shall be considered in making the determination.

(9) If an application under subsection (1) is refused, the Authority shall as soon as practicable give the applicant written notice of, and the reasons for, the decision.

260. Decrease in tables

(1) The Authority may determine that the number of gaming tables authorised for use under the licence be decreased by such number as the Authority thinks fit.

(2) The Authority may do so on an application under subsection (4) or on the Authority's own initiative.

(3) If the Authority makes a determination under subsection (1), the Authority shall, as soon as practicable after the determination is made, give the licensee written notice of, and the reasons for, the determination.

(4) An application to the Authority under this section may be in the form of:

- (a) an application by a licensee that the number of gaming tables authorised for use under the licence be decreased;
- (b) a written report of an inspector with respect to:
 - (i) any general change in conditions that have happened in the neighbourhood in which a licensee's licensed premises are located; or
 - (ii) any change in a licensee's circumstances;

since the licence was granted and recommending that the number of gaming tables authorised for use under the licence be decreased.

(5) The Authority must:

- (a) advise the licensee by written notice of:
 - (i) the relevant details of a request or report made under subsection (4); or
 - (ii) if the Authority proposes to decrease the number of gaming tables authorised for use under a licence on the Authority's own initiative – details of that proposal; and
- (b) invite the licensee to make a submission with respect to the request, report or proposal within such time as is specified in the notice.

(6) A licensee shall dispose of the number of gaming tables specified in a determination made under subsection (1), in a manner approved by the Authority.

(7) A licensee who fails to comply with subsection (6) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

261. Modification or relocation of gaming table areas

(1) A licensee shall not, without the approval of the Authority, modify or relocate the gaming table areas of the licensee's licensed premises.

(2) An application for an approval under subsection (1) shall be accompanied by:

- (a) a plan of the premises indicating the proposed locations on the premises where it is intended to install the gaming tables; and
- (b) a statutory declaration declaring the matters referred to in subsection (3).

(3) A statutory declaration under subsection (2) (b) shall declare that:

- (a) the proposed locations referred to in subsection (2)(a) are within the premises to which the licensee's licence relates; and
- (b) the gaming tables installed in the locations will allow:
 - (i) proper cleaning and maintenance of the gaming tables;
 - (ii) unrestricted access to fire exits; and
 - (iii) the proper use of things provided on the premises for safety and security.

(4) Where the Authority, on consideration of an application under this section, considers that it should not be granted:

- (a) the Authority shall defer making a decision in respect of the application; and
- (b) the Authority shall give written notice to the applicant and invite the applicant to submit, within such time as is specified in the notice, such additional information or material in support of the application as the applicant thinks fit.

(5) Any additional information or material submitted under subsection (4) shall be considered in making the decision.

(6) Where the Authority:

- (a) determines that the number of gaming tables authorised for use under a licence be decreased; or
- (b) considers that it is necessary for the proper conduct of gaming that the gaming table areas of licensed premises be modified or relocated,

the Authority shall, by written notice, direct the licensee to modify or relocate the gaming table areas of the licensee's licensed premises in accordance with the direction.

(7) A licensee to whom a direction is given under subsection (6) shall not contravene or fail to comply with the direction.

(8) The Authority may require a licensee who has made an application under this section to submit such information as the Authority considers appropriate, and the licensee shall comply with the requirement.

(9) A licensee who fails to comply with subsections (1), (7) or (8) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(10) The Authority may, having regard to:

- (a) the size, layout and facilities of the licensee's licensed premises; and
- (b) such other matters as the Authority considers are relevant,

grant or refuse to grant an application under subsection (1).

(11) On and from the date of completion of a modification or relocation approved or directed under this section, the gaming table areas of the licensed premises are as modified or relocated.

(12) If an application under this section is refused, the Authority shall, as soon as practicable after the application is refused, give the applicant written notice of, and the reasons for, the decision.

262. Installation and storage of gaming tables by licensee

(1) A licensee must not install a gaming table in an area other than a gaming table area on the licensee's licensed premises.

(2) A licensee must not store a gaming table that is not installed in a gaming table area on the licensee's licensed premises, except in a room, and in a manner, approved by the Authority.

(3) A licensee is authorised to store in accordance with subsection (2) gaming tables in excess of the number of gaming tables authorised for use under the licence.

(4) A licensee must not install on the licensed premises a gaming table that is being stored by the licensee if, as a result, the number of gaming tables installed on the premises would exceed the number of gaming tables authorised for use under the licence.

(5) A licensee who fails to comply with subsections (1), (2) or (4) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

263. Gaming tables not to be played if not installed in gaming table area

A person who plays or allows another person to play a gaming table that is not installed in a gaming table area may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

PART 2 - CONTROL OF GAMING TABLES

264. Possession of gaming tables

(1) A person shall not be in possession of a gaming table except under and in accordance with the authority of a licence or other authorisation under this Act;

(2) A gaming table not authorised under subsection (1) is, subject to the conditions specified under Chapter 18, an instrument of gambling.

265. Possession of gaming tables by licensees

(1) A licensee is authorised to be in possession of the gaming tables, on the licensee's licensed premises, as are authorised under the licence;

(2) A licensee shall not, on the licensee's licensed premises, be in possession of, or allow a person to play:

- (a) a gaming table that is not authorised under the licence for gaming on the licensed premises; or
- (b) a gaming table that is not in accordance with the type of game as authorised under the licence.

(3) A person whose local gambling provider's licence is suspended under this Act is authorised to be in possession of gaming tables permitted under the licence issued to the person, during the period of suspension.

(4) A licensee must not purchase a gaming table unless:

- (a) the gaming table is of a type approved by the Authority; and
- (b) the particular purchase is approved by the Authority.

(5) A licensee who fails to comply with subsections (2) or (4) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

266. Possession of gaming tables by other persons

(1) The Authority may authorise a person to sell, supply or possess gaming tables, components for gaming tables, or any material associated with the playing of games at gaming tables.

(2) Where a person is authorised to sell, supply, obtain or be in possession of gaming tables, a carrier hired by that person is authorised to have possession of the gaming tables, to such extent as is necessary for the purpose of transporting it.

(3) A person conducting a genuine training course relating to the conduct of gaming is authorised to be in possession of gaming tables, subject to:

- (a) the gaming tables being provided with the approval of the Authority; and
- (b) compliance with all conditions (including the payment of fees) as may be imposed by the Authority.

(4) The Authority or a member of the Police Force is authorised to obtain and be in possession of gaming tables obtained by them in the course of their duties and to do such acts with those things as may be necessary for the exercise or performance of their powers and functions under this Act.

(5) A person, authorised by the Authority, may obtain, be in possession of or use (other than for gaming or the conduct of gaming) a gaming table.

267. Consignment or movement of gaming tables

(1) A supplier of gaming tables shall advise the Authority, in the form determined by the Authority, before gaming tables are moved by, or on behalf of, the supplier -

- (a) to or from approved premises; or
- (b) to a place in Antigua and Barbuda from outside Antigua and Barbuda.

(2) An advice under subsection (1) shall include:

- (a) the number of gaming tables;
- (b) the gaming table type;
- (c) the origin and destination of the gaming tables;
- (d) the intended dates of transport;
- (e) the way the gaming tables are to be transported;
- (f) the name of the carrier; and
- (g) such other particulars as are specified in the form.

(3) A person who fails to comply with subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

268. Withdrawal of approval of gaming table types and games

(1) The Authority may, at any time, withdraw its approval of any gaming table type or game, where it is of the opinion that the gaming table type or game is no permissible for use as a matter of policy.

(2) If the Authority, under subsection (1), withdraws the approval of an approved gaming table type or game, the Authority shall as soon as practicable give written notice of, and reasons for the withdrawal to licensees using a gaming table of that gaming table type or game and to suppliers of that gaming table type or game.

(3) A licensee who permits gaming on a gaming table of a gaming table type or game specified in a notice given to the licensee under subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

269. Use of gaming tables not provided to licensees

(1) A person, other than an inspector or a person referred to in subsection (2), shall not play or allow another person to play a gaming table unless it is provided under a local gambling provider's licence.

(2) A person who has possession of a gaming table for the purpose of conducting:

- (a) a training course referred to in section 266 (Possession of gaming tables by other persons); or
- (b) genuine testing or development work referred to in section 266 (Possession of gaming tables by other persons);

may play or allow another person to play the gaming table only for the purpose of simulating gaming.

(3) A person shall not:

- (a) play, or allow another person to play a gaming table referred to in subsection (2) by the use of a gaming token which is in any way negotiable; or
- (b) allow any winnings to become payable because of playing a gaming table referred to in subsection (2).

(4) A person who fails to comply with subsections (1) or (3) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

270. Unlawful interference with gaming tables

(1) A person shall not:

- (a) have possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of gaming tables or ancillary gaming equipment on licensed premises; or
- (b) do any act or thing calculated, or likely, to interfere with the normal operation of gaming tables on licensed premises;

(2) A person who fails to comply with subsection (1) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

271. Exemption of tables

The Authority may declare that anything is not a gaming table or a device capable of being represented as being a gaming table for the purposes of this Act.

PART 3 - REGULATIONS

272. Regulations

(1) The Regulations may prescribe processes and procedures for:-

- (a) conducting money clearances from gaming tables,
- (b) the reconciliations of all money received from the gaming tables,
- (c) the submission of reports to the Authority,
- (d) the keeping of records and
- (e) related matters.

CHAPTER 8 – FURTHER PROVISIONS REGARDING GAMING MACHINES AND GAMING TABLES

PART 1 – RULES AND OFFENCES

273. Gaming machines and gaming tables not to be played if not installed in gaming area

(1) A person shall not play or allow another person to play a gaming machine or a gaming table that is not installed in an approved gaming area.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

274. Gaming equipment not to be an annoyance, &c.

(1) A licensee shall not locate, or allow to be located, gaming equipment in such a way as to be an annoyance due to the location of the gaming equipment, the noise generated by the operation of the equipment or for any other reason.

(2) A licensee shall not allow gaming equipment to convey or exhibit:

- (a) a false, misleading, rude or offensive message; or
- (b) excessive or unnecessary advertising.

(3) A licensee shall not:

- (a) do or omit to do anything on licensed premises that unfairly or unreasonably entices a person to play a particular gaming machine or gaming table in preference to others; or
- (b) conduct or allow to be conducted any promotional activity that entices a person to play or rewards a person for playing gaming machines or gaming tables unless the rewards or prizes provided by the activity are not related to a particular gaming machine or gaming table a person must play in order to be entitled to the rewards or prizes.

(4) Where, in the opinion of an inspector, a contravention of this section is being or has been committed, the Authority may, by written notice, direct a licensee or person:

- (a) to do or cease doing anything that constitutes the contravention; or
- (b) not to again do or omit to do anything that constituted the contravention.

(5) A licensee or person shall not contravene or fail to comply with a direction given under subsection (4).

(6) A licensee who fails to comply with subsections (1), (2), (3) or (5) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

275. Rules ancillary to gaming

(1) The Authority may issue a direction to all licensees specifying rules relating to matters that are ancillary to gaming conducted on licensed premises.

(2) A licensee, with the approval in writing of the Authority, may, in respect of the licensee's licensed premises:

- (a) amend, add to or repeal; or
- (c) substitute a rule or other rules for,

the rules made under subsection (1).

276. Rules ancillary to gaming to be available and enforced

(1) A licensee shall ensure, when gaming is being conducted on the licensee's licensed premises, that:

- (a) the rules ancillary to gaming that are, at that time, the rules for the licensed premises, are available for inspection at the licensed premises;
- (b) where required by the rules, notices relating to the rules are prominently displayed; and
- (c) the rules are enforced.

(2) A licensee who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

277. Licensees not to extend credit

Unless the licensee's credit program and procedures for offering credit have been approved by the Authority, a licensee who makes a loan or extends credit in any form to a person on the licensee's licensed premises may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

278. Entitlement of players

(1) A licensee shall ensure that a person who plays a gaming machine or gaming table on the licensee's licensed premises is paid the amount to which the person is entitled.

(2) A licensee must ensure that a gaming machine on the licensee's licensed premises returns to players not less than the prescribed minimum percentage (if any) of bets made by players on the gaming machine.

(3) A licensee who fails to comply with subsections (1) or (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

279. Persons under 18 not to play gaming equipment

A person who has not attained the age of 18 years who plays a gaming machine or at a gaming table on licensed premises may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

280. Persons under 18 not to be allowed to game

A person who allows a person who has not attained the age of 18 years to play a gaming machine or at a gaming table on licensed premises may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

281. Misrepresentation of age

(1) A person who has not attained the age of 18 years and who, for the purpose of playing a gaming machine or at a gaming table, misrepresents his or her age:

- (a) by spoken statements made by the person or another person;
- (b) by presenting a form of written identification which purports to relate to the person presenting it but which in fact is fictitious or relates to some other person; or
- (c) by presenting a form of written identification which is false in a material particular,

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

282. Wrongful dealing with evidence of age

(1) A person who knowingly gives a document that is evidence of age of the person specified in the document to another person, with intent that the document be used as evidence of age for the purposes of this Act of a person not specified in the document may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(2) A person who wilfully or negligently defaces or interferes with a document that is evidence of age of the person or another person may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

283. Seizure of form wrongly used as evidence of age

(1) Where a contravention of section 281 (Misrepresentation of age) consists of presenting of a form referred to in that section the person to whom the form is presented shall seize and confiscate the form and as soon as practicable give it to a member of the Police Force.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A person does not commit an offence against subsection (1) if the person is not aware of the falsity of the representation as to age made by presenting the form.

284. Ascertainment of age

(1) An authorised person may, on licensed premises, require a person whom the authorised person suspects on reasonable grounds not to have attained the age of 18 years and to be contravening a provision of this Act:

- (a) to state all relevant particulars concerning the person's age; and
- (b) to produce evidence of the person's age.

(2) An authorised person shall prohibit a person who does not comply with a requirement made under subsection (1) from playing gaming machines or at a gaming table on the licensed premises.

(3) In this section, authorised person, in relation to licensed premises, means:

- (a) the licensee of the licensed premises;
- (b) an employee of the licensee of the licensed premises;
- (c) an inspector; or
- (d) a member of the Police Force.

285. Seizure of material associated with representation of age

(1) If a member of the Police Force reasonably believes or suspects that a person:

- (a) has presented a form in contravention of section 281 (Misrepresentation of age);
- (b) is in possession of a document given to the person in contravention of section 282 (Wrongful dealing with evidence of age); or
- (c) is in possession of a document defaced or interfered with in contravention of section 282 (Wrongful dealing with evidence of age),

the member may seize and confiscate the form or document.

286. Defence to charge if age material

(1) If the age of a person is material to a charge of an offence against this Act, it is a defence to prove that, at the time of the offence, the defendant (if the defendant is the actual offender) or an agent or employee (if the defendant is charged merely because of being the principal or employer of the actual offender):

- (a) honestly and reasonably believed that the person whose age is material to the offence had attained the age of 18 years; or
- (b) had sighted acceptable evidence of age of the person whose age is material to the offence that indicated the person had attained the age of 18 years.

(2) Evidence that the defendant (if the defendant is the actual offender) or an agent or employee (if the defendant is charged merely because of being principal or employer of the actual offender) did not request the person whose age is material to the offence to produce acceptable evidence of age is evidence that any belief that the person had attained the age of 18 years was not reasonable.

287. Licensees to prohibit certain persons from gaming

Where the Authority, pursuant to section 364 (Authority may direct licensees to prohibit certain persons from gambling), directs with respect to a particular person, that a person be prohibited from gambling, the licensee shall prohibit the person from playing gaming machines or at a gaming table on the licensee's licensed premises for such period as is specified by the Authority.

288. Removal of certain persons

(1) A licensee may cause a person to be removed from, or refuse to allow a person to enter, the licensee's licensed premises if the person:

- (a) breaches the rules ancillary to gaming for the licensed premises;
- (b) damages or physically abuses a gaming equipment;
- (c) behaves in a way likely to cause offence to other persons; or
- (d) is suspected on reasonable grounds of being on the premises for the purpose of committing an offence or aiding another person to commit an offence against this Act.

(2) A licensee shall cause to be removed from the licensee's licensed premises a person who is prohibited under section 364 (Authority may direct licensees to prohibit certain persons from gambling) from playing gaming machines or at a gaming table on the premises if the person:

- (a) plays a gaming machine or at a gaming table; or
- (b) induces another person to play a gaming machine or at a gaming table on the person's behalf.

(3) A licensee who fails to comply with subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) For the purposes of subsection (1) or (2), a licensee or a person acting for a licensee may use such force as is necessary and reasonable in removing a person from, or preventing a person from entering, the licensed premises.

289. Obstruction to removal from licensed premises

(1) A person whose removal from licensed premises is sought under section 286 (Removal of certain persons) and who:

- (a) refuses to leave the premises; or
- (b) resists a person seeking his or her removal from the premises,

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

290. Obstruction generally

A person shall who obstructs or hinders a licensee, or any employee of a licensee in the exercise of a power or performance of a function under this Act may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

291. Wilful damage of gaming equipment

A person who wilfully damages or defaces gaming equipment on licensed premises may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

292. Certain persons not to play gaming equipment

(1) A person who is a licensee shall not play a gaming machine or at a gaming table installed on licensed premises of which that person is licensee:

- (a) during the period that the person is the licensee of the licensed premises, except to such extent as is necessary to do so in the course of carrying out duties as the licensee; or
- (b) for the period of 30 days after ceasing to be such licensee.

(2) A person who fails to comply with subsections (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

293. Inspector may be prohibited from playing gaming equipment

(1) An inspector, if directed in writing by the Authority, shall not play a gaming machine or at a gaming table except to such extent as is necessary for the exercise or performance of the inspector's powers and functions under this Act.

(2) A direction under subsection (1) may be made subject to such conditions as the Authority thinks fit.

294. Reporting of accounting discrepancies and criminal activity

(1) A licensee shall, not later than 3 days after becoming aware or suspecting that a person by fraud, misrepresentation or theft has obtained a benefit for the person or another, advise the Authority in writing of all facts known to the licensee in relation to the fraud, misrepresentation or theft.

(2) A person who:

- (a) terminates the employment or otherwise prejudices the career of;
- (b) prejudices the safety of; or
- (c) intimidates or harasses,

a licensee, or other person who has advised, or may advise, the Authority under subsection (1) is guilty of an offence.

(3) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) A person who fails to comply with subsection (2) may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

PART 2 - FINANCING OF GAMING EQUIPMENT

295. Finance providers

(1) The Authority may approve a person or financial institution to be a finance provider for the purposes of this Act.

(2) An approved finance provider is authorised to own gaming machines or gaming tables but only for the purpose of financing the purchase, lease or rent of the gaming machines or gaming tables by licensees.

(3) A licensee who enters into an arrangement with another person to finance the purchase, lease or rent of gaming machines or gaming tables by the licensee where the other person is not an approved finance provider and the Authority has not approved the terms of the arrangement, may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) A licensee who varies the terms of an arrangement referred to in subsection (3) without the approval of the Authority may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) An application for an approval referred to in subsection (3) or (4) is to be in a form approved by the Authority and is to include the information required by the Authority.

(6) An approved finance provider who enters into an arrangement with another person to finance the purchase, lease or rent of gaming machines or gaming tables by the other person where that other person is not a licensee may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(7) A licensee must provide the Authority with details of any security or other encumbrance taken by an approved finance provider over gaming machines or gaming tables in the licensee's possession, including the identification and serial numbers of the gaming machines or gaming tables, as applicable.

(8) Where an approved finance provider holds a security or other encumbrance over gaming machines or gaming tables in a licensee's possession, despite the terms of the security or encumbrance, the finance provider must not take possession of the gaming machines or gaming tables under the security or encumbrance without the approval of the Authority.

(9) A person who fails to comply with subsections (7) or (8) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(10) The approval of the Authority under subsection (8) may be given subject to conditions.

296. Restriction on certain agreements

(1) A licensee or any other person shall not enter into, or be a party to, a lease, agreement or arrangement for a person to lease, let, lend or otherwise provide any property, thing or service to the licensee in return for any direct or indirect interest in or percentage or share of:

- (a) the amount bet for the purpose of gaming; or
- (b) moneys, revenues, profits or earnings from the conduct of gaming,

on the licensee's licensed premises without the approval of the Authority.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) The Authority may, where the Authority is of the opinion that it is in the public interest to do so, approve in writing a lease, agreement or arrangement referred to in subsection (1) subject to such conditions as the Authority considers appropriate.

(4) No right of action arises against any person because of the operation of this section.

(5) An exemption under subsection (2) may, at any time, be revoked by the Authority.

297. Review and termination of agreements

(1) A prescribed person, if directed by the Authority, shall provide to the Authority within the time specified in the direction such information or material as the Authority thinks fit with respect to a lease, agreement or arrangement (the agreement) that the prescribed person has with any other person relating to the conduct of the business of the prescribed person.

(2) Without limiting the generality of subsection (1), matters in respect of which the Authority may direct the provision of information or material include:

- (a) the names of persons entering into the agreement;
- (b) a description of property, goods or other things or any services provided or to be provided;
- (c) the value, type or nature of consideration; and
- (d) the period of the agreement.

(3) A prescribed person, if directed by the Authority, shall provide to the Authority, within the time specified in the direction, a copy of the agreement (if it is in writing).

(4) A person who fails to comply with subsections (1) or (3) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) If the Authority, after reviewing information or material provided under this section, considers (having regard to the terms of the agreement and such other information or material as the Authority considers is relevant) that the continuation of the agreement:

- (a) is not in the public interest; or
- (b) jeopardises the integrity of:

- (i) gaming;
- (ii) the conduct of gaming; or
- (iii) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of gaming equipment,

the Authority may issue to a prescribed person who is the party to the agreement a written notice to show cause why the agreement should not be terminated.

(6) Notice under subsection (5) shall set out the grounds for its issue and shall specify a date, not less than 21 days after its issue, on or before which cause is to be shown.

(7) A copy of a notice under subsection (5) shall be given to the other party to the agreement.

(8) A prescribed person to whom notice under subsection (5) is issued may give a written answer to the Authority to show cause at any time not later than the date specified in the notice.

(9) The other party may make such submissions to the Authority as the party thinks fit at any time not later than the date specified in the notice.

(10) The Authority, having regard to answers given in reply to a notice to show cause and submissions made under subsection (9) and to such other information or material as the Authority considers is relevant, may:

- (a) take no action with respect to the agreement if the Authority considers action is not warranted; or
- (b) direct the termination of the agreement.

(11) A direction under subsection (10) (b) shall be in writing and given to the parties to the agreement and shall specify the reasons for the termination and a date on which the agreement is terminated under this Act.

(12) An agreement, if not sooner terminated by the parties to it, is terminated by force of this Act on the date specified in the direction under subsection (10) (b).

(13) The termination of an agreement by force of this Act does not affect the rights and obligations of the parties to the agreement up to the time of its termination.

(14) No liability for breach of an agreement attaches to any party to the agreement because of its termination by force of this section.

(15) No liability attaches to the Authority or Antigua and Barbuda because of the termination of an agreement by force of this section.

(16) In this section:

prescribed person means:

- (a) a listed person;
- (b) the holder of a licence under this Act; or
- (c) a person who is approved for any purpose under this Act.

298. Financial institution may be required to provide particulars

(1) The manager or other principal officer of a financial institution in which a licensee keeps and maintains an account in relation to the operation of the licensee's gambling business shall, when so required in writing by the Authority, submit to the Authority a statement of account and other particulars required by the Authority to be provided, including copies of cheques or records relevant to the account.

(2) A financial institution which fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) No liability is incurred by the financial institution or the manager or other principal officer of the financial institution in respect of any breach of trust or otherwise because of the provision of any statement or particulars or copies under this section.

CHAPTER 9 - BETTING PROVIDERS PART 1 - GENERAL

299. Definitions

In this Chapter, unless the contrary intention appears:

approved means approved by the Authority;

approved telephone betting means a telephone system for betting approved by the Authority;

betting includes the action, behaviour, conduct or performance of a person who, whether on one or more than one occasion:

- (a) makes or receives a bet or wager; or
- (b) pays, receives, negotiates or settles a bet or wager; or

- (c) offers, or agrees or otherwise negotiates to bet or wager or to pay, receive or settle, a bet or wager,

for himself or on behalf of another person;

betting facility means a place, whether located in premises established for the primary purpose of betting or otherwise, where bets may be placed in person with a betting provider, or through the telephone or other approved medium of communications, but does not include a place used for betting by means of the internet;

betting provider includes—

- (a) a person who (whether on the person's own account or as employee or agent of any other person) carries on the business or vocation of or acts as a betting provider;
- (b) a person who gains or endeavours to gain a livelihood wholly or partly by betting or making wagers;
- (c) a person who supplies betting terminals or betting facilities to any premises within Antigua and Barbuda;

betting provider tax means the tax imposed by section 397 (Gambling Provider's tax);

betting terminal means a device that allows persons to bet on the outcome of racing, sports or other events, and includes a device enabling betting on fixed odds or enabling the placing of bets with a bookmaker or totalisator or other betting provider, regardless of where the bookmaker, totalisator or other betting provider is located;

betting provider means a person in the business of receiving or negotiating bets;

instrument of betting includes:

- (a) a book, card, coin, document, list, money, paper, record, sheet, table, ticket or other writing; and
- (b) a mechanical, electrical, telephonic, telegraphic, electronic or other equipment or device; and
- (c) a film, microfilm or other photographic or holographic record; and
- (d) a tape, cassette, disc or other audio or visual recording or replaying device or equipment; and
- (e) a board, chart or screen; and

(f) any other form or means of recording information or data,

used or capable of being used in carrying on or in connection with betting;

licence means a local gambling provider's licence, and includes a renewal of a licence, granted under Chapter 4 of this Act;

licensed premises means the premises in respect of which a licence is granted, specified in section 173 (Issue of licence);

money includes an instrument for the payment of money that may be negotiated by an overdraft of such an instrument or coins, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money or an acknowledgement, note or other thing purporting or intending to entitle the bearer or another person to money or money's worth;

official starting price means the odds declared by the club conducting a meeting to be the official starting price in relation to a runner;

owner, in relation to a place, includes a lessee and sub-lessee;

place includes:

- (a) land; and
- (b) a building, structure or erection of any kind, whether wholly or partly constructed or erected or in the course of construction or erection; and
- (c) a room in a building, structure or erection; and
- (d) a road, street, thoroughfare, alley or right of way; and
- (e) a racecourse, paceway, greyhound racing ground, athletic ground or other ground; and
- (f) a vehicle, vessel or aircraft; and
- (g) a tent, caravan, trailer or other conveyance;

race means a contest, event or contingency in which 2 or more runners compete, one against the other or others, in a test of speed over a designated distance or period or for the purpose of providing a contingency on which bets may be made, but does not include a contest, event or contingency in which skills other than speed alone are tested or a trial;

racing includes a horse race and a race meeting;

racing venue means a racecourse, paceway or greyhound racing ground, whether in Antigua and Barbuda or elsewhere, at which a meeting may lawfully be held;

refund means a bet made with a betting provider, that is required for any reason to be refunded;

sporting event means an event or contingency, whether or not of a sporting nature, declared by the Authority under section 312 (Approved events or bet types) to be a sporting event;

this Act includes the Regulations and Rules made under this Act;

unlawful betting means betting otherwise than as is authorised under this Act;

valuable thing includes a benefit or a promise, oral or in writing, conditional or absolute, to pay or give a valuable thing.

PART 2 - LICENCES

300. Betting providers to be Licensed

(1) A person shall not conduct the business of a betting provider unless the person is the holder of a current local gambling provider's licence endorsed for the provision of betting facilities, issued under Chapter 4.

(2) A person who fails to comply with subsection (2) may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A person who fails to comply with subsection (2) after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) A person shall not permit a betting terminal to be located on a place within his or her control unless

- (a) the terminal is supplied by the holder of a current licence; and
- (b) the place is approved by the Authority for the location of betting terminals, either generally or in respect of the particular place.

(5) A person who fails to comply with subsection (4) may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(6) A person who fails to comply with subsection (4) after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(7) A person shall not provide betting facilities unless

- (a) the person is the holder of a current licence; and
- (b) the place is approved by the Authority for the location of betting facilities.

(8) A person who fails to comply with subsection (7) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(9) A person who is or appears to be carrying on the business of a betting provider or who is or appears to be employed or engaged by a betting provider shall, on demand made by an inspector, produce and deliver to that inspector the local gambling provider's licence endorsed for providing betting facilities.

(10) A person who fails to comply with subsection (9) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

301. Supply and control of betting tickets

(1) Subject to subsection (2), all betting tickets used by a licensee shall be printed in an approved form and provided by an approved supplier.

(2) Where a licensee, with the prior written approval of the Authority, uses any equipment, device or service for the recording of bets that issues or causes to be issued a form of betting ticket other than the form approved under subsection (1), the Authority may approve in writing the use by the licensee of a form of betting ticket other than the form approved under subsection (1).

(3) A person:

- (a) shall not purchase or otherwise acquire a betting ticket in the form referred to in subsection (1) unless that person is a licensed betting provider; or
- (b) shall not sell or supply (except as a licensee issuing or delivering it to a bettor in respect of a bet) or cause or permit to be sold or supplied to a person a betting ticket; or
- (c) shall not issue or deliver, or cause or permit to be issued or delivered, to a bettor a betting ticket in a form other than that approved under this section.

(4) A person who fails to comply with subsection (3) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

302. Betting providers to issue betting tickets

(1) Unless otherwise approved, a licensee shall, on making a bet with a person, immediately issue or cause to be issued in respect of the bet and deliver or cause to be delivered to the bettor who made the bet, a betting ticket, clearly showing on it the particulars of the bet, or such particulars as may be prescribed.

(2) Subject to subsection (3), a licensee shall issue or cause to be issued a separate betting ticket in respect of each bet made by the betting provider.

(3) Where a licensee makes a win bet and a place bet at the same time in respect of the same runner, team or party, the licensee may issue one betting ticket in respect of both those bets.

(4) A licensee shall not destroy a betting ticket presented by a bettor for payment of a winning bet claimed by that bettor to be payable to him or her, before that bettor has satisfied himself or herself as to the correctness or otherwise of his claim or of the amount paid or payable to him or her, and where the bettor is not so satisfied, the licensee shall return the betting ticket intact to the bettor.

(5) For the purposes of subsection (4), a bettor shall be deemed to be satisfied of correct payment if he or she leaves the immediate area where the licensee normally effects payment of winning bets, without the betting ticket, unless before doing so he or she has disputed an adjudication given by or on behalf of that licensee and that licensee has refused or failed to return the betting ticket intact to him or her.

(6) A person who fails to comply with subsection (5) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

303. Supply and control of betting sheets

(1) Subject to subsection (2), all betting sheets used by a licensee shall be printed in an approved form and obtained from an approved supplier.

(2) Subject to subsection (3), where a licensee, with the prior written approval of the Authority, uses any equipment, device or service for the recording of bets and that equipment, device or service prints or records, or causes to be printed or recorded a form of betting record other than the form approved under subsection (1), the Authority, may, provided it is satisfied that any arrangements are adequate to secure the full and proper payment of all taxes that the licensee is liable or may become liable to pay, approve the use by the licensee of a form of betting record other than the form approved under subsection (1).

(3) A person:

- (a) shall not purchase or otherwise acquire a betting sheet in the form approved under subsection (1) unless that person is a licensee and the betting sheet is for use in the course of the licensee's business; and
- (b) without the approval of the Authority, shall not sell, supply, or cause or permit to be sold or supplied to a person a betting sheet in the form approved under subsection (1); and
- (c) shall not use or cause or permit to be used a betting record that is not a betting sheet in the form approved under subsection (1) unless the Authority has approved, in writing, the use of that form of betting record by that licensee.

(4) A person who fails to comply with subsection (3) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

304. Licensees to account for records

(1) Subject to subsection (2), a licensee shall furnish to the Authority, at the time and in the manner required by the Authority, the original of every betting sheet used by the licensee and shall, on demand made by the Authority, account to its satisfaction for every betting sheet, whether used or unused, supplied to the licensee.

(2) A licensee to whom the Authority has granted an approval under subsection (2) of section 303 (Supply and control of betting sheets) shall furnish to the Authority, at the time and in the manner required by the Authority, a true copy of each approved form of betting record upon which is recorded the particulars of all bets made by, or on behalf of, the licensee.

(3) Notwithstanding that a person has ceased to carry on the business of being a betting provider, subsection (1) or, as the case may be, subsection (2) of this section, and subsection (3) of section 305 (Licensees to record all bets on approved betting sheets) shall, in respect of such business, continue to apply to the betting provider, and the betting provider shall be liable accordingly.

305. Licensees to record all bets on approved betting sheets

(1) A licensee, in respect of each bet made by or on behalf of the licensee, shall enter or cause to be entered on all copies of the approved form of betting sheet or in, on or through such other form approved under subsection (2) of section 303 (Supply and control of betting sheets) by the Authority, immediately upon the making of that bet and before the making of any other record or note of that bet whether in writing or in any other manner, complete, accurate and legible particulars of that bet as prescribed and shall keep so entered all such particulars of that bet.

(2) A licensee, in respect of each bet made by or on behalf of the licensee, shall retain all records referred to in this section for a period of not less than 3 years from the date on which they were made or such longer period as is prescribed.

(3) A licensee shall, when required to do so by the Authority, furnish to the Authority a duplicate copy of each betting sheet used by the licensee.

(4) A licensee shall, on demand made orally or in writing by the Authority, an inspector or a person authorized by the Authority, produce and deliver for inspection all such records and any item of recording equipment or any other equipment, device or thing as are demanded and shall allow such records, recording equipment or other equipment, device or thing to be inspected or investigated by the Authority, inspector or authorized person in such manner as it or the inspector or person thinks fit.

(5) A licensee shall comply with such further requirements for the recording of bets made by or on behalf of the licensee as are prescribed.

(6) A person who fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(7) A person who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

306. Offences by licensees

(1) A licensee who:

- (a) procures a person to make on his behalf or on behalf of another betting provider a bet that, if made by the licensee himself, would be contrary to this Act; or
 - (b) issues or delivers to a person in respect of a bet a betting ticket previously used in respect of some other bet; or
 - (c) issues or delivers to a person a betting ticket in a form that has not been approved by the Authority; or
 - (d) issues or delivers to a person a betting ticket upon which the name of another licensee is printed; or
 - (e) sells or transfers a betting ticket to another person; or
- enters or keeps recorded a record under or for the purposes of this Act that is false

or misleading in a material particular; or

fails to include in a return furnished under or for the purposes of this Act

information required by or under this Act to be included in the return;

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

307. Suspension or cancellation of licence

(1) The Authority may discipline a licensee by reprimanding the licensee, imposing a civil penalty not exceeding \$100,000, or suspending or cancelling a licence granted under Chapter 4 if it is satisfied that the licensee:

- (a) has committed an offence against this Act or the Rules, if any, made under this Act or has failed to comply with a direction of the Authority or perform a duty required of the licensee by this Act; or
- (b) has failed to pay, within 3 days after having been required by the Authority to do so, a bet accepted by the licensee that is a winning bet; or
- (c) has entered into an arrangement with a person under which that person derives or is entitled to derive a benefit or advantage, unless the arrangement has been approved by the Authority; or
- (d) has failed to comply with a condition of the licence.

(2) In taking disciplinary action, the Authority shall follow the Show Cause Procedure set out in Part 2 of Chapter 16.

(3) If satisfied that the grounds for disciplinary action are made out, the Authority:

- (a) may suspend a licence granted under Chapter 4 to a licensee if the licensee fails to pay the annual licence fee within 30 days after the date on which the fee is payable; or
- (b) may cancel a licence granted under Chapter 4 to a licensee if the licensee fails to pay the annual licence fee within 90 days after the date on which the fee is payable.

(4) Without limiting its powers to cancel a licence under any other provision of this Act, the Authority shall cancel the licence of a licensee upon receiving from the licensee a request in writing for the Authority to do so.

(5) Where the Authority cancels the licence of a licensee, it shall inquire whether all bets accepted by the licensee that are winning bets have been paid by the licensee, and:

- (a) where it is satisfied that all such bets have been paid – shall vacate the security that it holds under section 174 (Security may be required) in respect of the licensee; or
- (b) in any other case – shall realize that security and divide the proceeds, as prescribed, among the persons who made those winning bets.

(6) Where the Authority suspends the licence of a licensee, the licence is, during the period of the suspension, of no effect.

308. Licensed betting providers not to do certain things

(1) A licensee who, except with the approval of the Authority:

- (a) enters into a partnership in relation to the business of betting carried on under the licensee's licence with a person whose name is not endorsed on the licence; or
- (b) makes an arrangement or enters into an agreement with a person whereby that person becomes entitled to a share in the profits of that business; or
- (c) borrows money, except from an approved financial institution, for use in that business; or
- (d) lays off a bet with another betting provider unless that betting provider is licensed or registered in accordance with a law where the betting provider conducts the business of betting,

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

309. Authority may make rules

(1) In this section, betting includes the negotiation, acceptance and distribution of moneys in connection with bets and the settling of bets.

(2) The Authority, with the approval of the Minister, may make rules, not inconsistent with this Act, for the control and regulation of betting by betting providers.

(3) Rules made under subsection (2) may impose civil penalties, not exceeding \$100,000, for offences against the Rules.

310. Disputes and Legal proceedings in respect of bets

(1) For the purposes of this section, a bet is not lawful if it is declared by the Authority, after an investigation in accordance with this section, to be not lawful.

(2) Subject to this section, a person may take proceedings for the recovery of moneys payable on a winning lawful bet, or for the recovery of moneys payable by a bettor on account of a lawful bet made and accepted.

(3) Where a dispute relating to lawful betting occurs between a licensee and a person, the dispute shall be referred by the licensee, and may be referred by the other party to the dispute, to the Authority.

(4) Where a dispute has been referred under subsection (1) to the Authority, the Authority may:

- (a) summon the parties to the dispute to appear and to give evidence before it;
- (b) take evidence relating to the dispute from other persons; and
- (c) require a party to the dispute to produce any books, accounts, tickets or other documents which, in the opinion of the Authority, ought to be examined in order to determine the dispute.

(5) The Authority shall hear and determine all disputes referred to it under this section.

(6) Where a party to a dispute who has been summoned to attend before the Authority fails without reasonable excuse to attend, the Authority shall determine the dispute in favour of the party who attends.

(7) The determination by the Authority of a dispute referred to it under subsection (1) shall be final and conclusive as to the matter in dispute.

(8) In determining a dispute under this section, the Authority shall not be bound by rules of procedure or evidence but may inform itself of the facts necessary to determine the dispute in such manner as it thinks fit.

311. Liability of licensees' employees

(1) Where an employee of a licensee, by act or omission related to the business of the licensee, commits an offence against this Act, the betting provider and the employee shall be severally liable in respect of the offence.

(2) In a prosecution of a licensee for an offence against this Act for an act or omission of the employee, it is not a defence:

- (a) that the licensee had no knowledge of the act or omission of the employee; or
- (b) that it was not the intention of the licensee that the employee should do the act or make the omission.

PART 3 - CONDUCT OF BETTING

312. Approved Events or Bet Types

(1) If the Authority makes Rules specifying the sports, racing or other events that may be the subject of betting, or makes Rules specifying the bet types that may be offered by a licensee, a licensee may only accept bets on those approved sporting, racing events or other events, and may only offer approved bet types in accordance with the Rules issued by the Authority.

(2) A licensee who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

313. Provision of Information about Integrity of Events

(1) If the licensee suspects that the licensee holds information relating to the Authority of an offence, or about an integrity risk relating to the proper conduct of racing or sporting events, the provider must provide details of that suspicion to the Authority, as soon as reasonably practicable.

(2) A licensee who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

314. Telephone Betting

If the Authority makes Rules permitting the conduct of telephone betting, the licensee may, with the approval of the Authority, accept bets by means of the telephone, provided the system in place for recording such bets has been approved by the Authority.

PART 4 - OFFENCES

315. Betting with person under 18 years prohibited

(1) A licensee or agent or employee of a licensee who:

- (a) bets with a person who has not attained the age of 18 years; or
- (b) bets with a person who he knows is betting on behalf of a person who has not attained that age,

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(2) A person who has not attained the age of 18 years who makes or offers to make a bet, or who places or attempts to place a bet with a licensee, whether on his own behalf or on behalf of some other person, may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A person who, on behalf of a person who has not attained the age of 18 years, bets with a licensee or employee or agent of a licensee may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) It is a defence to a charge for an offence against this section for the defendant to prove that, at the time of the offence, he or she believed on reasonable grounds that the person whose age is material to the offence had attained the age of 18 years.

(5) A person who makes or offers to make a bet with a person who has not attained the age of 18 years shall be deemed to have known that that person had not attained the age unless the person proves that there were reasonable grounds for believing, and that the person did believe, that the person had attained the age of 18 years.

316. Money stolen, paid in bets recoverable

Where money is stolen or embezzled by a person who has not attained the age of 18 years and money is thereafter paid by that person as or for or by way of or on account of a bet, the person from whom the money was stolen or embezzled may, in a court of competent jurisdiction, recover the amount of the money so stolen or embezzled, not exceeding the amount so paid, from the person to whom the money was so paid.

317. Betting contracts on unlawful betting

All contracts or agreements, whether parol or in writing, in relation to unlawful betting are null and void, and no action shall be brought or maintained in a court for recovering money or a valuable thing alleged to be won on an unlawful bet or which has been deposited with a person in relation to the event or contingency on which an unlawful bet has been made.

CHAPTER 10 - COMMERCIAL LOTTERIES

PART 1

GENERAL

318. Definitions

(1) In this Chapter, unless the contrary intention appears:

instant scratch lottery means a lottery in which the winning of a prize is determined by exposing a specified number of symbols (including identical symbols) on a ticket in the lottery.

lawful lottery means a lottery authorised by and conducted in accordance with this Act.

licensed employee means an employee of a licensee licensed under this Act.

licensee means the person to whom a commercial lottery licence is granted or assigned, entitling the licensee to conduct a commercial lottery in and from Antigua and Barbuda

lottery means a disposition of real or personal property or a share or interest in such property or of a right to a benefit or thing dependent on or to be determined, wholly or partly, by chance or such means as may be prescribed, and includes such a disposition in or outside of Antigua and Barbuda.

lottery types include lotteries known as sweepstakes, scratch or no-draw lotteries, and keno;

ticket or entry means a chance in a lottery and includes a share in such a chance.

ticket dispensing machine means a machine or device which dispenses tickets or from which tickets may be obtained, but does not include a punchboard.

valuable thing includes a benefit or a promise, whether oral or in writing or conditional or absolute, to pay or give a valuable thing.

PART 2

NUMBER AND TYPE OF COMMERCIAL LOTTERY LICENSES

319. Minister to Determine Number and Type of Commercial Lottery Licenses

(1) The Minister is to determine from time to time—

- (a) the number of commercial lottery licences that may be issued; and
- (b) the types of commercial lotteries those licences may authorise to be conducted.

320. Authority may enter into an Agreement

(1) With the approval of the Minister, the Authority may negotiate and enter into an agreement with a person relating to the conduct by the person of a commercial lottery and the manner in which the lottery may be conducted.

(2) With the approval of the Minister, an agreement under subsection (1) may be amended by the Authority with the agreement of the person with whom it was entered into.

321. Application for licence

A person who entered an Agreement with the Authority for a commercial lottery licence may apply to the Authority for such a licence in accordance with Chapter 4 of this Act.

322. Report to Minister by Authority

(1) The Authority must give a written report to the Minister on each licence application, stating whether or not, in the Authority's opinion—

- (a) the applicant, and each associate of the applicant, is a fit and proper person having regard to reputation, character, honesty and integrity;
- (b) the applicant, or an associate of the applicant, has an association with a person or body that is not of good repute having regard to character, honesty and integrity as a result of which the applicant or the associate is likely to be significantly affected in an unsatisfactory manner;
- (c) each executive officer of the applicant and any other person determined by the Authority to be concerned in or associated with the ownership, management or operation of the applicant's business, is a fit and proper person to act in that capacity;
- (d) the applicant has sufficient technical capability and adequate systems to conduct the commercial lottery to be authorised by the licence;
- (e) the applicant is of sound and stable financial background;
- (f) the applicant has financial resources that are adequate to ensure the financial viability of a commercial lottery business;
- (g) the applicant has the ability to establish and maintain a successful commercial lottery business;

(2) The report may include any recommendations the Authority thinks fit, including recommendations as to any appropriate licence conditions.

(3) The report must include the reasons for any findings or recommendations contained in it.

323. Determination of applications

(1) The Minister is to determine whether to authorise the Authority grant or refuse a licence application after receiving the report of the Authority.

(2) The Minister may authorise the granting of a licence application only if he or she is satisfied that the granting of the application is in the public interest, taking into account the matters referred to in section 322 (Report to the Minister by the Authority) and any other matters the Minister considers relevant.

(3) In determining whether to authorise the granting of a licence, the Minister is entitled to rely on any findings or recommendations contained in the report of the Authority.

(4) If the Minister refuses to authorise the granting of a licence, he or she must give written notice to the applicant.

324. Issue of licence

(1) If the Minister authorises the granting of a licence, the Authority must issue a commercial lottery licence to—

- (a) the applicant; or
- (b) a company incorporated in Antigua and Barbuda that is—
 - (i) a wholly-owned subsidiary of the applicant; and
 - (ii) approved by the Authority.

(2) The Authority may approve a wholly-owned subsidiary of the applicant for the purposes of subsection (1)(b) if satisfied that—

- (a) the applicant has given the subsidiary and Authority an irrevocable guarantee and indemnity, in the form approved by the Authority, in respect of all obligations of the subsidiary; and
- (b) the issuing of a commercial lottery licence to the subsidiary under subsection (1)(b) would not result in a person who is not currently an associate of the applicant becoming an associate of the applicant.

(3) A commercial lottery licence must specify the forms of commercial lotteries authorised to be conducted by the licence.

325. Publication and tabling

(1) The Minister must cause—

- (a) a copy of any agreement referred to in section 320 (Authority may enter into an agreement) and
- (b) a copy of a commercial lottery licence to be—

laid before each House of the Parliament within 7 sitting days, after the licence is issued.

(2) If an amendment is made to any agreement referred to section 320 (Authority may enter into an agreement) or to the conditions of any commercial lottery licence pursuant to the provisions of Chapter 4, the Minister must cause a copy of the amended agreement or licence to be laid before each House of the Parliament within 7 sitting days after the amendment is made.

326. Engaging contractors and appointing agents to assist with commercial lotteries

(1) A commercial lottery licence may authorise the licensee to engage a person on contract, or to appoint an agent, to assist in the conduct of a commercial lottery authorised by the licence.

(2) For the avoidance of doubt, the engagement of a person or the appointment of an agent by a licensee does not affect any function or obligation of the licensee under this Act or the regulations.

327. Surrender of licence

(1) A commercial lottery licensee may surrender the commercial lottery licence in accordance with the provisions of Chapter 4, subject to:

- (a) ministerial consent to the surrender; and
- (b) any conditions the Minister thinks fit, with those conditions to remain in effect after the surrender in accordance with their terms.

328. Temporary commercial lottery licences

(1) If a commercial lottery licence is cancelled, suspended or surrendered, the Authority, with the consent of the Minister, may, subject to subsection (2), issue a temporary commercial lottery licence and appoint a temporary licensee.

(2) The Authority may, in accordance with subsection (4), issue a temporary commercial lottery licence and appoint a temporary commercial lottery licensee for a period of 90 days.

(3) The Authority may issue a temporary commercial lottery licence under subsection (1) only if satisfied that—

- (a) the issue of the temporary licence is in the public interest; and
- (b) the proposed licensee and each associate of the proposed licensee is a fit and proper person to be concerned in, or associated with, the management and operation of a commercial lottery business.

(4) The Authority may issue a temporary commercial lottery licence under subsection (2) only if satisfied that—

- (a) the issue of the temporary licence is in the public interest; and
- (b) the proposed licensee is a fit and proper person to be concerned in the management and operation of a commercial lottery business, taking into account the period of time for which the licence is issued.

(5) Subject to subsections (2) and (4), a temporary commercial lottery licence is issued on the terms and conditions the Authority thinks fit.

(6) Subject to subsection (7), a temporary commercial lottery licence—

- (a) may be extended once only for a period determined by the Authority; and
- (b) may be cancelled at any time by the Authority; and
- (c) if issued following the suspension of the original commercial lottery licence— is cancelled by the lifting or expiry of that suspension.

(7) A temporary commercial lottery licence issued under subsection (2) may be extended once only for a period of 90 days.

329. Arrangements with former licensee

(1) A temporary licensee may enter into any arrangements that are approved by the Authority with the former licensee, including arrangements relating to the use of assets and services of staff of the former licensee.

(2) The former licensee—

- (a) must make available to the temporary licensee on reasonable terms any assets of, or under the control of, the former licensee that are reasonably necessary for arrangements under subsection (1); and

(b) must use its best endeavours to make available any staff of the former licensee that are reasonably necessary for those arrangements.

(3) A former licensee who fails to comply with subsection (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) In this section—

former licensee means the person who was commercial lottery licensee under the original licence immediately before its cancellation, suspension or surrender.

PART 3 - RETURNS TO PLAYERS AND TAXES

330. Returns to players

(1) The Regulations may prescribe the minimum return to players to be made on commercial lotteries conducted under the commercial lottery licence.

331. Supervision Charge

(1) Subject to the terms of any Agreement under section 320 (Authority may enter into an agreement), a commercial lottery licensee may be required to pay to the Authority a supervision charge in the instalments and in respect of the periods in each financial year that the Authority determines from time to time.

(2) If imposed, the supervision charge is the amount in respect of each financial year that the Authority, after consultation with the Minister, determines having regard to the reasonable costs and expenses in respect of the financial year incurred by the Authority in performing its functions under this Act in respect of the commercial lottery.

332. Commercial lottery tax

(1) In relation to each commercial lottery conducted under a commercial lottery licence, the commercial lottery licensee must—

- (a) lodge a return with the Authority; and
- (b) pay to the Authority to be paid into the Consolidated Fund the required percentage of player sales.

(2) The return must be in the form, and contain the particulars, required by the Authority.

(3) The return must be lodged, and payment made, not later than the 7 days after the determination of the commercial lottery to which the return relates.

(4) In this section—

player loss, in relation to a commercial lottery, means the total amount paid by all players to enter the commercial lottery less—

- (a) the sum of all prizes payable from that total amount (other than prizes payable from a jackpot prize pool) and any refunds made to players from that total amount; and
- (b) the sum of amounts determined under the lottery rules for the commercial lottery for payment in respect of that total amount to a jackpot prize pool.

333. Sharing tax with other jurisdictions

(1) The Minister —

- (a) may declare another country to be a participating jurisdiction for the purposes of this Chapter;
- (b) may declare a law of another country to be a corresponding law for the purposes of this Chapter.

(2) The Minister must not make a declaration for the purposes of subsection (1) unless satisfied that—

- (a) there is in force an agreement between the Minister and a Minister of the other country making adequate provision for administrative arrangements between Antigua and Barbuda and the other country; and
- (b) there is in force an agreement between the Minister and the Treasurer (by whatever name called) of the other country making adequate provision for the taxation of commercial lotteries and the sharing of taxation revenue.

(3) The Minister may at any time revoke a declaration under subsection (1).

(4) The Minister must make a recommendation for the purposes of subsection (3) if satisfied that there is no longer in force the agreement or administrative arrangements referred to in subsection (2).

(5) If there is in force an agreement referred to in subsection (2)(b)—

- (a) the Minister may pay, in accordance with the agreement, so much of the amount paid into the Consolidated Fund under section 397 (Gambling Provider's tax), and any interest paid under section 398 (Penalty for late payment) in respect of that

amount, that in the Minister's opinion, was paid in respect of entries to commercial lotteries conducted under this Part that were accepted in the participating jurisdiction; and

- (b) the Consolidated Fund is appropriated to the extent necessary for payments to be made under paragraph (a).

PART 4 - COMPLIANCE REQUIREMENTS

334. Subsidiaries to comply with Chapter

If an appointment under subsection of (1) section 324 (Issue of Licence) is in force, this Chapter applies to both the licensee and the appointed subsidiary.

335. Directions to provide information

(1) The Authority may give a written direction to a commercial lottery licensee requiring the licensee to provide to the Authority any information or document, or any class of information or document that is in the possession or under the control of the licensee and that—

- (a) relates to any arrangement or agreement between the licensee and one or more parties in any other country relating to the operation of commercial lotteries under the licence; or
- (b) in the opinion of the Authority relates to the operation of commercial lotteries under the licence.

(2) A commercial lottery licensee must comply with a direction under subsection (1).

(3) No compensation is payable by the Authority or Antigua and Barbuda in respect of anything done in accordance with this section.

336. Claims for prize

(1) If a claim for a prize in a commercial lottery is made to a commercial lottery licensee and that prize has not been paid to the Authority in accordance with section 337 (Unclaimed Prizes), the licensee must—

- (a) immediately try to resolve the claim; and
- (b) if the licensee is not able to resolve the claim, promptly give the claimant written notice—
 - (i) of the licensee's decision on the claim; and

- (ii) that the claimant may, within 10 days after receiving the notice, ask the Authority to review the decision.

(2) If the claim is not resolved, the claimant may ask the Authority—

- (a) if the claimant has received a notice under subsection (1)(b), to review the licensee's decision on the claim; or
- (b) if not, to resolve the claim.

(3) A request to the Authority under subsection(2)—

- (a) must be in the form approved by the Authority; and
- (b) if the claimant received a notice under subsection (1)(b), must be made within 10 days after receiving the notice.

(4) If a request is made to the Authority, the Authority may carry out any investigations the Authority considers necessary to resolve matters in dispute.

337. Unclaimed prizes

(1) If required by the Authority, on or before the last day of each month, the commercial lottery licensee must pay to the Authority an amount equal to the sum of all prizes won that have remained unclaimed for not less than 6months on the first day of that payment month, less the expenses of the commercial lottery licensee reasonably incurred in searching for the persons entitled to those prizes.

(2) For the purposes of subsection (1), a prize that has been won in a commercial lottery, where the record of entry relates to more than one commercial lottery conducted during a period, is deemed to have been won on the date when winners of prizes in the last lottery recorded on the record of entry are determined.

(3) If a claimant makes a demand against the Authority for money paid to the Authority under subsection (1), the Authority, on being satisfied that the claimant is the owner of the money demanded, must direct that it be paid to the claimant out of money available for the purpose.

338. Complaints

(1) A commercial lottery licensee must inquire into—

- (a) a complaint made to the licensee by a person about—

- (i) the conduct of a commercial lottery by the licensee or an appointed subsidiary of the licensee; or
 - (ii) the conduct of an agent or contractor of the licensee in operations related to a commercial lottery; or
- (b) a complaint referred to the licensee by the Authority under subsection (4).

(2) Within 21 days after the complaint is received by, or referred to, the licensee, the licensee must give written notice of the result of the inquiry to—

- (a) the complainant; and
- (b) if the complaint was referred to the licensee by the Authority, the Authority.

(3) A licensee who fails to comply with subsections (1) or (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) If a complaint is made to the Authority about the conduct of a commercial lottery, or the conduct of an agent or contractor in operations related to a commercial lottery, the Authority must promptly—

- (a) inquire into the complaint; or
- (b) if the Authority considers it appropriate, refer the complaint to the licensee.

(5) The Authority must promptly advise the complainant of—

- (a) the result of the Authority's inquiry; or
- (b) the Authority's decision to refer the complaint to the licensee.

(6) A complaint must—

- (a) be in writing; and
- (b) state the complainant's name and address; and
- (c) give appropriate details of the complaint.

PART 5 - FOREIGN LOTTERIES

339. Definitions

In this Part,

foreign lottery means a commercial lottery conducted or to be conducted outside Antigua and Barbuda which is authorised by or under and conducted in accordance with the law of the country in which it is conducted.

340. Foreign lotteries offered in Antigua and Barbuda

(1) A person shall not sell tickets or entries in a foreign lottery within Antigua and Barbuda unless permission is granted under this section and the tickets or entries are sold in accordance with the conditions to which permission is subject.

(2) A person may apply to the Minister for permission to sell tickets or entries in a foreign lottery in Antigua and Barbuda.

(3) An application under subsection (2) shall be in writing in the approved form and shall be lodged with the Authority, who, after considering the application, shall forward the application to the Minister with appropriate advice.

(4) The Minister, after considering the application and the advice of the Authority, may, in his or her discretion, refuse to grant the permission applied for, grant it, or grant it subject to such conditions as he or she thinks fit and specifies in writing to the applicant.

(5) In determining an application under subsection (4), the Minister must have regard to whether:

- (a) the person is a fit and proper person having regard to reputation, character, honesty and integrity;
- (b) the person is of sound and stable financial background;
- (c) in respect of a corporation – it has or has arranged a satisfactory ownership, trust or corporate structure;
- (d) the person has or is able to obtain financial resources that are adequate to ensure the financial viability of the business proposed to be conducted and to obtain the services of persons who have sufficient experience in the management and operation of the business;
- (e) the person has sufficient business ability to establish and maintain the business proposed to be conducted;
- (f) the person or any person to be involved in the management or operation of the business proposed to be conducted has any association with any person, body or association who or which, in the opinion of the Minister, is not fit and proper

having regard to reputation, character, honesty and integrity or has undesirable or unsatisfactory financial resources; and

- (g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Minister to be associated or connected with the ownership, administration or management of the operations or business of the person is a fit and proper person to act in that capacity.

(6) In addition to the conditions, if any, specified under subsection (4), a permission granted under this section shall be subject to the condition that the taxation of commercial lotteries and the sharing of taxation revenue attributable to sales of tickets or entries from persons in Antigua and Barbuda are remitted to Antigua and Barbuda in the manner required by the Minister.

(7) A person conducting a foreign lottery in which tickets are sold in Antigua and Barbuda shall submit to the Authority, in the agreed form, records of tickets or entries sold in Antigua and Barbuda and such other information relating to the conduct of the lottery as the Authority may, from time to time, require.

CHAPTER 11 - LOTTERIES FOR THE PROMOTION OF TRADE PART 1 – TRADE LOTTERIES

341. Definitions

(1) In this Chapter

lottery means a disposition of real or personal property or a share or interest in such property or of a right to a benefit or thing dependent on or to be determined, wholly or partly, by chance or such means as may be prescribed, and includes such a disposition in or outside of Antigua and Barbuda as the result of a chance offered, accepted or arranged by mail in or from Antigua and Barbuda.

publish, in relation to trade lottery advertising, includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material such as journals, brochures or flyers);

ticket means a chance in a lottery and includes a share in such a chance.

trade lottery means a lottery conducted for the purpose of promoting a product or business by a person in the course of carrying on his or her trade or business.

trade lottery advertising means any form of advertising that contains any term, expression, symbol or any other thing associated with the conduct of a trade promotion lottery.

valuable thing includes a benefit or a promise, whether oral or in writing or conditional or absolute, to pay or give a valuable thing.

342. Trade lotteries declared lawful

The conduct of a trade lottery in accordance with this Part is lawful and is not a public nuisance.

343. Trade lotteries

(1) Unless otherwise prescribed, a person carrying on a trade or business in Antigua and Barbuda may conduct a trade lottery without a permit.

(2) A person shall not conduct a trade lottery other than in accordance with this Act and the Regulations.

344. Trade Lotteries from other Countries

(1) Unless otherwise prescribed, a person carrying on a trade or business in Antigua and Barbuda may conduct a trade lottery from another country without prior approval from the Authority, other than the relevant permit, licence or approval from the other country.

(2) A trade lottery conducted in Antigua and Barbuda from another country must be conducted in Antigua and Barbuda in accordance with this Act, the Regulations and any directions by the Authority.

(3) The person must not contravene the Act, the Regulations, the Authority's directions, or the conditions of the relevant permit, licence or approval from the other country.

(4) A licensee who fails to comply with subsection (3) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

345. Cost of Entry

(1) The conditions of entry for, or the manner of participation in, the trade promotion lottery must not require the entrant or another person to incur an expense to enter, except for the ancillary costs set out in subsection (2).

(2) Unless otherwise prescribed, subsection (1) does not prevent a person from being required to purchase a genuine product or service to be eligible to enter, but any ancillary costs cannot exceed the usual cost of a standard telephone call, SMS, MMS or postage.

(3) Subject to the conditions of the trade lottery, there is no restriction on a person making more than one entry.

(4) A trade promotion is not permissible where a participant is required to make multiple telephone calls, or submit multiple SMS or MMS messages or send in multiple posted entries in order to make one valid entry.

(5) For the purposes of subsection (4), multiple means more than one.

346. Trade Lotteries to be conducted in accordance with published conditions

(1) The terms and conditions of a trade lottery must be readily available to any member of the public or prospective entrant, and all terms and conditions must be written in plain English and in a clear and concise manner.

(2) The terms and conditions must include the following:

- (a) how to enter;
- (b) conditions of entry;
- (c) start and closing dates;
- (d) when and where the lottery will be drawn (date, time and location);
- (e) details and values of all prizes;
- (f) how winners will be notified; and
- (g) details of any additional purpose that the personal information collected from participants will be used for.

347. Authority may vary conditions on application

(1) On an application in writing made by the trade or business conducting the trade lottery, the Authority may approve a variation to the terms and conditions of the trade lottery.

(2) An application under subsection (1) must give reasons for the proposed amendment, addressing any matters prescribed.

348. Authority may vary conditions of its own motion, or cancel a Trade Lottery

(1) The Authority may, of its own motion, vary the terms and conditions of any trade lottery, or cancel a trade lottery, where it is of the opinion –

- (a) the trade or business conducting the trade lottery is of not of good repute;

- (b) the terms and conditions are unfair to players, or unreasonable;
- (c) the trade lottery is not being conducted in good faith;
- (d) the trade lottery is offensive or contrary to the public interest.
- (e) the trade or business conducting the trade lottery has failed to provide information that is required by this Act, the Regulations or Rules to provide, or has provided information knowing it to be false or misleading;
- (f) the trade or business conducting the trade lottery has contravened this Act, the Regulations or Rules;
- (g) the trade or business conducting the trade lottery has been found guilty of an offence in Antigua or Barbuda or elsewhere
 - (i) against a gambling Act or gambling regulations; or
 - (ii) involving fraud or dishonesty punishable by imprisonment for 3 months or more (whether or not in addition to a fine); or
 - (iii) an indictable offence, or an offence that, if committed in Antigua and Barbuda, would be an indictable offence, the nature or circumstances of which, in the opinion of the Authority, relate to a trade promotion lottery;
- (h) the trade or business conducting the trade lottery has become an insolvent under administration or an externally-administered body corporate.

(2) The Authority must give the trade or business conducting the trade lottery at least 14 days to make a submission to the Authority concerning any proposed amendment or cancellation and must consider any submission made.

(3) The trade or business conducting the trade lottery may waive its rights under subsection (2) to make a submission by giving notice in writing to the Authority.

(4) The Authority must then decide whether to make the proposed amendment, either with or without changes to the amendment originally proposed, or to cancel the trade lottery, and must notify the trade or business conducting the trade lottery of its decision.

(5) An amendment or cancellation takes effect when notice of the Authority's decision is given to the trade or business conducting the trade lottery or on any later date specified in the notice.

PART 2 - OFFENCES

349. Conducting trade lottery in contravention of Act

(1) A person must not conduct, or assist in the conduct of, a trade lottery other than in accordance with this Act, the Regulations or the directions, if any, of the Authority.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

350. Records

(1) A trade or business conducting a trade lottery must keep records containing the prescribed information for a period of 3 years after the completion of the transactions to which they relate.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

CHAPTER 12 - ONBOARD GAMBLING

351. Application of Act

Subject to directions of the Authority, this Act does not apply to ships or vessels on an inter-island voyage or overseas voyage.

352. Directions

(1) The Authority may declare the Act or Regulations, or any Chapter or Part of the Act or Regulations, or any specific provisions of the Act and Regulations, to apply to any ship or vessel, or any class of ships or vessels, operating within the territorial waters of Antigua and Barbuda.

(2) Upon the issuance of directions under subsection (1), the Authority may issue directions with respect to the conduct of gaming or betting on any ship or vessel.

353. Revenue-sharing agreement

(1) The Minister, for and on behalf of Antigua and Barbuda, may enter into an agreement with the Government of another country to provide for the payment to Antigua and Barbuda of a proportion of any taxes that are generated in connection with gambling conducted with the territorial waters of Antigua and Barbuda on any ship or vessel.

(2) An agreement referred to in subsection (1) may include such provisions relating to the conduct of gaming and betting on the ships or vessels as the parties determine.

CHAPTER 13 – PRIVATE GAMBLING**354. Private Gambling Lawful**

- (1) Notwithstanding any other provision of this Act, private gambling is lawful.
- (2) Private gambling means gambling by persons at a private residence where:
 - (a) All the bets or stakes placed are distributed in accordance with the game rules to the winners;
 - (b) The gambling is, primarily, a social event or entertainment;
 - (c) No remuneration, commission, or reward is paid to, or received by, a person for conducting the gambling;
 - (d) Persons who do not live at the residence are not induced, formally or informally to participate in the gambling by advertisement, notice, or other means;
 - (e) If the gambling involves playing or staking against a person who has the role of 'bank', that role passes from one person to another by chance or by regular rotation among all without charge or other conditions;
 - (f) All participants have an equal chance of winning;
 - (g) No person other than a participant has a chance of winning;
 - (h) No person pays for admission, directly or indirectly;
 - (i) There are no deductions of any kind from a participant's stakes or winnings.
 - (j) The premises at which a game is played in accordance with this section is not a common gaming house or place.

CHAPTER 14 - RESPONSIBLE GAMBLING**PART 1 - RESPONSIBLE GAMBLING CODES OF CONDUCT****355. Definition**

In this Part, relevant person means the holder of a licence issued under Chapter 4.

356. Authority may make Responsible Gambling Codes of Conduct

(1) The Authority may, from time to time, issue a Responsible Gambling Code of Conduct setting out the standards, requirements and practices to be implemented by a relevant person, in the delivery of the gambling services.

(2) A Code issued under subsection (1) takes effect on the day specified by the Authority.

PART 2 - SELF EXCLUSION FACILITIES

357. Definition

In this Part, relevant person means the holder of a licence issued under Chapter 4.

358. Self-Exclusion Facilities

(1) The Authority may, from time to time, issue directions for the provision of self-exclusion facilities to be implemented by a relevant person, in the delivery of the gambling services.

(2) A direction under subsection (1) takes effect on the day specified by the Authority.

PART 3 - PRE-COMMITMENT FACILITIES

359. Definition

In this Part, relevant person means the holder of a licence issued under Chapter 4.

360. Pre-Commitment Facilities

(1) The Authority may, from time to time, issue directions for the provision of pre-commitment facilities to be implemented by a relevant person, in the delivery of the gambling services.

(2) A direction under subsection (1) takes effect on the day specified by the Authority.

PART 4 - UNDESIRABLE GAMBLING PRODUCTS OR PRACTICES

361. Definition

(1) In this Part,

gambling practice means any practice that is adopted in connection with the offering or provision of a gambling product;

gambling product means a product that may be used for gambling or that resembles a product that may be used for gambling, whether or not that product is otherwise regulated by or under this Act;

362. Power of the Authority

The Authority may issue directions regarding the offering or method of offering any gambling product, or with respect to any gambling practice, where the Authority is of the opinion that the product or practice is undesirable, has deleterious social consequences, is unfair to players or is otherwise not in the public interest.

363. No compensation

No compensation is payable by Antigua and Barbuda or the Authority in respect of loss, damage or injury of any kind suffered by any person as a result of, or arising out of, the issuing of directions under this Part.

PART 5 - BANNING ORDERS

364. Authority may direct Licensees to prohibit certain persons from gambling

Where the Authority finds there are reasonable grounds to believe that the welfare of a person's family is endangered due to excessive playing of gambling by the person, the Authority may direct a licensee, or groups of licensees, to prohibit the person from gambling with the licensee for a period of at least one month to a maximum of six months, as specified by the Authority, from the date of the direction.

365. No compensation

No compensation is payable by Antigua and Barbuda or the Authority in respect of loss, damage or injury of any kind suffered by any person as a result of, or arising out of, the issuing of directions under this Part.

CHAPTER 15 - COMMUNITY AND CHARITABLE GAMING

366. Community Gaming Lawful

(1) A person aged 18 years or more may conduct a lottery, raffle, bingo or other form of gaming if—

- (a) the value of the prize does not exceed such amount as is prescribed; and
- (b) the person complies with the provisions of this Act, the regulations and any directions issued by the Authority for the purposes of this Part; and

- (c) the net proceeds of the lottery, raffle, bingo or other form of gaming are to be paid into a separate bank account, being an account in the name of a community or charitable organisation, to be used exclusively for—
 - (i) any philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity; or
 - (ii) the purposes of any sporting or recreational club or association; or
 - (iii) a non-commercial purpose that is beneficial to the whole or a section of the community; or
 - (iv) the purposes of a political party.

(2) For the purposes of this Act, an organisation may only be regarded as a community or charitable organisation if it;

- (a) does not have the capacity or power to make a profit; and
- (b) is established or incorporated and conducted solely for the purposes listed in subsection (1)(c).

367. Private Bingo sessions

(1) A session of bingo may be conducted in accordance with this Part and the regulations if—

- (a) no fee is charged, directly or indirectly, to participate in the bingo; and
- (b) the whole of the gross receipts from the session of bingo is distributed as prizes during that session; and
- (c) the session of bingo is—
 - (i) not advertised to or open to the general public; and
 - (ii) provided for the entertainment of the players and not intended to provide a commercial benefit to the person conducting the session or to any other person.

368. Private Lotteries

(1) In this section, the expression “private lottery” means a raffle which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either –

- (a) members of an organisation or business established and conducted for purposes not connected with gaming, betting or lotteries; and
- (b) persons all of whom work on the same premises.

(2) In the case of a lottery promoted for the members of an organisation or business, the promoter is a person authorized in writing by the governing body of the organisation or business to promote the lottery

(3) A private lottery is permitted provided –

- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances;
- (b) no written notice or advertisement of the raffle or lottery is exhibited, published or distributed other than a notice exhibited on the premises of the organisation or business;
- (c) the prices of all tickets or chances shall be the same, and the price of any ticket shall be stated on the ticket or, if there are no tickets, on the list of chances;
- (d) every ticket shall bear upon the face of it the name and address of the organisation or business conducting the raffle or lottery, and a statement of the persons to whom the sale of tickets or chances is restricted.

(4) If any of the conditions set out in subsection (3) is contravened, each of the promoters of the lottery, and where the person by whom the condition is broken is not one of the promoters, that person also, may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(5) It shall be a defence for a person charged with a breach of subsection (3) to prove that the contravention occurred without the person's knowledge or consent or that the person exercised all due diligence to prevent it.

369. Community and Charitable Gaming must be in accordance with this Part

(1) A person must not—

- (a) Conduct or assist in the conduct of a lottery, raffle or other form of community gaming; or
- (b) conduct or assist in the conduct of a session of bingo;

otherwise than in accordance with this Chapter, the regulations, any applicable rules made by the Authority and the directions, if any, issued by the Authority in respect of that activity.

(2) A person who fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A person who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

370. Amendment of Lottery or Raffle Terms and Conditions

(1) The terms and conditions of any lottery, raffle or other form of community gaming (other than prescribed conditions) may be amended in accordance with this section.

(2) An amendment may be proposed—

(a) by the organisation conducting the lottery, raffle or other form of community gaming by—

(i) requesting the Authority in writing to make the amendment; and

(ii) giving reasons for the proposed amendment; and

(iii) paying the prescribed fee, if any; or

(b) by the Authority by giving notice in writing of the proposed amendment and giving reasons to the holder of the permit.

(3) An amendment proposed by the Authority may be because the terms and conditions-

(a) are not sufficiently clear or certain; or

(b) do not provide for equitable treatment of all the entrants; or

(c) are inconsistent with this Act or the regulations; or

(d) are otherwise not in the public interest.

(4) The Authority must give the organisation at least 28 days to make a submission to the Authority concerning any proposed amendment (whether proposed by the Authority or the organisation) and must consider any submission made.

(5) The organisation may waive their right under subsection (4) to make a submission by giving notice in writing to the Authority.

(6) The Authority must then decide whether to make the proposed amendment, either with or without changes to the amendment originally proposed, and must notify the organisation of its decision.

(7) An amendment takes effect when notice of the decision is given to the organisation or on any later date that may be specified in the notice.

371. Promotion of lottery or raffle

(1) An organisation must not make, or permit any person to make on its behalf, any statement in relation to the application of the proceeds of the lottery, raffle or other form of gaming, knowing it to be false or misleading.

(2) An organisation which fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

372. Liability of Organisation

The directors, committee members or members of the governing body of an organisation (however called) are severally liable under this Act for the compliance with the terms of this Act, the regulations or any directions issued by the Authority.

373. Accounts and financial statements

(1) An organisation must keep accounting records that correctly record and explain the transactions and financial position of the operations of the organisation in relation to conducting lotteries, raffles or other forms of community gaming, in whole or in part.

(2) An organisation must keep the accounting records in the form required by the Authority, if any, and in a manner that will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

(3) An organisation which fails to comply with this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

374. Banking

(1) Any organisation which conducts any activity authorised by this Part must—

- (a) keep and maintain a single bank account for use for all transactions arising under this Part in relation to all activities held or conducted by or on behalf of that organisation; and
- (b) from time to time provide the Authority, as required, and in a form approved by the Authority, with a written authority addressed to the bank referred to in paragraph (a) authorising the bank to comply with any requirements of an inspector exercising the powers conferred by this section.

(2) An organisation which fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) An inspector may, by notice in writing, require the manager or other principal officer of a bank referred to in subsection (1) to provide the inspector with a statement of an account referred to in that subsection and any other particulars relating to the account that are specified in the notice.

(4) A person to whom a notice is given under subsection (3) must comply with the notice.

(5) A person who fails to comply with subsection (4) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(6) An inspector may not exercise the powers conferred by this section without the prior written approval of the Authority.

375. Records

(1) Unless a contrary requirement is specified in this Act or the regulations, a person to whom this section applies must keep records containing the prescribed information in the form approved by the Authority for a period of 3 years after the completion of the transactions to which they relate.

(2) A person who fails to comply with this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

376. Games at fetes, carnivals

(1) It is lawful for a person by means of a device or game and in accordance with any prescribed standards and conditions, to sell or dispose of, or allot any prize of property or money at a recreational centre, fete, fair, bazaar, carnival, poker run or similar event, provided the value of the property or money to which each participant is entitled at each attempt does not exceed such amount as is prescribed.

377. Investigation of Community or Charitable Gaming

(1) The Authority may, by notice in writing, require —

- (a) a community or charitable organisation;
- (b) a person who, in the opinion of the Authority, could affect the exercise of the functions of a community or charitable organisation;
- (c) a person who, in the opinion of the Authority, could be in a position to exercise direct or indirect control over a community or charitable organisation

to comply with a requirement under subsection (2).

(2) An organisation or person nominated under subsection (1) may be required —

- (a) to provide the Authority or an authorised person, in accordance with directions in the notice, with any information as is specified in the notice that is—
 - (i) relevant to the organisation; or
 - (ii) the conduct of gaming under this Chapter; or
 - (iii) otherwise required by the Authority; or
- (b) to produce to the Authority or an authorised person, in accordance with the directions in the notice, any records specified in the notice that are—
 - (i) relevant to the organisation,
 - (ii) the conduct of gaming under this Chapter; or
 - (iii) otherwise required by the Authority—

and to permit examination of those records, the taking of extracts from them and the making of copies of them; or

- (d) to attend before the Authority or an authorised person for examination, and to answer questions, in relation to any matters—
 - (i) relevant to the organisation,
 - (ii) the conduct of gaming under this Chapter; or

(iii) otherwise specified by the Authority; or

(d) to provide the Authority with any authorities and consents the Authority requires for the purpose of enabling the Authority to obtain information (including financial and other confidential information) concerning the organisation from other persons.

(3) If records are produced under this section, the Authority or authorised person to whom they are produced may retain possession of the records for such period as may reasonably be necessary to permit examination of the records, the taking of extracts from them and the making of copies of them.

(4) At any reasonable times during the period for which records are retained, the Authority or authorised person must permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Authority or an authorised person.

(5) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

378. Authority may require organisation to show cause

(1) The Authority may serve on a community or charitable organisation a notice in writing giving it an opportunity to show cause within 28 days (or any longer period specified in the notice) why the organisation should not be permitted to conduct any form of gaming under this Chapter, on the ground specified in the notice.

(2) In taking action under this section, the Authority shall follow the Show Cause Procedure set out in Part 2 of Chapter 16.

(3) The Authority may serve a notice under subsection (1) on any of the following grounds—

(a) that the organisation has failed to provide information that the organisation is required by this Act or regulations to provide or has provided information knowing it to be false or misleading;

(b) that the organisation has contravened this Act or the regulations;

(c) having regard to the manner in which gaming activity has been conducted in the past, the Authority is not satisfied that future gaming activity will be conducted in the best interests of the community;

(d) that—

(i) the organisation; or

- (ii) a director, committee member, executive officer or other senior official of the organisation

has been found guilty of an offence (in Antigua and Barbuda or elsewhere) against a gaming Act or gaming regulations, or an offence (in Antigua and Barbuda or elsewhere) involving fraud or dishonesty punishable by imprisonment for 3 months or more (whether or not in addition to a fine);

- (e) that the organisation has become an externally-administered body;
- (f) that it is not in the public interest for the organisation to continue to be permitted to conduct any form of gaming under this Chapter;
- (g) the purpose of the organisation is substantially and materially different from that specified in section 366 (Community Gaming Lawful);
- (h) any other ground which the Authority thinks fit.

379. Taking disciplinary action

(1) If, following an inquiry or investigation, the Authority considers there are grounds for taking disciplinary action against an organisation, the Authority may serve on the organisation a notice in writing giving them an opportunity to show cause within 14 days why disciplinary action should not be taken against them on the grounds for disciplinary action specified in the notice.

(2) In taking action under this section, the Authority shall follow the Show Cause Procedure set out in part 2 of Chapter 16.

(3) If the Authority decides that there are sufficient grounds for disciplinary action against the organisation, the Authority may, without limiting any other actions or proceedings that may be taken against the organisation or any person, issue a letter of censure under section 380 (Letter of censure) or make a declaration under section 381 (Authority may make declaration).

380. Letter of censure

(1) Disciplinary action taken by the Authority under section 379 (Taking disciplinary action) in the form of a letter of censure may censure the organisation in respect of any matter connected with the organisation's activities and may include a direction to the organisation to rectify within a specified time any matter giving rise to the censure.

(2) If a direction given in a letter of censure is not complied with in the specified time, the Authority may, by giving written notice to the permit holder, make a declaration under section 381 (Authority may make declaration) without giving the permit holder a further opportunity to be heard.

381. Authority may make declaration

The Authority, by notice in writing, may declare an organisation to be a community or charitable organisation that is not permitted to conduct any form of community or charitable gaming, or specified forms of community or charitable gaming, for such time as is specified in the notice.

382. Suspension of the Organisation

(1) The Authority may suspend the right of an organisation to conduct gaming under this Chapter by giving written notice to the organisation if—

- (a) the Authority is considering whether to make a declaration under section 381 (Authority may make declaration); or
- (b) the Authority considers that it is in the public interest to suspend the organisation pending the making of a decision under section 379 (Taking disciplinary action).

(2) The Authority may at any time terminate a suspension under subsection (1) or section 381 (Authority may make declaration).

(3) Unless terminated earlier by the Authority, a suspension under subsection (1) is terminated when the Authority makes a decision under section 379 (Taking disciplinary action);

(4) While an organisation is suspended under subsection (1), the organisation is not permitted to conduct any form of gaming under this part except to the extent allowed, and in accordance with any conditions imposed, by the Authority in any notice issued by the Authority under this section.

383. Duration of declaration

(1) A declaration of an organisation under section 381 (Authority may make declaration) —

- (a) takes effect when the instrument of declaration is made;
- (b) unless otherwise specified in the notice, remains in force for a period of 5 years unless the declaration is revoked in accordance with section 382 (Suspension of organisation).

384. Right of Appeal and Review

A person or organisation affected by a decision of the Authority may seek a review of, or appeal, the decision, in accordance with Part 3 of Chapter 16.

385. Regulations

(1) Regulations may be made:

- (a) requiring a permit for the conduct of any form of community or charitable gaming;
- (b) prohibiting certain forms of community or charitable gaming;
- (c) defining the manner in which community or charitable gaming may be conducted;
- (d) defining the prizes that may be offered, the records to be kept, the distribution of the proceeds of, or any other matters associated with the conduct of community or charitable gaming;
- (e) the categorisation of, or approval of, any organisation as a community or charitable organisation for the purposes of this Act.

CHAPTER 16 - PENALTIES, APPEALS AND REVIEWS
PART 1 - PENALTIES

386. Penalties

(1) Where an offence under this Act is committed by a person, the person shall be liable upon—

- (a) summary conviction, to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding two years, or to both; or
- (b) conviction on indictment, to a fine not exceeding five hundred thousand dollars or to a term of imprisonment not exceeding five years, or to both.

387. Liability of Officers of Body Corporate

(1) Where an offence under this Act committed by a body corporate is proved to—

- (a) have been committed with the consent or connivance of any director, manager, secretary, or other similar officer of the body corporate or any person who was purporting to act in that capacity; or
- (b) be attributable to the failure of any such director, manager, secretary, or other officer or person, to exercise all such reasonable diligence as he or she ought in the circumstances to have exercised to prevent the offence, having regard to the nature of his or her powers and all the circumstances,

the director, manager, secretary or other officer or person, as well as the body corporate commit that offence, and shall be liable to be proceeded against and punished accordingly.

(2) For the purposes of this section, a person shall be deemed to be a director of a body corporate if he or she occupies the position of a director, by whatever name called, or is a person in accordance with whose directions or instructions (not being directions or instructions in a professional capacity only) the directors and the body corporate or any of them, act.

388. Power to serve an infringement notice

(1) This section shall apply to an offence under this Act and regulations, being an offence prescribed in the Regulations.

(2) The infringement penalty for an offence referred to in subsection (1) is the penalty prescribed in the Regulations in respect of the offence.

(3) An inspector may serve an infringement notice on any person that he or she has reason to believe has committed an offence to which this section applies, being a notice in writing in the prescribed form offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty under this section.

(4) No person shall be liable to be convicted of the offence if the fixed penalty is paid in accordance with this section and the requirement in respect of which the offence was committed is complied with before the expiration of twenty one days following the date of the notice referred to in subsection (3).

(5) Where any person is given a notice under this section in respect of an offence, proceedings shall not be taken against that person for that offence until the end of twenty one days following the date of the notice.

(6) In this section “proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2) and “convicted” shall be construed in like manner.

(7) Payment of a fixed penalty under this section shall be made to the Authority, and in any proceedings a certificate that payment of a fixed penalty was or was not made to the Authority by a date specified in the certificate shall, if the certificate purports to be signed by the Authority, be admissible as evidence of the facts stated therein.

(8) A notice under subsection (2) shall –

(a) specify the offence alleged;

- (b) give such particulars of the offence as are necessary for giving reasonable information of allegation;
- (c) state –
 - (i) the period during which, by virtue of sub-section (2), proceedings will not be taken for the offence;
 - (ii) the amount of the fixed penalty and the permitted methods of payment.

(9) Except where relied upon by a party, in any proceedings for an offence to which this section applies, no reference shall be made to the giving of any notice under this section or to the payment or non-payment of a fixed penalty, in the course of the proceedings or in some document which is before the court in connection with the proceedings.

(10) Regulations may be made in relation to any matter incidental to the operation of this section.

PART 2 - SHOW CAUSE PROCEDURE

389. Show Cause Procedure

(1) Except where otherwise provided, where a “show cause procedure” is specified in this Act the Authority must give the licence holder, business or organisation a written notice (a “show cause notice”), at least ten (10) business days prior to taking action to amend, suspend or cancel a licence, or to impose a civil penalty, which:

- (a) states the action the Authority proposes to take;
- (b) states the grounds for the proposed action;
- (c) outlines the facts and circumstances forming the basis for the grounds;
- (d) states the proposed civil penalty, period of suspension or an intention to cancel any licence or approval; and
- (e) permits the licence holder, business or organisation to show within a stated period (the “show cause period”) why the proposed action should not be taken.

(2) The show cause period shall be established by the Authority and shall be specified in the show cause notice.

(3) The Authority must promptly serve a copy of the show cause notice on each person (an “interested person”) that the Authority believes has an interest in the licence if the Authority considers that:

- (a) the person's interest may be affected adversely by the amendment, suspension or revocation of the licence; or
- (b) it is otherwise appropriate in the circumstances to give a copy of the show cause notice to the person.

(4) A person upon whom a copy of the show cause notice is served may make written representations about the matters raised in the notice to the Authority within the show cause period.

(5) The Authority shall consider all written representations made during the show cause period by:

- (a) the licence holder, business or organisation; or
- (b) any interested person upon whom a copy of the show cause notice is served.

(6) Notwithstanding any other provision of this Act, the Authority may amend, suspend or cancel a licence, or prohibit a business or organisation that is conducting a form of gambling, immediately if the Authority believes:

- (a) a sufficient ground exists to amend, suspend or cancel the licence, or to prohibit the conduct of gaming; and
- (b) the circumstances are so extraordinary that it is imperative to amend, suspend or cancel the licence, or to prohibit the conduct of gaming, immediately to ensure:
 - (i) the public interest is not affected in an adverse and material way;
 - (ii) the integrity of the conduct of gambling conducted by, or associated with, the licence holder, business or organisation is not jeopardized in a material way; or
 - (iii) the elimination of potential money laundering, fraudulent or other suspicious activities.

(7) An immediate amendment, suspension or cancellation, or prohibition:

- (a) must be effected by written notice served on the licence holder, business or organisation;
- (b) is effective from the moment the notice is served; and

- (c) continues in effect until the matters set out in the show cause notice are decided by the Authority.

390. Hearing

(1) A licence holder, business or organisation who has received a show cause notice, may, within the show cause period, request a hearing before the Authority to respond to the matters raised in the show cause notice.

(2) Upon receiving a request for a hearing, the Authority shall set a date for the hearing (the "hearing date") within a reasonable amount of time and shall immediately notify the licence holder, business or organisation in writing of the hearing date.

(3) At the hearing, the licence holder, business or organisation shall have the opportunity to bring written and oral evidence to respond to the matters raised in the show cause notice. The Authority shall appoint one or more individuals to serve as the hearing officer presiding over the hearing and the introduction of evidence. The hearing officer may be an individual employed by the Authority or be another qualified individual appointed by the Authority in its sole discretion.

(4) If, after considering the accepted representations, or in the case of a hearing, all the evidence adduced before it, the Authority finds that:

- (a) a ground or grounds exist to amend, suspend or cancel the licence, or to prohibit the conduct of gaming, or to impose a civil penalty; and/or;
- (b) the act, omission or other item constituting the grounds is of a serious and fundamental nature and either:
 - (i) the integrity of the conduct of gambling by the licence holder, business or organisation may be jeopardized in a material way; or
 - (ii) the public interest may be affected in an adverse or material way,

then the Authority may amend, or cancel the licence, or suspend the licence for such period of time and on such conditions of re-instatement as the Authority deems appropriate, or prohibit the conduct of gaming by the business or organisation, or impose a civil penalty.

(5) If the Authority directs the licence holder, business or organisation to rectify a matter and the licence holder, business or organisation fails to comply with the direction within the time specified in the direction for compliance, the Authority may cancel the licence or suspend the licence, or prohibit the conduct of gaming by the business or organisation, for such period of time and on such conditions for re-instatement as the Authority deems appropriate.

(6) The Authority must promptly serve written notice of the decision to amend, suspend or cancel a licence, or prohibit the conduct of gaming, or impose a civil penalty, on the licence holder, business or organisation.

(7) A decision to amend, suspend or revoke a licence, or to the conduct of gaming, takes effect on the date specified by the Authority.

(8) If a licence is under suspension, or a business or organisation is prohibited from conducting gaming, the Authority may, at the request of the licence holder, business or organisation, reconsider the duration of the suspension or prohibition.

PART 3 – APPEALS AND REVIEWS

391. Review of Decision of Single Member or Delegate

(1) A person whose interests are affected by a decision made under this Act by a single member of the Authority or a delegate of the Authority may appeal the decision to the Authority within 28 days of notice of the decision.

(2) An application for appeal must—

- (a) be in writing; and
- (b) specify the grounds on which it is made.

(3) After consideration of an appeal under subsection (1) the Authority may—

- (a) confirm the decision; or
- (b) revoke the decision; or
- (c) amend the terms of the decision; or
- (d) allow the appeal and direct that the proceedings in respect of which the decision (the subject of the appeal) was made, be conducted afresh either by the person who made that decision or such other person as the Authority may decide.

(4) The decision of the Authority on an appeal—

- (a) must be notified in writing to the applicant; and
- (b) may include the reasons for its decision.

(5) The Authority as constituted for the purposes of a review must not include the member whose decision is the subject of the appeal.

392. Review of a Decision of the Authority

(1) Within 28 days of receiving the decision of the Authority, the applicant may apply to a Judge of the High Court for a review of that decision.

(2) In considering the application for review, the judge shall —

- (a) examine in chambers, any evidence or information that may be presented by or on behalf of the Authority, and may, at the request of the Authority, hear all or part of that evidence or information in the absence of the applicant or any counsel representing the applicant, if the judge is of the opinion that the disclosure of the information would be prejudice-
 - (i) the public interest in protecting the confidentiality of the Authority's investigative techniques or those of a law enforcement agency whether in Antigua and Barbuda or elsewhere, and protected information in the possession of the Authority; and
 - (ii) any intelligence information, or document or thing the disclosure of which—
 - (A) reveals the identity of the person or law enforcement agency whether in Antigua and Barbuda or elsewhere who or which provided information on the basis of which the decision was made, or puts that person's safety at risk; or
 - (B) reveals the identity of a person whose name appears in any evidence given or information provided to the Authority relating to an investigation by the Authority or a law enforcement agency whether in Antigua and Barbuda or elsewhere, or puts that person's safety at risk; or
 - (C) reveals the identity of a person who is or has been the subject of an investigation by the Authority or law enforcement agency whether in Antigua and Barbuda or elsewhere, or puts that person's safety at risk; or
 - (D) places at risk an ongoing investigation by the Authority or a law enforcement agency, whether in Antigua and Barbuda or elsewhere; or
 - (E) risks the disclosure of any investigative method used by the Authority or a law enforcement agency whether in Antigua and Barbuda or elsewhere; or

(F) is otherwise not in the public interest.

- (b) provide the applicant with a statement summarizing the information available to the judge, so as to enable the applicant to be reasonably informed of the reasons for the decision, without disclosing any information the disclosure of which would, in the judge's opinion, be prejudicial to the matters referred to in subsection (2);
- (c) provide the applicant with a reasonable opportunity to be heard; and
- (d) may receive in evidence, anything (including information obtained from the government or institution or agency of a foreign country or an international organisation), that, in the opinion of the judge, is reliable and relevant, even if the thing would not otherwise be admissible in law, and may base his or her decision on that evidence.

(3) The Judge may determine whether the decision is reasonable on the basis of the information available to the judge and,

- (a) if satisfied that proper grounds for making the decision did not exist—
 - (i) may quash or vary the decision or revocation, either conditionally or unconditionally and with effect from the date of the decision or revocation or some other date; or
 - (ii) make an order compelling the Authority to conduct afresh the proceedings in respect of which the decision (the subject of the review) was made, and
- (b) may make any other order, including consequential or ancillary orders.

(4) In this section *protected information* means any intelligence information, document or thing the production or inspection of which—

- (a) is likely to reveal any matter referred to in subsection (2)(a); or
- (b) is likely to place at risk an ongoing investigation by the Authority or a law enforcement agency whether in Antigua and Barbuda or elsewhere; or
- (c) is likely to risk the disclosure of any investigative method used by the Authority or a law enforcement agency whether in Antigua and Barbuda or elsewhere; or
- (d) is otherwise not in the public interest

393. Stay of Decision

(1) An application for review or appeal of a decision made under this Chapter does not operate as a stay of the decision, or invalidate any intermediate act or proceedings taken in respect of that decision.

(2) Where a decision is made under this Act (except for Chapter 3), a person affected by the decision may apply to the decision-maker for a stay of the decision pending the outcome of any appeal or review.

(3) Where an application under subsection (2) is refused, the person may apply to the High Court for a stay of the decision.

CHAPTER 17 - TAXES, LEVIES AND FEES
PART 1 – TAXES, LEVIES AND FEES

394. Gaming machine levy

A licensee authorised to operate gaming machines shall pay to the Authority a gaming machine levy, calculated as an amount payable on each machine operated by the licensee for the period and at such rate as is specified in Schedule 1.

395. Gaming table levy

(1) A licensee authorised to offer table games shall pay to the Authority a gaming table levy, calculated as an amount payable on each table operated by the licensee for the period and at such rate as is specified in Schedule 1

(2) A licensee authorised to offer table games shall pay to the Authority a gaming table levy, calculated as an amount payable on each table operated by the licensee for the period and at such a rate as is specified in Schedule 1.

396. Gambling concessions

When a licensee imports any gaming machines and equipment that has received prior approval of the Authority on the basis that it is from an approved supplier and to the required standard and specification, the licensee will be entitled to duty free concessions on the importation of these approved gaming machines and equipment.

397. Penalty for late payment

(1) Where, in respect of any obligation to pay a tax or levy, by the end of the day specified in Schedule 1 (or at the discretion of the Authority by a time not more than 7 days later than the end of the day prescribed) the amount received by the Authority under subsection 398 (Payment of

taxes, levies) in respect of any tax or levy is less than the total amount referred to in that subsection in respect of that period:

- (a) the Authority shall impose on the licensee a penalty calculated by applying the percentage prescribed on the difference between the 2 amounts; and
- (b) the amount received is to be credited as prescribed.

(2) A penalty imposed under subsection (1)(a) is to be paid in the manner prescribed and is due and payable by the licensee on or before the day prescribed for the following taxable period.

(3) A licensee must pay a penalty on an amount that is outstanding as at the end of the period allowed for payment, at the rate prescribed.

398. Payment of taxes, levies

(1) A licensee shall ensure that the Authority receives, on or before the day specified in Schedule 1, an amount not less than the total amount of:

- (a) any levies owed;
- (b) any tax payable; and
- (c) any penalty payable under section 397 (Penalty for late payment) on or before that day;

(2) A licensee who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) Where applicable, a payment to the Authority in respect of a levy, tax or a penalty under section 397 (Penalty for late payment) shall be identifiable as being in respect of a single licensed premises and exclusive of payments for any other licensed premises or purpose.

(4) Where a payment to the Authority does not comply with subsection(3), the Authority shall determine the licensed premises or purpose for which the payment was made and this Act applies to the payment as if the payment had been made and identified for the licensed premises or purpose so determined.

399. Suspension of licence

(1) Where a licensee fails to make a payment in compliance with section398 (Payment of taxes, levies), or fails to lodge a financial report, return or statement in compliance with a provision of this Act, the Authority may take immediate action to suspend the licence.

(2) In taking action under this section, the Authority shall follow the Show Cause Procedure set out in Part 2 of Chapter 16.

400. Overpaid money

(1) Where the amount received by the Authority under section 398 (Payment of taxes, levies) is greater than the total amount payable by the licensee, the difference shall be:

- (a) taken to be a payment forming part of the payment to be made for the following taxable period under section 398 (Payment of taxes, levies); or
- (b) at the discretion of the Authority, forwarded to the licensee, on written application by the licensee.

401. Statement and report to Authority

(1) The Authority may, by written notice, require a licensee to provide to the Authority an explanation in relation to any matter contained in a:

- (a) a financial statement; and
- (b) if applicable, a gambling activity performance report,

in relation to any specified period.

402. Recovery of taxes and levies

(1) A levy, tax, or a penalty payable under section 398 (Payment of taxes, levies), or any cost or charge incurred under any other provision of this Act that remains unpaid, may be recovered as a debt due and payable by the licensee to the Authority.

(2) The Authority may, instead of proceeding with or continuing an action under subsection (1), accept in full payment of a debt payable, an amount that is less than the amount payable or remaining unpaid where:

- (a) the local gambling provider's licence in relation to which the debt is payable has been cancelled or surrendered; and
- (b) the person who held the licence is not the holder of any other local gambling provider's licence.

403. Offences relating to revenue

(1) A licensee who:

- (a) wilfully evades the payment, in whole or part, of a levy, tax payable under section 398 (Payment of taxes, levies), or a penalty payable under section 397 (Penalty for late payment) or any cost or charge;
- (b) makes or provides, or authorises or permits the making or providing of, a any report to the Authority knowing the report to be false, erroneous or misleading in a material particular; or
- (c) knowingly makes or provides, or authorises or permits the making of, a report to the Authority containing errors in calculation that result in a delay or avoidance of the payment, in whole or part, of a levy or tax payable under section 398 (Payment of taxes, levies), or a penalty payable under section 397 (Penalty for late payment),

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(2) A licensee who:

- (a) makes or provides, or authorises or permits the making or providing of, a report to the Authority that is false, erroneous or misleading in a material particular, without having taken reasonable steps to ensure that the report was not false, erroneous or misleading in a material particular; or
- (b) knowingly lodges or causes to be lodged with the Authority a remittance of an amount less than the amount due and payable under section 398 (Payment of taxes, levies),

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) If—

- (a) a court that finds the licensee guilty of the offence against subsection (1) in relation to the amount, it may order the licensee to pay the amount to the Authority, whether or not any other penalty is or has also been imposed for the offence; and
- (b) a certificate setting out the terms of an order made under paragraph (b) and filed in a court of competent jurisdiction by the Authority may be enforced as if it were a judgment of that court.

404. Offences relating to explanations

(1) A licensee who, when required under section 401 (Statement and report to the Authority) to provide a written explanation:

- (a) fails to provide a written explanation; or
- (b) knowingly provides an explanation that is false, erroneous or misleading in a material particular,

may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

PART 2 - ACCOUNTS AND AUDITS**405. Accounts**

(1) The licensee must keep such accounting records as correctly record and explain the transactions and financial position of the operations of the licensee.

(2) The accounting records must be kept in such manner as will enable true and fair financial statements and accounts to be prepared from time to time and the financial statements and accounts to be conveniently and properly audited.

(3) The licensee must, as soon as practicable after the end of each financial year, prepare financial statements and accounts, including—

- (a) cash flow statements for the financial year; and
- (b) profit and loss accounts for the financial year; and
- (c) a balance-sheet as at the end of the financial year—

that give a true and fair view of the financial operations of the licensee.

(4) A licensee who fails to comply with this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

406. Books to be kept on the premises

(1) The licensee must ensure that all documents relating to the operations of the licensee are—

- (a) kept at the principal place of business in Antigua and Barbuda of the licensee or at such other place as the Authority approves in writing; and

- (b) retained for not less than 6 years after the completion of the transactions to which they relate.

(2) A licensee who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) The Authority may by instrument in writing grant an exemption to the licensee from all or specified requirements of this section in respect of all or specified, or specified classes of, documents and may grant the exemption subject to conditions.

407. Independent Audit of licensee

(1) A licensee shall, when requested by the Authority and at the cost of the licensee, arrange for an independent person approved by the Authority to audit the licensee's financial operations, which may include but not be limited to verification and reconciliation of:

- (a) tax payments,
- (b) financial records, and
- (c) bank accounts kept for the purpose of the business.

(2) The licensee shall ensure that the report of any audit conducted under subsection (1) is provided to the Authority within ninety days of the date of a request by the Authority.

408. Provision of Annual Financial Reports

When required by the Authority, the licensee will provide to the Authority a copy of the provider's balance sheet and profit and loss statements within three months of the end the financial year of the licensee.

409. Records not to be falsified

(1) A person shall not, with intent to defraud:

- (a) destroy, alter, mutilate or falsify an accounting record or report; or
- (b) make, or cause to be made, a false, erroneous or misleading entry in, or omit or alter, or cause to be omitted or altered, an entry in an accounting record or report,
- (c) required to be kept, maintained or lodged under this Part.

(2) A person who fails to comply with this may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

CHAPTER 18 - UNLAWFUL GAMBLING OFFENCES
PART 1 - GENERAL

410. Definitions

In this Chapter—

instrument of betting includes—

- (a) a document;
- (b) a card, list, money, paper, record, sheet, table, ticket or other written document;
- (c) a mechanical, electrical, telephonic, electronic or other equipment or device or any access to such equipment or device;
- (d) a board, chart or screen; or
- (e) any form or means of recording, storing or transmitting information or data—
- (f) used, apparently used or likely to be used in carrying on or in connection with betting on a racing, sporting or other event, being betting that is not authorised by this Act or any other Act;

instrument of gaming includes an instrument of betting and—

- (a) a document;
- (b) playing cards, dice, balls, coins, tokens or counters;
- (c) a card, list, money, paper, record, sheet, table, ticket or other written document;
- (d) a mechanical, electrical, telephonic, electronic or other equipment or device or any access to any such equipment or device;
- (e) a board, chart or screen; or
- (f) any form or means of recording, storing or transmitting information or data—

used, apparently used or likely to be used in carrying on or in connection with betting or gaming that is not authorised by this Act or any other Act;

instrument of gambling means an instrument of betting or an instrument of gaming;

occupier of a house or place or of any land or building or premises includes the lessee or sub-lessee who is not the owner or named in the certificate of title;

owner of a house, place, land, building or premises includes every person who is, whether at law or in equity—

- (a) entitled thereto for any estate of freehold in possession; or
- (b) in actual receipt of or entitled to receive or, if the house, place, land, building or premises were let to a tenant would be entitled to receive, the rents and profits thereof and if a house, place, land, building or premises is sub-leased includes any lessee or sub-lessee from whom a sub-lessee holds;

place means any place, whether or not—

- (a) within a building; or
- (b) on land or water; or
- (c) defined as to area; or
- (d) on private property;

profit includes a fee, Authority, reward, payment, benefit, advantage, share or interest;

411. Unlawful gambling

(1) The Regulations may prescribe games or forms of gambling that are, for the purposes of this Act, declared to be unlawful gambling.

(2) Any game or form of gambling is declared to be unlawful where—

- (a) the chances are not equally favourable to all the players, including among the players the banker or other person by whom the gambling activity is managed or against whom the other players stake play or bet;
- (b) in any game or form of gambling with cards or other instruments of gambling from which any person derives a percentage or share of the amount or amounts wagered.

(3) A form of gambling referred to in subsections (1) and (2) is not unlawful to the extent that it is authorised by this or any other Act.

PART 2 – OFFENCES**412. Gambling in public places**

(1) A person must not—

- (a) play or bet at any unlawful game or form of gambling; or
- (b) in any public place play or bet by way of wagering or gaming at or with any table instrument or means of wagering or gaming at any game or pretended game of chance.

(2) A person who fails to comply with this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

413. Cheating

(1) A person who by any fraud, unlawful device or ill practice wins from another person (whether for the first person or for any other person) any money or valuable thing—

- (a) in playing at or with cards, dice, tables or other game; or
- (b) in holding or placing a part in the stakes or wagers; or
- (c) in betting on the sides or hands of those who play, or in wagering on the event of, a game, sport, pastime or event—

is taken to be guilty of obtaining the money or valuable thing from the other person by a false pretence with intent to cheat or defraud the other person of the money or valuable thing.

(2) A person who fails to comply with this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

414. Unlawful interference with gambling equipment

(1) A person must not—

- (a) be in possession of any device made or adapted, or intended by the person to be used, for improperly interfering with gaming equipment, monitoring equipment, or betting terminals; or
- (b) do any act or thing calculated, or likely, to improperly interfere with gaming equipment, monitoring equipment or betting terminals; or

- (c) insert, or cause to be inserted, in a gaming machine or betting terminal, any thing other than a gaming token of the denomination or type displayed on the gaming machine as a gaming token, or payment method of a type displayed on a betting terminal as the payment method to be used, in order to operate or gain credit on the gaming machine or betting terminal.

(2) A person who fails to comply with this section may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(3) If a police officer believes on reasonable grounds that a person has committed an offence under subsection (1), the police officer may search the person for any device or thing that the police officer suspects was used in the Authority of the offence.

415. Inducements, cheating

(1) A person must not dishonestly—

- (a) by a scheme or practice; or
- (b) by the use of gaming equipment; or
- (c) by the use of an instrument or article of a type used in connection with gambling, or appearing to be of a type used in connection with gambling, or of any other thing—

in relation to gaming or the conduct of gambling, induce—

- (i) a person licensed under this Act; or
- (ii) an associate of a person so licensed; or
- (iii) an employee or person acting on behalf of a person so licensed—

to deliver, give or credit to the person or another person, any money, gaming tokens, benefit, advantage, valuable consideration or security.

(2) A person licensed under this Act or an associate of a person so licensed or an employee of a person so licensed must not dishonestly—

- (a) by a scheme or practice; or
- (b) by the use of gaming equipment; or

- (c) by the use of an instrument or article of a type used in connection with gambling, or appearing to be of a type used in connection with gambling, or of any other thing—

in relation to gambling or the conduct of gambling, induce a person to deliver, give or credit to the person so licensed or listed or another person, any money, gaming tokens, benefit, advantage, valuable consideration or security.

(3) A person must not dishonestly cause gaming equipment or betting terminals to deliver, give or credit to the person or another person any gaming tokens, benefit, advantage, valuable consideration or security.

(4) A person must not, for the purpose of cheating or stealing in relation to gambling or the conduct of gambling, use or be in possession of—

- (a) any gaming tokens that the person knows are bogus or counterfeit; or
(b) any thing that permits or facilitates cheating or stealing.

(5) A person who fails to comply with any provision of this section may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

416. Offence to provide services relating to unlawful gambling

(1) If a course of conduct is being engaged in of unlawful gambling, a person must not, knowing such conduct is being engaged in—

- (a) make any transaction relating to the unlawful gambling; or
(b) offer or provide accounting, administrative or other services relating to the unlawful gambling.

(2) A person who fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A person who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) For the purposes of subsections (2) and (3), offence means an offence against this section or an offence against a law of another country that would, if committed in Antigua and Barbuda, be an offence against this section.

417. Restrictions on publication of information concerning gambling

(1) A person in Antigua and Barbuda must not publish or disseminate, or cause to be published or disseminated, any information or advice in any form or by any method of communication—

- (a) as to betting on an intended racing, sporting or other event, whether conducted in Antigua and Barbuda or elsewhere;
- (b) as to betting odds in connection with any such racing, sporting or other event; or
- (c) as to an unlawful game;

wherein or whereby it is made to appear that the person or any other person, either in Antigua and Barbuda or elsewhere, will, if required—

- (d) bet in connection with; or
- (e) give information or advice directly or indirectly as to the betting or the betting odds on—

an intended racing, sporting or other event, whether conducted in Antigua and Barbuda or elsewhere, or an unlawful game.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A person who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) A person—

- (a) who is registered as the proprietor, printer or publisher of a newspaper; or
- (b) who has the conduct, management or control of any other method of communication—

that contains or purports to contain any information or advice that gives rise to an offence against subsection (1) is taken to have published or disseminated that information or advice unless the person proves that the person had no reasonable grounds for suspecting that the information or advice related to any of the matters referred to in that subsection.

(5) In the absence of proof to the contrary, a person or body named in any information or advice referred to in subsection (2) is taken to have published or disseminated it.

(6) Nothing in this section prohibits the publication (other than by way of advertisement or for valuable consideration) of—

- (a) the betting odds prevailing in any place in relation to a racing, sporting or other event, whether to be conducted in Antigua and Barbuda or elsewhere; or
- (b) any information concerning, or comment on, those betting odds.

PART 3 – COMMON GAMBLING HOUSES

418. Common gambling houses and places

(1) A person who—

- (a) is the owner or occupier or has the use of any house or place and opens, keeps or uses the house or place for the purpose of unlawful gambling being carried on in the house or place (whether in person or by messenger, agent, post, telephone or otherwise); or
- (b) is the owner or occupier of a house or place and knowingly and wilfully permits the house or place to be opened, kept or used by another person for the purpose of unlawful gambling being carried on in the house or place (whether in person or by messenger, agent, post, telephone or otherwise); or
- (c) has the care or management of or in any manner assists in conducting the business of a house or place opened, kept or used for the purpose of unlawful gambling being carried on in the house or place (whether in person or by messenger, agent, post, telephone or otherwise); or
- (d) receives, advances or furnishes money for the purpose of gambling with persons frequenting such a house or place; or
- (e) keeps or has the care or management of a common gambling house or place; or
- (f) is a banker, croupier or other person who acts in any manner in the conduct of a common gambling house or place—

may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(2) A person who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(3) In subsections (1) and (2), offence means an offence against subsection (1) or an offence against a law of another country that would, if committed in Antigua and Barbuda, be an offence against subsection (1).

419. Penalty on persons advertising common gambling houses

(1) A person must not—

- (a) exhibit or publish or cause to be exhibited or published a placard, handbill, card, writing or notice whereby it is made to appear that a house or place is a gambling house or place of gambling; or
- (b) on behalf of the owner or occupier of a house or place, or persons using a house or place, invite other persons to resort to the house or place for the purpose of gambling.

(2) A person must not send, exhibit or publish or cause to be sent, exhibited or published a letter, circular, telegram, handbill, card, email, writing or notice—

- (a) with intent to induce a person to apply to a house or place or to a person with the view of obtaining information or advice for the purpose of a bet or wager on or with respect to any gambling activity; or
- (b) inviting a person to make or take a share in or in connection with any such bet or wager.

(3) A person who fails to comply with subsections (1) or (2) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(4) Nothing in this section applies to a person is licensed or permitted under this Act to conduct any form of gambling, or who is otherwise approved for this purpose in writing by the Authority.

(5) The Regulations may prescribe permitted forms or locations of advertising lawful gambling.

(6) The Authority may issue directions not inconsistent with this Act or Regulations to any person regarding the form or location of any advertising of lawful gambling-

- (a) either generally or limited in its application; and
- (b) subject to conditions.

(7) The Authority may add, omit or vary a condition at any time.

(8) It is a defence to a prosecution for an offence against subsections (1) or (2) to prove that the accused did not know, and had reasonable grounds for not knowing, that the information or notice related to unlawful betting or unlawful games.

420. Warrant to enter common gambling house and search and seize on premises

(1) A police officer may apply to a magistrate for a warrant under this section if the police officer or another person suspects on reasonable grounds that any house or place—

- (a) is a common gambling house or place; or
- (b) contains any instruments of gaming.

(2) If a magistrate is satisfied by evidence on oath or by affidavit that there are reasonable grounds for the suspicion founding an application under subsection (1), the magistrate may issue a warrant authorising and directing the person to whom it is issued and any other police officer—

- (a) to enter and re-enter the house or place at any time and as often as and with any assistants that may be found necessary and if necessary to use force for making entry or re-entry whether by breaking open doors or otherwise; and
- (b) to arrest, search and bring before a court to be dealt with according to law all persons found in the house or place or entering or leaving it; and
- (c) to diligently search all parts of the house or place where the police officer suspects that instruments of gambling are concealed; and
- (d) to seize and bring before a court to be dealt with according to law all instruments of gambling and all money and securities for money found in the house or place or on any person referred to in paragraph (b).

421. Offence to obstruct the entry of authorised police officers

(1) A person must not—

- (a) wilfully prevent a police officer authorised to enter any house or place by a warrant under section 420 (Warrant to enter common gambling house and search and seize on premises) from entering or re-entering the house or place or any part of it; or
- (b) obstruct or delay any police officer in entering or re-entering the house or place or part; or
- (c) for the purpose of preventing obstructing or delaying the entry or re-entry of a police officer into a house or place referred to in the warrant, secure an external or

internal door or means of access by a bolt, bar, chain or other contrivance or uses any other means for that purpose.

(2) A person who fails to comply with this section may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

422. Obstructing entry to be evidence of house being a common gaming house

(1) If—

- (a) a police officer authorised by a warrant under section 420 (Warrant to enter common gambling house and search and seize on premises) to enter a house or place is wilfully prevented from or obstructed or delayed in entering or re-entering the house or place or any part of it; or
- (b) an external or internal door or means of access to a house or place authorised to be entered under the warrant is found to be fitted or provided with a bolt, bar, chain or other means or contrivance for the purpose of preventing delaying or obstructing entry or re-entry or for giving an alarm in case of entry or re-entry; or
- (c) a house or place is found fitted or provided with any means or contrivance for—
 - (i) unlawful gambling; or
 - (ii) concealing, removing or destroying any instruments of gambling—

the prevention, obstruction, delay, fitting or finding is, without prejudice to any other mode of proof, proof in the absence of evidence to the contrary that the house or place is a common gambling house or place and that the persons found in the house or place were unlawfully gambling there.

423. Offence of permitting premises to be used as or as access to a common gambling house or place

(1) An owner or occupier, or an agent for an owner or occupier, of a house or place must not permit or allow the house or place—

- (a) to be a common gambling house or place; or
- (b) to be used as a means of access to or of exit or escape from a common gambling house or place.

(2) A person who fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3.) A person who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) Subsection (1) does not apply to an owner who is not the occupier or to an agent, if the court is satisfied that the owner or agent—

- (a) was ignorant of and had no reasonable ground to suspect that the house or place was a common gambling house or place or was used for a purpose referred to in subsection (1)(b); or
- (b) had taken all reasonable steps to prevent the house or place being a common gambling house or place or being used for a purpose referred to in subsection (1)(b).

424. Power of owner to evict occupier of common gambling house or place

(1) If an owner of a house or place—

- (a) has reasonable grounds to suspect that the house or place is a common gambling house or place; or
- (b) has reasonable grounds to suspect that the house or place is used as a means of access to or of exit or escape from a common gambling house or place—

the owner may serve on the occupier a notice to quit (stating that the notice is given under this section).

(2) Subject to this Act, if a notice is served under subsection (1), any tenancy under which the occupier occupies the house or place is terminated on the 3rd day after the date of service as if the tenancy had expired by effluxion of time.

(3) If a tenancy terminates under subsection (2), the owner may, without any authority other than this Act, take legal proceedings to evict and may evict the occupier.

(4) A notice under subsection (1) must be served personally on the occupier unless the occupier cannot be found, in which case service may be effected by posting a copy of the notice on a conspicuous part of the house or place.

425. Cancellation of notice to quit

(1) A notice to quit under section 424 (Power of owner to evict occupier of common gambling house or place) may at any time be cancelled and relief be granted by the High Court subject to any terms the court thinks fit on application by the occupier and on proof that the occupier has not at any time—

- (a) used, allowed or permitted the house or place to be a common gambling house or place; or
- (b) used, allowed or permitted the house or place to be used as a means of access to or of exit or escape from a common gambling house or place.

(2) Notice in writing of an application under subsection (1) must, not less than 72 hours before the hearing of the application, be given to the owner of the house or place.

(3) On being served on the owner, notice of an application under subsection (1) operates as a stay of any proceedings under section 424 (Power of owner to evict occupier of common gambling house or place) until the matter of the application is determined.

426. Declaration of common gaming house or place

(1) A senior police officer may apply to the High Court for a declaration under subsection (4) if the officer suspects on reasonable grounds that a house or place is used as—

- (a) a common gambling house or place; or
- (b) a means of access to or of exit or escape from a common gambling house or place.

(2) An application must be supported by affidavit.

(3) Notice in writing of the application must, not less than 72 hours before the hearing of the application—

- (a) be served on the owner or occupier of the house or place; or
- (b) be advertised in a newspaper circulating generally in the locality in which the house or place is situated.

(4) On an application under subsection (1), the Court may declare the house or place which is the subject of the application to be a common gambling house or place.

(5) A declaration remains in force—

- (a) for the period specified in the declaration; or
- (b) until rescinded by the Court—

whichever is the earlier.

427. Application for rescission by owner

(1) The owner, agent, mortgagee or occupier of a house or place that has been declared to be a common gambling house or place may apply to the Court for rescission of the declaration.

(2) Notice in writing of the application must, not less than 72 hours before the hearing of the application, be served on a senior police officer stationed in the police district in which the common gambling house or place is situated.

(3) On an application under subsection (1), the applicant must prove on the balance of probabilities that the applicant has not at any time used the house or place as a common gambling house or place or as a means of access to or of exit or escape from a common gambling house or place or permitted it to be so used.

(4) The Court may rescind a declaration subject to any terms or conditions that the Court thinks fit, including the giving of security to ensure that the house or place will not be used again as a common gambling house or place or as a means of access to or of exit or escape from a common gambling house or place.

428. Application for rescission by police

(1) A senior police officer may apply to the Court for rescission of a declaration that a house or place is a common gambling house or place.

(2) On an application under subsection (1), the applicant must prove on the balance of probabilities that the house or place is not used as a common gambling house or place or in contravention of this Part.

(3) The Court may rescind a declaration in the manner referred to in subsection (4) of section 427 (Application for rescission by owner).

429. Other notices of declaration

(1) If a house or place is declared to be a common gambling house or place under section 426 (Declaration of common gambling house or place), a senior police officer must—

- (a) cause a notice of the making of the declaration—
 - (i) to be published on 2 days in a newspaper circulating in the neighbourhood of the house or place; and
 - (ii) to be served on the owner, agent, mortgagee or occupier of the house or place; and

- (iii) cause a copy of the declaration to be posted up on the house or place so as to be visible and legible to a person entering the house or place.

(2) Service under subsection (1)(a) (ii) may be effected—

- (a) by personal service; or
- (b) if, in the opinion of the senior police officer, personal service cannot be effected promptly, by causing a copy of the notice to be affixed at or near to the entrance to the house or place; or
- (c) in the case of the owner or occupier, by posting a prepaid letter addressed to "the owner" or "the occupier" and bearing an address or description of the house or place that, in the opinion of the court, would ensure the delivery of the letter at the house or place.

(3) In a proceeding under this Act, the production of a copy of a newspaper containing a notice referred to in subsection (1)(a)(i) is evidence that the notice was duly published in that newspaper on the date appearing on the newspaper.

(4) A person must not cover, remove, deface or destroy a copy of a declaration posted up on premises in accordance with subsection (1)(b).

(5) A person who fails to comply with subsection (4) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(6) It is not a defence to a proceeding under this section to show—

- (a) non-compliance with any of the requirements of this section; or
- (b) that a copy of a declaration posted up on premises in accordance with subsection (1)(b) has been covered, removed, defaced or destroyed.

430. Persons found in declared common gambling house

(1) If—

- (a) a house or place has been declared to be a common gambling house or place; and
- (b) notice of the making of the declaration has been published in a newspaper in accordance with section 430 (Other notices of declaration); and
- (c) the declaration is in force—

a person must not be found in or entering or leaving the common gambling house or place or any other house or place used as a means of access to, or of exit or escape from, the common gambling house or place.

(2) A person who fails to comply with subsection (1) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

(3) It is a defence to a prosecution for an offence against subsection (1) to prove that the accused—

- (a) was ignorant of the making of the declaration at the time of the alleged offence; or
- (b) was in or entering or leaving the house or place for a lawful purpose.

431. No business to be carried on in declared common gambling house

A person must not carry on, exercise or conduct a business, trade, profession or calling, whether authorised by a licence, registration or authority under an Act or otherwise and whether on behalf of any person or otherwise, in a house or place that has been declared to be a common gambling house or place during the time that the declaration is in force.

432. Liability of owner

(1) If—

- (a) notice of the making of a declaration under section 426 (Declaration of common gambling house or place) is served on an owner of a house or place; and
- (b) during the time that the declaration is in force, the house or place is used as a common gambling house or place or as a means of access to or of exit or escape from a common gambling house or place—

the owner is guilty of an offence.

(2) An owner who fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3) An owner who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) It is a defence to a charge for an offence against subsection (1) to prove that the accused took all reasonable steps to evict the occupier from the house or place.

433. Liability of occupier

(1) If—

- (a) notice of the making of a declaration is served on an occupier of a house or place; and
- (b) during the time that the declaration is in force, the house or place is used as a common gambling house or place or as a means of access to or of exit or escape from a common gambling house or place—

the occupier is guilty of an offence.

(2) An occupier who fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3) An occupier who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) It is a defence to a charge for an offence against subsection (1) to prove that the accused took all reasonable steps to prevent such use.

434. Additional penalty for continuing offences

A person who is guilty of an offence against section 433 (Liability of occupier) that is of a continuing nature is liable, in addition to the penalty set out in that section, to a further penalty of not more than one thousand dollars for each day during which the offence continued after service by a police officer on the person of a notice of contravention.

435. Entry by police

(1) While a declaration under this Part is in force with respect to a house or place, any police officer may at any time—

- (a) enter that house or place; and
- (b) enter any land or building which the police officer has reasonable grounds to suspect is used as a means of access to or of exit or escape from that house or place; and
- (c) pass through, from, over and along any other land or building for the purpose of entering under paragraph (a) or (b); and

- (d) for the purposes of paragraph (a), (b) or (c) break open doors, windows and partitions and do any other acts that are necessary; and
- (e) seize any instruments of gambling and any documents relating to gambling any money and securities for money in that house or place or upon any persons found there; and
- (f) arrest, search and bring before a Court all persons found in or on or entering or leaving that house or place without lawful excuse.

436. Procedure where house or place is entered under warrant or under section 435

(1) This section applies if a house or place is entered under a warrant under this Chapter or pursuant to section 435 (Entry by police) and-

- (a) a person is found in the house or place or entering or leaving it; or
- (b) a person is arrested as a person found in or entering or leaving a house or place to which this Chapter applies.

(2) If this section applies, the police officer authorised to enter the house or place may require the person specified in subsection (1) to give his or her name and address.

(3) In addition to any other power that the Court may possess, the Court may—

- (a) on the oral statement of a police officer direct orally or in writing that a person be released from custody; or
- (b) by warrant imprison a person until the hearing of a charge against them for an offence under this Chapter; or
- (c) discharge a person on the person entering into a recognizance (with or without sureties at the discretion of the Court) conditioned for appearing at the hearing of the charge;
- (d) on a prosecution of a person for an offence in connection with a house or place referred to in subsection (1), any other person found in the house or place (whether or not concerned in or connected with any contravention of this Chapter and whether or not present in court by virtue of any recognizance, summons or warrant) may be required by the court to give evidence on oath relating to the offence;

(4) A person referred to in paragraph (d) is not excused from giving evidence on the ground that it will tend to incriminate the person;

(5) A person referred to in paragraph (d) who refuses to be sworn or to give evidence is subject to be dealt with in all respects as if the person were a person appearing before a court in obedience to a subpoena or a summons to a witness who refuses without lawful cause or excuse to be sworn or to give evidence.

(6) A person must not—

- (a) refuse to give a name or address under subsection (2); or
- (b) give a false name or address.

(7) A person who fails to comply with subsection (6) may be liable to summary prosecution and, on conviction, to the penalty specified in section 386 (Penalties).

437. Persons found in common gambling house or place

(1) A person who is at any time found in a common gambling house or place (whether entered under a warrant or not) without lawful excuse is guilty of an offence.

(2) A person who fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A person who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

PART 4 – POSSESSION OF INSTRUMENTS OF GAMBLING

438. Possession of instrument of gaming or betting

(1) A person must not possess an instrument of gaming or betting not authorised under this Act.

(2) A person who fails to comply with this section may be liable to summary prosecution for a first offence and, on conviction, to the penalty specified in section 386 (Penalties).

(3) A person who fails to comply with this section after conviction for a first offence may be liable to prosecution on indictment and, on conviction, to the penalty specified in section 386 (Penalties).

(4) In this section—

possession includes—

- (a) actual physical possession; and

- (b) custody or control; and
- (c) having and exercising access, either solely or in common with others—

and an instrument of betting or gaming is in a person's possession if it is on land or in premises occupied, used or controlled by the person;

relevant offence means an offence against this section or an offence against a law of another country that would, if committed in Antigua and Barbuda, be an offence against this section.

439. Search and seizure of instruments of gaming or betting

(1) A police officer in any place may stop, detain and search—

- (a) a vehicle in or on which the police officer reasonably suspects there is an instrument of gaming or betting; or
- (b) a person who the police officer reasonably suspects is committing an offence against section 438 (Possession of instruments of gaming or betting);
- (c) may seize any instrument of gaming or betting found; and

for the purposes of paragraphs (a) (b) and (c), may use such force as is reasonably necessary in gaining entry into the vehicle, conducting the search or seizing an instrument of gaming or betting.

440. Acting as keeper of gambling houses

(1) A person who has or appears to have the care or management of a house or place opened, kept or used—

- (a) as a common gambling house or place; or
- (b) otherwise in contravention of this Chapter—

is taken to be the occupier of that house or place (whether or not the person is the actual occupier).

441. Evidence as to offences

(1) For the purposes of this Chapter—

- (a) it is not necessary to prove that a house or place was used as a gambling house or place of gambling more than once for a particular purpose;

- (b) the burden of proving that a building or part of a building is not a private dwelling lies with the prosecution;
- (c) the burden of proving that land or premises (whether enclosed or unenclosed) is not a place where a person may lawfully bet lies with the prosecution;
- (d) keeping a bank in any house or place apparently for the purpose of an unlawful gaming or betting is proof (in the absence of evidence to the contrary) that the house or place is a common gambling house or place;
- (e) in the absence of evidence to the contrary—
 - (i) an instrument of gambling found in any house or place or about the person of anyone in that house or place; or
 - (ii) telephone calls or other communications received in any house or place—

in circumstances which raise the reasonable inference that the house or place is used for a purpose described in section 419 (Common gambling houses and places) is proof that the house or place is a common gambling house or place and that the persons found in that house or place were playing at an unlawful game;

- (f) a person found playing a game or betting in any house or place alleged to be opened, kept or used in contravention of any of the provisions of this Chapter, is proof (in the absence of evidence to the contrary) that the relevant person was playing for money, wager or a stake;
- (g) money or other valuable thing paid, given or received in circumstances which appear to a court of competent jurisdiction to raise a reasonable suspicion that the money or thing was paid, given or received in contravention of this Part is proof (in the absence of evidence to the contrary) that the money or thing was paid, given or received in contravention of this Chapter;
- (h) instruments of gaming or lists, books, cards, papers or documents of things relating to racing, betting or gaming found in a house or place or about the person of those found entering or leaving the premises in circumstances which appear to the court to raise a reasonable suspicion that the purposes and provisions of this Chapter have been contravened is proof (in the absence of evidence to the contrary) that the relevant house or place is a common gambling house or place.

442. Vicarious liability

If a person in the course of employment or while acting as an agent—

- (a) commits an offence against this Chapter; or
- (b) engages in any conduct that would, if engaged in by the person's employer or principal, be an offence against this Chapter—

both the person and the employer or principal are taken to have committed the offence, and either or both of them may be prosecuted for it.

(2) An employer or principal is not liable for an offence committed by an employee or agent if the employer or principal proves, on the balance of probabilities, that the employer or principal took reasonable precautions to prevent the employee or agent committing the offence.

443. Entry of police to public places

For the purpose of performing any function in relation to this Chapter, a police officer is authorised to enter and remain in any public place.

CHAPTER 19 - REGULATIONS

444. Regulations

(1) The Minister may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

(2) Regulations made under this Act—

- (a) may be of general or specially limited application; and
- (b) may differ according to differences in time, place or circumstances; and
- (c) may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person whether—
 - (i) wholly or partially or as amended by the regulations; or
 - (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
 - (iii) as formulated, issued, prescribed or published from time to time; and
- (d) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Authority or a person belonging to a class of persons specified in the regulations; and

- (e) may impose penalties not exceeding \$200,000 for a contravention of the regulations.

(3) A power conferred by this Act to make regulations providing for the imposition of fees may be exercised by providing for all or any of the following matters—

- (a) specific fees;
- (b) maximum fees;
- (c) minimum fees;
- (d) fees that vary according to class of premises or venue or class of persons holding a gambling industry employee's licence;
- (e) the manner of payment of fees;
- (f) the time or times at which fees are to be paid.

CHAPTER 20 – AMENDMENTS, REPEALS AND TRANSITIONAL PROVISIONS

PART 1 – REPEALS

445. Small Charges Act

- (1) Section 28 of the Small Charges Act is repealed.

446. Betting and Gaming Act

- (1) The Betting and Gaming Act is repealed.

PART 2 - AMENDMENTS

447. Interactive Gaming and Interactive Wagering Regulations 2007

(1) On the commencement day of this Chapter, the Interactive Gaming and Interactive Wagering Regulations 2007 made under section 351 of the International Business Corporation Act Cap. 222 are to be taken to be Regulations made under this Act.

(2) Delete from the statement of authorisation of the making of the Regulations the words “section 351 of the International Business Corporation Act Cap.222.” and replace with the words “section 444 of the Gambling Act 2016”

(3) In Regulation 2-

- (a) after “the Act” delete the words “means the International Business Corporation Act;” and replace with the words “means the Gambling Act 2016;”
- (b) after the word “Minister” delete the words “means the Minister responsible for Finance;” and replace with the words “means the Minister responsible for the administration of the Gambling Act 2016;”

448. References

(1) Any reference to the “Authority” in the Interactive Gaming and Interactive Wagering Regulations 2007 and any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after that day and if not inconsistent with the context or subject-matter, be construed as a reference to the Gambling Authority of Antigua and Barbuda established by this Act.

(2) A reference to the “Board” in the Interactive Gaming and Interactive Wagering Regulations 2007 and in any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after that day and if not inconsistent with the context or subject-matter, be construed as a reference to the Gambling Authority of Antigua and Barbuda established by this Act.

(3) A reference to the “Director” in the Interactive Gaming and Interactive Wagering Regulations 2007 and any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after that day and if not inconsistent with the context or subject-matter, be construed as a reference to the Gambling Authority of Antigua and Barbuda established by this Act.

PART 3 - GENERAL TRANSITIONAL PROVISIONS

449. Inspectors

(1) Subject to subsection (2), a person who is, immediately before the commencement day, an inspector appointed under Regulation 238 of the Interactive Gaming and Interactive Wagering Regulations 2007 is to be taken to be an inspector under this Act.

(2) Despite section 32 (Criminal Records Check) of this Act, the Authority and the Commissioner of Police have a period of 6 months from the commencement day to comply with section 32 in respect of photographs, finger prints and/or palm prints required to be taken under section 32 of the Act.

450. The Betting and Gaming Act

(1) On and after the commencement day of the relevant Chapter, any licence, approval, condition or other action issued or taken under the Betting and Gaming Act is taken to be a licence, approval, condition or other action issued or taken under this Act.

(2) Subject to the presentation to the Authority of documentary evidence that shows a contrary obligation, such licence, approval, condition or other action expires after a period of 12 months after the relevant commencement date.

(3) Notwithstanding subsection (1), any person who holds any licence, permit, approval or authorisation, howsoever termed, under the Betting and Gaming Act, shall

- (a) provide written notice to the Authority of the existence of such licence, permit, approval or authorisation within 28 days of the commencement of this Chapter; and
- (b) if required by the Authority, provide such additional information regarding the gambling business or gambling activities of that person, as the Authority may require.

451. Interactive Gaming and Interactive Wagering Regulations 2007

(1) This section applies to any applications, requests for approvals, decisions, considerations, requirements, reporting or complaints made under the Interactive Gaming and Interactive Wagering Regulations 2007 before the commencement day in respect of which the Authority, Board or Director has not made a decision before that day.

(2) On and after the commencement day, any decision, approval, report or other action taken or made by the Authority, Board or Director under the Interactive Gaming and Interactive Wagering Regulations 2007 is to be taken to have been taken by, or made by, the Gambling Authority of Antigua and Barbuda.

452. Pending Matters under Interactive Gaming and Interactive Wagering Regulations 2007

(1) This section applies if immediately before the commencement day—

- (a) the Authority, Board or Director under the Interactive Gaming and Interactive Wagering Regulations 2007 has commenced to do something required or permitted to be done under the Regulations, and
- (b) the Authority, Board or Director under the Interactive Gaming and Interactive Wagering Regulations 2007 has not completed doing that thing before that day.

(2) On and after the commencement day, the Gambling Authority of Antigua and Barbuda may continue to do and complete that thing in accordance with Interactive Gaming and Interactive Wagering Regulations 2007.

453. Information held under the Interactive Gaming and Interactive Wagering Regulations 2007

(1) On and after the commencement day, any submissions made whether orally or writing to, or any record of any hearings conducted before the Authority, Board or Director under the Interactive Gaming and Interactive Wagering Regulations 2007 are taken to be made to, or received by the Gambling Authority of Antigua and Barbuda.

(2) Despite anything to the contrary in any Act or law, every document or other information held by the Authority, Board or Director under the Interactive Gaming and Interactive Wagering Regulations 2007 immediately before the commencement day that is relevant to the functions of the new Authority is, on that day, taken to be a document or information of the Gambling Authority of Antigua and Barbuda.

454. Notices

A notice given, issued or served by the Authority, Board or Director under the Interactive Gaming and Interactive Wagering Regulations 2007 that is in force immediately before the commencement day is, on that day, taken to be a notice given, issued or served by the Gambling Authority of Antigua and Barbuda.

455. Taxes

No duty or other tax is chargeable under any Act in respect of anything done under this Chapter or in respect of any act or transaction connected with or necessary to be done by reason of this Chapter, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities of the former Authority Board or Director.

PART 4 - GENERAL

456. Validity of things done under this Chapter

(1) Nothing effected or to be effected by this Chapter or done or suffered under this Chapter—

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or
- (b) is to be regarded as placing any person in breach of, or as constituting a default under, any Act or other law or obligation or any provision in any agreement,

arrangement or understanding including, but not limited to, any provision or obligation prohibiting, restricting or regulating the assignment, transfer, sale or disposal of any property or the disclosure of any information; or

- (c) is to be regarded as fulfilling any condition that allows a person to exercise a power, right or remedy in respect of or to terminate any agreement or obligation; or
- (d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any relevant property; or
- (e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or
- (f) is to be regarded as frustrating any contract; or
- (g) releases any surety or other obligor wholly or in part from any obligation.

SCHEDULE 1
SCHEDULE OF TAX RATES

- (1) For the purposes of sections 332 and 398, the following rates of taxes are specified –

Commercial Lottery Tax	18% of sales, payable per calendar month and due within 7 days following the end of each calendar month.
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- (2) For the purposes of section 398, the following rates of taxes are specified –

Gaming Machine Tax	8% of player loss, payable per calendar month and due within 7 days following the end of each calendar month
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Gaming Table Tax	8% of player loss, payable per calendar month and due within 7 days following the end of each calendar month.
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Betting Provider's Tax	8% of the gross revenue derived from bets settled in the previous calendar month, payable within 7 days following the end of the calendar month. For purposes of calculation, any loss or losses incurred in one month are not to be carried forward to the following month.
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- (3) For the purposes of section 394, the following rate is specified for the gaming machine levy

Gaming Machine Levy	\$30 per machine per month, payable Within 7 days following the end of the calendar month.
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- (4) For the purposes of section 395, the following rate is specified for the gaming table levy

Gaming Table Levy	\$30 per table per month, payable within 7 days following the end of the calendar month.
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Passed by the House of Representatives on the 8th day of December, 2016.

Passed by the Senate on the 19th day of December, 2016.

Gerald Watt, Q.C.,
Speaker

Alinicia Williams Grant,
President

Ramona Small,
Clerk to the House of Representatives

Ramona Small,
Clerk to the Senate