

CHAPTER 387
LOTTERIES AND GAMING

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CHAPTER 387

LOTTERIES AND GAMING

An Act to regulate lotteries and gaming and for matters connected therewith or incidental thereto.

*[Assent 17th April, 1969]
[Commencement 1st August, 1969]*

*8 of 1969
1 of 1971
2 of 1972
13 of 1974
E.L.A.O., 1974
19 of 1975
7 of 1977
3 of 1978
18 of 1988
21 of 1988
27 of 1995
14 of 2001
25 of 2002
15 of 2007*

**PART I
PRELIMINARY**

1. This Act may be cited as the Lotteries and Gaming Act.

Short title.

2. (1) In this Act unless the context otherwise requires the following expressions have the meanings hereby assigned to them respectively, that is to say —

Interpretation.

“the Board” means the Gaming Board for The Bahamas established under this Act;

“company” means any company incorporated or registered under any law in force in The Bahamas and any company which, though incorporated or registered outside The Bahamas, carries on business therein;

“functions” includes powers and duties;

“game of chance” does not include any athletic game or sport, but, with that exception, and subject to subsection (5), includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined;

“gaming” (subject to subsection (3)) means the playing of a game of chance for winnings in money or money’s worth and, in Part IV, “gaming” includes sports betting and pari-mutuel wagering;

*27 of 1995, s. 2.
25 of 2002, s. 2.*

“inspector” means an officer of the Board appointed as an inspector under section 62;

“instrument for gambling” includes any article, document or other thing whatsoever which is used in and for the purpose of a lottery;

13 of 1974, s. 2.

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- 13 of 1974, s. 2.* “lottery” includes any sweepstake and any game, method or device whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, held, drawn, exercised or managed whether in The Bahamas or elsewhere or upon the basis of the outcome of a future contingent event whether occurring in The Bahamas or elsewhere and also includes the game called or known as “numbers”;
- “machine” includes any apparatus;
- E.L.A.O., 1974.* “Minister” means the Minister responsible for Lotteries and Gaming;
- “money” includes a cheque, banknote, postal or money order;
- “Part” means Part of this Act;
- 27 of 1995, s. 2.* “player” —
- (a) in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game, stake, play or bet;
- (b) in relation to sports betting, means a person who takes part in the sports betting by making a bet on an athletic game or sport, and whose bet is accepted by another person for the purposes of the sports betting; and
- 25 of 2002, s. 2.* (c) in relation to pari-mutuel wagering, means a person who takes part in pari-mutuel wagering by making a bet on races and whose bet is accepted by another person for the purpose of pari-mutuel wagering;
- “premises” includes any place;
- “prescribed” means prescribed by regulations made under this Act;
- 3 of 1978, s. 2.* “relevant premises” in relation to licences under this Act or to applications relating to such licences, means the premises in respect of which the licences are for the time being in force or the premises to which the applications relate as the case may be and includes a bar, lounge, restaurant or other public facility housed in the premises;”

“section” means section of this Act;

“sports betting” means the placing of bets on any athletic game or sport taking place within or outside The Bahamas other than horse racing. *27 of 1995, s. 2.*

“subsection” means subsection of the section in which it is contained;

“vehicle” includes a railway carriage and also includes an aircraft while it is on the ground and a hover vehicle (that is to say, a vehicle designed to be supported on a cushion of air) whether it is on the ground or not;

“vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water;

“winnings” includes winnings of any kind, and any reference to the amount or to the payment of winnings shall be construed accordingly.

(2) For the purposes of this Act a place shall be deemed to be used for a purpose if it is used for that purpose even on one occasion only.

(3) Where apart from this subsection the playing of a game of chance would constitute gaming and also constitutes a lottery, then if —

- (a) in so far as it is a lottery, it is a lottery promoted as mentioned in section 14, or is a private lottery as defined by subsection (1) of section 15, or is a lottery organised as mentioned in subsection (1) of section 16; and
- (b) each winner of a prize is ascertained by reference to not more than three determining factors each of those factors being either the result of a draw (or other determination) or the outcome of an event,

the playing of the game shall not constitute gaming for the purposes of this Act.

(4) For the purposes of Part II —

- (a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form; and

(b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside The Bahamas, and the expression “distribution” shall be construed accordingly.

(5) In determining for the purposes of this Act whether a game which is played otherwise than against one or more other players is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance shall be disregarded.

(6) In construing section 14 or 29, proceeds of any entertainment, lottery, gaming or amusement promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole, shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(7) For the purposes of the said sections 14 and 29, where any payment falls to be made by way of a hiring, maintenance or other charge in respect of any equipment for holding a lottery or gaming at any entertainment then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other such equipment is used for the purposes of betting, lotteries or gaming, that payment shall be held to be an application of the stakes hazarded or proceeds of the entertainment, as the case may require, for purposes of private gain; and accordingly any reference in the said section 14 or 29 to expenses shall not include a reference to any such charge falling to be so determined.

(8) Subsection (6) of this section extends to any society which is established and conducted either —

- (a) wholly for purposes other than purposes of any commercial undertaking; or
- (b) wholly or mainly for the purposes of participation in or support of athletic sports or athletic games,

and in the said subsection (6) and this subsection the expression “society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

**PART II
LOTTERIES**

3. Subject to the provisions of this Act, all lotteries are unlawful.

Illegality of lotteries.

4. (1) Subject to the provisions of this section, every person who —

Offences in connection with lotteries.

13 of 1974, s. 3.

- (a) in connection with any lottery promoted or proposed to be promoted in The Bahamas —
 - (i) prints any tickets for use in the lottery; or
 - (ii) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
 - (iii) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution —
 - (aa) any advertisement of the lottery; or
 - (bb) any list, whether complete or not, of prize winners or winning tickets in the lottery; or
 - (cc) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
 - (iv) brings, or invites any person to send, into The Bahamas for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
 - (v) causes, procures or attempts to procure any person to do any of the aforementioned acts; or
- (b) in connection with any lottery promoted or proposed to be promoted outside The Bahamas prints, or causes, procures or attempts to procure any person to print —
 - (i) any tickets for use in the lottery; or

- (ii) any matter or thing mentioned at head (aa) or (bb) or (cc) of subparagraph (iii) of paragraph (a) of this subsection.

13 of 1974, s. 3.

shall be guilty of an offence and shall be liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment and, in the case of a second or subsequent conviction for such offence, shall be liable to a fine not exceeding two thousand dollars and shall be sentenced to imprisonment for a term not exceeding eighteen months.

(2) In any proceedings instituted under subsection (1) it shall be a defence to prove either —

- (a) that the lottery to which the proceedings relate was a lottery permitted or declared not to be unlawful by section 14, 15 or 16, and that at the time of the alleged offence the person charged believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken; or
- (b) that the lottery to which the proceedings relate was also a game of chance and that at the time of the alleged offence the person charged believed, and had reasonable ground for believing, that it was being conducted in such circumstances that no offence under Part III or Part IV was committed.

(3) Proceedings under head (cc) of subparagraph (iii) of paragraph (a) of subsection (1) in respect of any matter published in a newspaper shall not be instituted except by or by direction of the Attorney-General.

Offence to pay money for purpose of participating in lottery.

13 of 1974, s. 4.

5. (1) Any person who pays or deposits any money or money's worth to or with any person for the purpose of participating in a lottery, shall be guilty of an offence and liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment and, in the case of a second or subsequent conviction for such offence, shall be liable to a fine not

exceeding one thousand dollars and shall be sentenced to imprisonment for a term not exceeding twelve months.

(2) Where it is proved that a person charged with an offence under this section paid or deposited money or money's worth to or with another person in circumstances from which it could reasonably be inferred that the payment or deposit was made for the purpose of participating in a lottery, it shall, until the contrary is proved, be presumed that the money or money's worth was paid or deposited for the purpose of participating in a lottery.

6. (1) Any person who receives directly or indirectly any money or money's worth from another person for any purpose whatsoever connected with a lottery shall be guilty of an offence and liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment and, in the case of a second or subsequent conviction for such offence, shall be liable to a fine not exceeding two thousand dollars and shall be sentenced to imprisonment for a term not exceeding eighteen months.

Offence to receive money for purpose of lottery.
13 of 1974, s. 4.

(2) Where it is proved that a person charged with an offence under this section received money or money's worth from another person in circumstances from which it could reasonably be inferred that the money or money's worth was received for a purpose connected with a lottery, it shall, until the contrary is proved, be presumed that the money or money's worth was received for the purpose of a lottery.

7. (1) Any person who has in his possession without lawful excuse (the proof whereof shall be upon him) any instrument for gambling shall be guilty of an offence and liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and, in the case of a second or subsequent conviction for such offence, shall be liable to a fine not exceeding three thousand dollars and shall be sentenced to imprisonment for a term not exceeding two years.

Offence to possess instruments for gambling.
13 of 1974, s. 4.

(2) Proceedings under this section shall not be instituted except by or by the direction of the Attorney-General.

Offence to possess books etc. having names etc. for purpose of lottery.
13 of 1974, s. 4.

8. (1) Any person who has in his possession any book, paper or other instrument whatsoever having thereon any name, initial, number, symbol, code or other mark for any purpose whatsoever connected with a lottery, shall be guilty of an offence and liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding two years or to both such fine and imprisonment and, in the case of a second or subsequent conviction for such offence, shall be liable to a fine not exceeding three thousand dollars and shall be sentenced to imprisonment for a term not exceeding two years.

(2) Where it is proved that a person charged with an offence under this section had in his possession any book, paper or other instrument having thereon any name, initial, number, symbol, code or other mark, it shall, until the contrary is proved, be presumed that he had the same in his possession for a purpose connected with a lottery.

(3) Proceedings under this section shall not be instituted except by or by the direction of the Attorney-General.

Offence to declare winner etc. of lottery.
13 of 1974, s. 4.

9. Any person who determines, throws, declares or exhibits, expressly or otherwise, the winner or winning number, name, initial, ticket, lot, figure, design, symbol, code or other result of a lottery, shall be guilty of an offence and liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding four thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and, in the case of a second or subsequent conviction for such offence, shall be liable to a fine not exceeding four thousand dollars and shall be sentenced to imprisonment for a term not exceeding two years.

Offence to be found on premises where lottery is taking place.
13 of 1974, s. 4.

10. Any person who without lawful excuse (the proof whereof shall be upon him) is found in any premises where a lottery is taking place, shall be guilty of an offence and liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not

exceeding twelve months or to both such fine and imprisonment and, in the case of a second or subsequent conviction for such offence, shall be liable to a fine not exceeding five hundred dollars and shall be sentenced to imprisonment for a term not exceeding twelve months.

11. Any person who uses any premises or knowingly permits any premises to be used for any purposes connected with the promotion or conduct of a lottery, shall be guilty of an offence and liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, and in the case of a second or subsequent conviction for such offence, shall be liable to a fine not exceeding five thousand dollars and shall be sentenced to imprisonment for a term not exceeding two years.

Offence to permit premises to be used for a lottery.

13 of 1974, s. 4.

12. Any person who promotes, organises or conducts, a lottery, other than a lottery permitted by section 14, 15 or 16, shall be guilty of an offence and liable on summary conviction, in the case of a first conviction for such offence, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and, in the case of a second or subsequent conviction for such offence, shall be liable to a fine not exceeding five thousand dollars and shall be sentenced to imprisonment for a term not exceeding two years.

Offence to promote, organise or conduct a lottery.

13 of 1974, s. 4.

13. In any proceedings instituted under section 5, 6, 7, 8, 9, 10, 11 or 12 it shall be a defence to prove either —

Defences to charges brought under section 5, 6, 7, 8, 9, 10, 11 or 12.

13 of 1974, s. 4.

- (a) that the lottery to which the proceedings relate was a lottery permitted or declared not to be unlawful by section 14, 15 or 16, and that at the time of the alleged offence the person charged believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken; or
- (b) that the lottery to which the proceedings relate was also a game of chance and that at the time of the alleged offence the person charged believed and had reasonable ground for believing that it

was being conducted in such circumstances that no offence under Part III or Part IV was committed.

Exemption of small lotteries incidental to certain entertainments.

14. (1) Where a lottery is promoted as an incident of an entertainment to which this section applies, that lottery shall not be unlawful but the conditions set out in subsection (2) shall be observed in connection with its promotion and conduct and, if any of those conditions is contravened, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

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

(a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting —

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery;

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

(iii) such sum, if any, not exceeding thirty dollars, as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain;

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

(c) the facilities afforded for participating in lotteries, or those facilities together with facilities offered by virtue of section 29 for taking part in gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) The entertainments to which this section applies are bazaars, sales of work, fêtes, dinners, dances, fairs and other entertainments of a similar character, whether limited to one day or extended over two or more days, being entertainments previously approved in writing by the Minister.

15. (1) In this section, the expression “private lottery” means a lottery in The Bahamas which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either —

Exemption of private lotteries.

- (a) members of one society established and conducted for purposes not connected with gaming, betting or lotteries; or
- (b) persons all of whom work on the same premises; or
- (c) persons all of whom reside on the same premises,

and which is promoted by persons each of whom is a person to whom under the foregoing provisions of this subsection tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing body of the society to promote the lottery; and for the purposes of this section, the expression “society” includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(2) A private lottery shall not be unlawful, but the following conditions shall be observed in connection with its promotion and conduct, that is to say —

- (a) the whole proceeds, after deducting only the expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either
 - (i) to the provision of prizes as aforesaid; or
 - (ii) to purposes which are purposes of the society; or
 - (iii) as to part of the provision of prizes as aforesaid and as to the remainder to such purposes as aforesaid;
- (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than —
 - (i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and

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- (ii) such announcement or advertisement thereof as is contained in the tickets or list of chances;
 - (c) the price 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 or list of chances shall bear upon its face the name and address of each of the promoters, a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;
 - (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned;
 - (f) no tickets in the lottery shall be sent through the post; and
 - (g) the prior approval in writing of the Minister for the promotion and conduct of the lottery shall have been obtained.
- (3) If any of the conditions set out in subsection (2) 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, shall be guilty of an offence:

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

Exemption of lotteries conducted for charitable and other purposes.

16. (1) Any three or more persons ordinarily resident in The Bahamas may organise a lottery for the purpose of raising funds to be used for any religious or educational or charitable purpose, the promotion of athletic sports or

games or cultural activities, or otherwise for the promotion of the welfare of the community or any part thereof, subject to the following conditions —

- (a) the organisers of the lottery shall —
 - (i) obtain the prior approval in writing of the Minister for organising the lottery;
 - (ii) undertake to declare the purposes for which the proceeds of the lottery will be applied;
 - (iii) enter into a bond with the Treasurer for payment to him of fifteen per cent of the gross receipts therefrom, which amount is in this section referred to as the duty payable on the lottery;
 - (iv) pay to the Treasurer within fourteen days after the lottery has been conducted the duty payable on the lottery evidenced by a statement of account duly verified by an approved accountant;
- (b) the Minister of Finance may waive or refund, in whole or in part, the duty payable on the lottery, and, subject to the provisions of paragraph (c) of this subsection, the conditions imposed by subparagraphs (iii) and (iv) of paragraph (a) of this subsection shall be construed accordingly; *E.L.A.O., 1974.*
- (c) where the duty payable on a lottery has been waived or refunded in whole or in part, the Minister may nevertheless, in his discretion, authorise the Treasurer to collect from the organisers of the lottery the full amount of such duty and pay over to the organisation in whose favour the lottery has been organised the amount waived or refunded.

(2) Should any organiser of such a lottery fail to observe and comply with the terms of this section or section 17, or render a false statement of account, such organiser shall be guilty of an offence and shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months.

(3) For the purposes of subsection (1), “approved accountant” means, in relation to any lottery, a person (not being a person connected with the conduct of the lottery) approved by the Minister of Finance for the purpose of verifying the statement of account. *E.L.A.O., 1974.*

Audit of
accounts.

- 17.** The accounts relative —
- (a) to any entertainment at which gaming is carried on pursuant to section 29; or
 - (b) to any lottery permitted under this Act, shall at all times be open to the inspection of the Government, and the Minister of Finance may, if and whenever he desires, appoint an auditor to examine the said accounts at the cost of the organiser of such entertainment or lottery as the case may be.

Restriction on
certain prize
competitions.

18. (1) Subject to the provisions of this section, it shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public —

- (a) any competition in which prizes are offered for the forecast of the result either —
 - (i) of a future event; or
 - (ii) of a past event, the result of which is not yet ascertained or not yet generally known;
- (b) any other competition success in which does not depend to a substantial degree upon the exercise of skill,

and in relation to which any entrance fee, stake, contribution or subscription is payable for or in respect of the right to enter or to participate.

(2) Nothing in subsection (1) with respect to the conducting of competitions in connection with a trade or business shall apply in relation to pool betting operations carried on by any person pursuant to the provisions of the Racecourse Betting Act or to any competition which is authorised by the Minister under this section.

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(3) The Minister may by order authorise any person to conduct a competition under this section on such terms as he thinks fit, and without prejudice to the generality of the foregoing, and notwithstanding anything in the Stamp Act, any such order may include a provision exempting from stamp duty under that Act in whole or in part letters or other instruments submitted by any person for the purpose of obtaining a right to enter for, or participate in, any such competition.

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(4) Any person who contravenes the provisions of this section or, being a person authorised to conduct a competition under this section, fails to comply with any terms imposed by the Minister in relation to such competition pursuant to subsection (3) shall, without prejudice to any liability to be proceeded against under section 4, be guilty of an offence.

19. Any money or money’s worth paid or deposited for or in respect of any lottery other than a lottery permitted pursuant to this Part, or for or in respect of the purchase of a ticket or a chance in any such lottery, shall be recoverable as money had and received to the use of the person making the payment, deposit or purchase (hereinafter referred to as “the purchaser”), and every sale or contract for sale of such a ticket or chance is hereby declared to be void, and no action shall be maintainable by any person in respect of any such sale or contract except by the purchaser for the return of the money or other consideration (if any) paid thereon.

Moneys paid for illegal lottery tickets, etc., recoverable and contracts thereon void.

**PART III
GAMING ELSEWHERE THAN ON PREMISES
LICENSED UNDER PART IV**

20. This Part applies to all gaming which takes place elsewhere than on premises in respect of which licences under this Act are for the time being in force.

Gaming to which Part III applies. *3 of 1978, s. 3.*

21. (1) Subject to the following provisions of this section, no gaming to which this Part applies shall take place where any one or more of the following conditions are fulfilled —

Nature of games.

- (a) the game involves playing or staking against a bank, whether the bank is held by one of the players or not;
- (b) the nature of the game is such that the chances in the game are not equally favourable to all the players;
- (c) the nature of the game is such that the chances in it lie between the player and some other person, or (if there are two or more players) lie wholly or partly between the players and some other person, and those chances are not as favourable to the player or players as they are to that other person.

(2) Subsection (1) shall not have effect in relation to gaming which takes place on a domestic occasion in a private dwelling, and shall not have effect in relation to any gaming where —

- (a) the gaming takes place in a hostel, hall of residence or similar establishment which is not carried on by way of a trade or business, and the players consist exclusively or mainly of persons who are residents or inmates in that establishment; or
- (b) the gaming takes place on premises which belong to a college or other educational institution for persons over compulsory school age and are provided exclusively or mainly for persons who are fellows or members of, or tutors or students at, that institution, and the players consist exclusively or mainly of such persons.

No charge for taking part in gaming.

22. (1) No gaming to which this Part applies shall take place in circumstances where (apart from any money or money's worth which a player puts down as a stake or pays by way of losses) a charge, in money or money's worth, is made for taking part in the gaming.

(2) Where a charge, in money or money's worth, is made for obtaining access to the premises on which any gaming to which this Part applies takes place, or to a part of any such premises which is a part in which the gaming takes place, then (subject to subsection (3)) that charge shall, unless the contrary is proved, be taken to be a charge made as mentioned in subsection (1).

(3) For the purposes of this section a payment which constitutes payment of, or of a quarterly or half yearly instalment of, an annual subscription to a club, or which constitutes payment of an entrance subscription for membership of a club, shall not be taken to be a charge made as mentioned in subsection (1):

Provided that this subsection shall not apply to a club unless it is shown that the club is so constituted and conducted, in respect of membership and otherwise, as not to be of a merely temporary character.

No levy on stakes or winnings.

23. Without prejudice to the generality of section 22, no gaming to which this Part applies shall take place where a levy is charged on any of the stakes or on the winnings of any of the players, whether by way of direct payment or

deduction, or by the exchange of tokens at a lower rate than the rate at which they were issued, or by any other means.

24. (1) Subject to the provisions of this Part, no person shall take part in gaming to which this Part applies —

Gaming in public places.

- (a) in any street; or
- (b) in any other place to which, whether on payment or otherwise, the public have access.

(2) A peace officer may arrest without warrant anyone whom he finds in a street or in any such place as is mentioned in paragraph (b) of subsection (1), and whom he suspects, with reasonable cause, to be taking part in gaming there in contravention of that subsection.

- (3) For the purposes of this section —
 - (a) “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public; and
 - (b) the doorways and entrances of premises abutting upon, and any ground adjoining and open to, a street shall be treated as forming part of the street.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty dollars.

25. (1) The restriction imposed by subsection (1) of section 24 does not apply to the playing of dominoes, draughts, darts, billiards or any other prescribed game on premises licensed under the Liquor Licences Act.

Saving for dominoes, draughts, darts, and billiards on licensed premises. Ch. 372.

(2) The Minister, may, at any time if in the case of any particular premises he thinks fit to do so, by order impose such requirements or restrictions with respect to gaming by the playing of the said games in any part of those premises to which the public have access as he considers necessary to secure that such gaming in that part of the premises does not take place —

- (a) for high stakes; or
- (b) in such circumstances as to constitute an inducement to persons to resort thereto primarily for the purpose of taking part in any such gaming.

Saving for
pleasure fairs.

26. (1) The restriction imposed by subsection (1) of section 24 does not apply to gaming (whether by means of a gaming machine or not) conducted pursuant to a permit granted by the Minister for the purpose under subsection (2) of this section at a pleasure fair, consisting wholly or partly of amusements provided by travelling showmen, which is held on any day of a year on premises not previously used in that year on more than twenty-one days for the holding of such a pleasure fair.

(2) The Minister may in his discretion grant a permit to any person to conduct gaming at such a fair as is referred to in subsection (1) of this section, and may at any time cancel such a permit.

Special
provisions as to
persons under
eighteen.
Ch. 372.

27. (1) No person under eighteen shall take part in gaming to which this Part applies on any premises licensed under the Liquor Licences Act.

(2) In the case of any such premises as aforesaid neither the holder of the licence nor any person employed by him shall knowingly allow a person under eighteen to take part in any such gaming on the premises.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding sixty dollars.

(4) Any person who contravenes subsection (2) shall be guilty of an offence, and in relation to any such offence or, as the case may be, any repetition thereof the punishments provided by sections 23 and 24 of the Liquor Licences Act shall apply as those punishments apply in relation to an offence or any repetition of an offence under paragraph (i) of the said section 23 of that Act.

Special
provisions with
regard to
gaming.

28. (1) Notwithstanding any rule of law, for the purposes of any enactment relating to betting the expression “bet” shall not include any bet or stake at any gaming conducted in such circumstances that no offence under this Act is committed.

(2) Notwithstanding any rule of law, premises shall not be a common gaming house by reason of the carrying on thereon of any gaming conducted in such circumstances that no offence under this Act is committed.

- (3) Notwithstanding any rule of law —
 - (a) the making of bets by way of pool betting conducted pursuant to the Racecourse Betting Act; and
 - (b) participation in any lottery permitted under this Act or declared by this Act not to be unlawful,

shall not be held to be gaming.

29. (1) Where gaming is carried on at or as an entertainment to which this section applies, then in relation to that gaming so much of section 24 as relates to gaming in a place other than a street shall not apply, but the conditions set out in subsection (2) and such other conditions as the Minister may in writing at the date of the grant of the approval of such entertainment impose, shall be observed in connection with the promotion and conduct of that entertainment and gaming, and if any of those conditions is contravened, every person concerned in the promotion or conduct of the entertainment or gaming shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

Saving for entertainments not held for private gain.

1 of 1971, s. 2.

- (2) The conditions referred to in subsection (1) are —
 - (a) that the whole proceeds of the entertainment after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games which constitute the gaming are applied to such purposes other than private gain as the Minister may approve; and
 - (b) that the amount of the said proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purposes of the game.

(3) The entertainments to which this section applies are bazaars, sales of work, fêtes, dinners, fairs and other entertainments of a similar character and entertainments by way of bingo, crab racing and hobby horse racing on tables, whether limited to one day or extended over a period not exceeding one year, being entertainments in respect of which the approval of the Minister in writing has first been obtained.

Offences under
Part III.

30. (1) If any gaming takes place in contravention of any of the provisions of section 21, 22 or 23 of this Act, every person concerned in the organisation or management of the gaming shall be guilty of an offence.

(2) For the purposes of subsection (1) any person who takes part in procuring the assembly of the players shall be taken to be concerned in the organisation of the gaming.

(3) Without prejudice to the provisions of subsections (1) and (2) of this section, where any gaming takes place on any premises, or in any vessel or vehicle, in contravention of any of the provisions of section 21, 22 or 23, any person who, knowing or having reasonable cause to suspect that the premises, vessel or vehicle would be used for gaming in contravention of any of those provisions, —

- (a) allowed the premises, vessel or vehicle to be used for the purposes of gaming to which this Part applies; or
- (b) let, or let on hire, the premises, vessel or vehicle or otherwise made the premises, vessel or vehicle available, to any person by whom an offence under subsection (1) of this section is committed in connection with the gaming,

shall be guilty of an offence.

(4) Any person guilty of an offence under subsection (1) or subsection (3) of this section shall be liable to a fine not exceeding one thousand two hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

PART IV GAMING ON PREMISES LICENSED UNDER THIS PART

Gaming to which
Part IV applies.
3 of 1978, s. 4.

31. This Part applies to all gaming which takes place on premises in respect of which both —

- (a) a licence under this Act to carry on the business of gaming on the premises; and
- (b) a licence under this Act to manage the said premises,

are for the time being in force.

32. (1) There shall be established a Gaming Board for The Bahamas (in this Act referred to as “the Board”).

Gaming Board for The Bahamas.

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

First Schedule. 3 of 1978, s. 4.

(3) It shall be the duty of the Board —

- (a) to keep under review the extent, character and location of gaming facilities which are for the time being provided on premises in respect of which licences under this Act are for the time being in force; and
- (b) to perform such other functions as are assigned to the Board by this Act.

33. (1) The Hotel Corporation of The Bahamas established under section 3(1) of the Hotel Corporation of The Bahamas Act, (in this Act referred to as “the Corporation”) shall be the only person entitled to the grant of a licence under this Act to carry on the business of gaming on any premises.

Licence to carry on business of gaming on premises. 3 of 1978, s. 4. Ch. 290.

(2) An application for a licence under this Act to carry on the business of gaming on premises shall be made to the Board for submission to the Minister, in such form and manner, and shall contain such particulars, as the Minister may determine.

(3) Where the Minister decides to grant a licence he may grant the licence upon such terms and conditions as he considers appropriate.

34. (1) Subject to subsection (2), every application for a licence under this Act to manage any premises shall be made to the secretary to the Board in such form and manner, and shall contain such particulars, as may be prescribed.

Application for licence to manage premises. 3 of 1978, s. 4.

(2) An application for the grant of a licence under this Act to manage any premises shall be of no effect unless the Corporation have issued to the applicant a certificate consenting to his applying for such a licence in respect of their premises and that certificate accompanies the application for the licence.

(3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application to the Commissioner of Police.

Advertisement of
application.
3 of 1978, s. 4.

35. (1) Not later than seven days after the making of an application under section 34, the applicant shall cause notice of the making of the application to be published by means of an advertisement in a newspaper printed and circulating in The Bahamas.

(2) A notice published in pursuance of subsection (1) shall specify the name of the applicant and such other particulars as the Board may determine and shall state that any person who desires to object to the grant of the licence shall send to the secretary to the Board, before such date (not being earlier than seven days after the publication of the advertisement) as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection.

(3) Such a notice as aforesaid shall not include any matter which is not required by subsection (1) or (2) to be included in it.

Action by Board
upon receipt of
application etc.
3 of 1978, s. 4.

36. (1) Not later than seven days after the publication of the newspaper containing the advertisement required by section 35, the applicant shall send a copy of that newspaper to the secretary to the Board and the Board shall not consider the application earlier than seven days after the date specified in the advertisement.

(2) On or after the date so specified, but not less than seven days before the date appointed by the Board for the consideration of the application, the secretary to the Board shall send a notice in writing of the date, time and place of the meeting of the Board at which the application will be considered —

- (a) to the applicant;
- (b) to the Commissioner of Police; and
- (c) if the secretary to the Board has received from any other person an objection in writing which has not been withdrawn, and the address of that person is known to the secretary, to that person.

(3) The secretary to the Board shall also cause notice of that meeting to be published in a newspaper printed and circulating in The Bahamas.

(4) With the notice sent to the applicant in accordance with subsection (2) there shall be enclosed a copy of any objection to the grant of a licence which has been received by the secretary to the Board and has not been withdrawn.

37. (1) On any application for the grant of a licence under this Act to manage premises, the Board may decide to recommend the grant to the Minister without hearing the applicant if no objection to the grant has been made by any person, or if every such objection has been withdrawn before the beginning of the meeting of the Board at which the Board considers the application.

Who may be heard by the Board.
3 of 1978, s. 4.

(2) Except as provided by subsection (1), on any such application any of the following persons, that is to say —

- (a) the applicant;
- (b) any person from whom an objection in writing which has not been withdrawn was received by the secretary to the Board before the day on which he sent to the applicant the notice required by subsection (2) of section 36;
- (c) the person making any other objection which the Board have decided under section 39 that they will hear,

shall be entitled to be heard by the Board sitting in public either in person or by counsel and the Board shall also hear any representations made by, or on behalf of, the Commissioner of Police.

38. (1) Where a licence to carry on the business of gaming has been granted under this Act in respect of any premises, the Minister may in any special case, on the application of the licensee, grant the transfer of that licence to new premises for any period not exceeding six months.

Transfer of licences.
18 of 1988, s. 2.

(2) Upon the grant of a transfer, the licence shall during such period apply to the new premises in all respects as it applied to the premises to which it originally related.

(3) A transfer of a licence to new premises shall not be granted under subsection (1) unless the Minister is satisfied that such new premises to which the licence is proposed to be transferred are so situated and constructed as to be suitable for the carrying on thereon of the business of gaming.

(4) Where a transfer has been granted under subsection (1), any subsisting licence to manage the premises which have been affected by the transfer shall from the date of such transfer apply to and have effect in respect of the premises to which the licence has been transferred.

Late objections.
3 of 1978, s. 4.

39. Where, in the case of an application for the grant of a licence under this Act to manage premises, an objection to the grant is received by the secretary to the Board on or after the date referred to in paragraph (b) of subsection (2) of section 37, the Board —

- (a) may refuse to entertain the objection; or
- (b) may entertain it, but unless the applicant requests otherwise, shall not hear it until the objector has given to the secretary and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of the objection.

Adjournment.
3 of 1978, s. 4.

40. The Board may from time to time adjourn the consideration of any application for the grant of a licence under this Act to manage premises, whether for the purposes of section 39 or for any other purpose.

Evidence may be taken on oath, and costs.
3 of 1978, s. 4.

41. On the consideration of any application for the grant of a licence under this Act to manage premises the Board may take evidence on oath and may make such order as they think fit for the payment of costs —

- (a) by the applicant to any person who made an objection which was not withdrawn before the date referred to in paragraph (b) of subsection (2) of section 37; or
- (b) by any such person to the applicant.

Ground for recommending refusal.
3 of 1978, s. 4.

42. The Board may refuse to recommend the grant of a licence under this Act to manage premises on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

Persons not to be granted licences.
3 of 1978, s. 4.

43. (1) A licence under this Act to manage premises may be granted to an individual or to a company incorporated under a law in force in The Bahamas.

(2) A licence under this Act to manage premises shall not be granted —

- (a) to any individual who —
 - (i) is under eighteen; or
 - (ii) is not resident in The Bahamas or was not so resident throughout the period of ten years immediately preceding the date on which the application was made; or

(b) to any individual or to any company if the Minister is satisfied that that individual or, as the case may be, any director or officer of that company, has ever been convicted, and has not successfully appealed in respect of the conviction, of an offence (whether in The Bahamas or elsewhere) involving fraud or dishonesty.

(3) In paragraph (b) of subsection (2) the expression —

‘director’ includes any person who occupies the position of a director, by whatever name called;

‘officer’ includes a director, manager or secretary,

and both these expressions include any person in accordance with whose directions or instructions the directors of the company are accustomed to act.

44. (1) As soon as may be after their consideration of an application for the grant of a licence under this Act to manage premises, the Board shall make a report in writing to the Minister upon such application, and no person other than the Minister shall be entitled to see the report.

Recommendations by the Board.
3 of 1978, s. 4.

(2) Every report made pursuant to subsection (1) shall set forth full particulars of the application and of the objections and representations, if any, made to the Board in relation thereto, and shall include the recommendation of the Board to the Minister whether the licence should be granted or refused or be granted subject to any restrictions or conditions, and in the last-mentioned case shall suggest the restrictions or conditions which appear to the Board to be required.

45. Every report made by the Board pursuant to section 44 shall be considered by the Minister, who may, subject to the provisions of this Act, in his discretion grant the licence applied for or refuse it or grant it subject to such restrictions or conditions (whether or not being restrictions or conditions suggested by the Board) as he may deem fit and every decision of the Minister under this section shall be final.

Decision by the Minister.
3 of 1978, s. 4.

Contents of
licence.
3 of 1978, s. 4.

- shall —
- 46.** (1) A licence under this Act to manage premises shall —
- (a) state the name of the licensee;
 - (b) specify the premises;
 - (c) state the period of time for which it is to remain in force;
 - (d) include as a condition of the licence that the licensee authorises every bank (whether in The Bahamas or elsewhere) at which he conducts an account (whether directly or through any nominee and whether or not jointly with any other person) to make available at any time, upon being so required by the Board, to the Board or to any officer of the Board duly authorised by the Board in that behalf, full particulars of that account;
 - (e) if made subject to any restrictions or conditions (other than a condition referred to in paragraph (c) of this subsection) state those restrictions or conditions; and
 - (f) in other respects be in such form as the Minister may approve.

(2) Notice of every licence granted under this Act to manage premises, and of every amendment or cancellation of such a licence shall be published in the *Gazette*.

Amendment and
cancellation of
licences.
3 of 1978, s. 4.

- 47.** (1) The Minister may in writing at any time, after consultation with the Board —
- (a) on the application of the licensee, amend a licence granted under this Act to manage premises upon such terms and conditions as he may think fit;
 - (b) subject to the provisions of subsection (2), cancel a licence granted under this Act to manage premises, in any case where —
 - (i) he is satisfied that the licence was obtained as a result of any misleading, false or fraudulent representation or in consequence of any incorrect information (whether such information was supplied wilfully or otherwise); or

- (ii) there has been a breach of any of the restrictions or conditions imposed by the Minister; or
- (iii) he deems it expedient in the public interest so to do.

(2) Prior to the cancellation of a licence in any particular case under the provisions of subparagraph (i) or (ii) of paragraph (b) of subsection (1), the Minister shall in writing inform the licensee of the ground on which he considers that the licence ought to be cancelled and require the licensee to show cause within a specified time why the licence should not be cancelled and if either the licensee fails to comply with that requirement within the time specified or the cause shown is inadequate in the opinion of the Minister, the Minister may cancel the licence and in such case shall cause notice of the fact, in addition to being published in the *Gazette*, to be sent to the licensee by registered post at his last known address.

(3) Every decision of the Minister under this section shall be final.

48. (1) Where gaming to which this Part applies takes place on any premises, then —

- (a) if the gaming is sports betting, no person shall participate in the sports betting —
 - (i) by means of a telephone or other telecommunicative device; or
 - (ii) on behalf of another person; and
- (b) if the gaming is other than sports betting, no person shall participate in the gaming —
 - (i) if he is not present on the premises at the time when the gaming takes place there; or
 - (ii) on behalf of another person who is not present on the premises at that time.

(2) For the purposes of this section a person participates in the gaming if —

- (a) he takes part in the gaming as a player; or
- (b) where the game involves playing or staking against a bank, he holds the bank or has a share or interest in it.

Who may participate in gaming to which Part IV applies. 3 of 1978, s. 4. 27 of 1995, s. 3.

Prohibition of
winning in excess
of losses.
3 of 1978, s. 4.

49. (1) No gaming to which this Part applies shall take place in circumstances where the aggregate amount or value of the winnings in respect of any one game exceeds the following amount or value, that is to say —

- (a) where the game involves playing or staking against a bank, the aggregate amount which, in accordance with the rules of the game, the bank is required to pay to players as winnings in respect of that game; or
- (b) in any other case the aggregate amount or value of the stakes put down by players and lost in playing that game.

27 of 1995, s. 4.

(2) The provisions of subsection (1) do not apply to sports betting.

Persons
prohibited from
gaming.
3 of 1978, s. 4.

50. No person —

- (a) under eighteen; or
- (b) who possesses or requires a permit to engage in gainful occupation under the provisions of any statute regulating immigration; or
- (c) who —
 - (i) is the holder of a permanent residence certificate granted under any statute regulating immigration; or
 - (ii) is ordinarily resident in; or
 - (iii) is engaged in any business or profession, or employed for gain, in; or
 - (iv) is in the employment of the Government of The Bahamas;
- or
- (d) being the husband or wife of any such person as is mentioned in paragraph (b) or (c) of this section,

shall take part in gaming to which this Part applies on any premises in respect of which licences under this Act are for the time being in force, and any such person who takes part in gaming as aforesaid is guilty of an offence and liable to a fine not exceeding five hundred dollars:

Provided that taking part in gaming on the relevant premises by any person employed by a holder of a licence to manage premises to take part in the conduct of gaming

there shall not be in contravention of the section if such taking part in gaming is within the course of such employment.

51. (1) Where the Minister is satisfied, after consultation with the Board, that any person's presence on any premises in respect of which licences under this Act are for the time being in force would be undesirable in the public interest, he may by order declare that person to be a prohibited gambler.

Power of Minister to ban certain persons from gaming. *3 of 1978, s. 4.*

(2) Any person who —

- (a) enters any premises in respect of which licences under this Act are for the time being in force after he has been declared to be a prohibited gambler under subsection (1); or
- (b) being the holder of a licence under this Act to manage premises, knowingly permits a person so declared to be a prohibited gambler to enter or remain on the relevant premises,

shall be guilty of an offence.

52. (1) Where gaming to which this Part applies takes place on premises in respect of which licences under this Act are for the time being in force, no person shall in pursuance of any service agreement be employed in any capacity and perform any function in relation to such capacity to which this subsection applies unless a certificate has been issued by the Board, and is for the time being in force, certifying that he has been approved by the Board under this section for employment on those premises in such capacity and in respect of the performance of such function in relation to such capacity.

Approval by Board of certain persons connected with gaming. *3 of 1978, s. 4.*

(2) Subsection (1) applies to the employment of any person in any of the capacities and in respect of the performance of the functions in relation to such capacity specified in the Fourth Schedule, on the premises in question.

Fourth Schedule.

(3) The provisions of Part I of the Second Schedule shall have effect with respect to applications to the Board for certificates of approval under this section, with respect to the issue, renewal and revocation of such certificates and with respect to appeals against decisions whereby the Board refused to issue or renew or the Board revoked such a certificate.

Second Schedule.

Second Schedule.

(4) An application made to the Board for the issue or renewal of a certificate of approval, and an appeal against the decisions of the Board refusing such a certificate, shall, in such circumstances and to such extent as is provided by Part II of the Second Schedule, have effect for the purposes of this section as if it were a certificate of approval issued by the Board, and for the time being in force, under this section and an appeal against the decision of the Board to revoke such a certificate shall, to such extent as is so provided, have effect for the purposes of this section of suspending the person to whom the certificate was issued from acting in the capacity and performing the functions in relation to such capacity to which the certificate relates.

(5) In this section ‘service agreement’ means any contract of service or apprenticeship or any contract or arrangement for the rendering of services which is not a contract of service or apprenticeship.

(6) If any person, for the purpose of obtaining, for himself or for any other person, a certificate of approval under this section, or the reinstatement of such a certificate after it has been revoked by the Board —

- (a) makes a statement which he knows to be false in a material particular; or
- (b) recklessly makes a statement which is false in any material particular,

he shall be guilty of an offence and liable to a fine not exceeding six hundred dollars.

Approval by
Board of permits
for certain
persons working
on licensed
premises.
3 of 1978, s. 4.

53. (1) Where gaming to which this Part applies takes place on premises in respect of which licences under this Act are for the time being in force, no person shall be employed in any capacity to which this subsection applies unless a permit has been issued by the Board, and is for the time being in force, stating that he has been approved by the Board under this section for employment on those premises in such capacity.

(2) Subsection (1) applies to the employment of any person in any of the following capacities on the premises in question —

- (a) security officer;
- (b) bartender;
- (c) cocktail waitress;
- (d) host or hostess;
- (e) any other prescribed capacity.

(3) The provisions of the Third Schedule shall have effect with respect to application to the Board for permits under this section and with respect to the issue, renewal and revocation of such permits.

Third Schedule.

(4) If any person, for the purpose of obtaining for himself or for any other person a permit under this section or the reinstatement of such a permit after it has been revoked by the Board —

- (a) makes a statement which he knows to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence and liable to a fine not exceeding six hundred dollars.

54. (1) No person shall, in pursuance of any service agreement, be employed on any premises in respect of which licences under this Act are for the time being in force, in any capacity and perform any function in relation to such capacity to which subsection (1) of section 52 applies unless such person has furnished the Board, at the time of his application for the issue of a certificate of approval, with a full set of his fingerprints taken in accordance with the requirements of subsection (2) of this section.

Fingerprints required from certain employees. 3 of 1978, s. 4.

(2) Fingerprints for the purposes of subsection (1) shall be fingerprints taken at an agency approved by the Minister, and certified in writing by a person in authority at such agency to be the fingerprints of the person in question.

(3) Where the fingerprints of any person have been furnished to the Board in accordance with the provisions of subsection (1), then if that person is issued or refused a certificate of approval the fingerprints and all copies and records thereof shall be returned to the said person.

55. (1) Subject to subsection (2) of section 67, the Minister may make regulations requiring the holder of a licence under this Act to manage premises —

Further powers to regulate licensed premises. 3 of 1978, s. 4.

- (a) to display, in such manner and in such position on those premises as may be prescribed by the regulations, the rules in accordance with which any game is to be played on the premises, either generally or in any particular circumstances;

- (b) to make, and to retain during such period as may be prescribed by the regulations, such records as may be so prescribed with respect to cheques given in exchange for cash tokens to be used by players in gaming on those premises, and to provide such verification of those records as may be so prescribed.

(2) Subject to subsection (2) of section 67, the Minister may make regulations imposing such prohibitions, restrictions or other requirements (in addition to those imposed by or under the preceding provisions of this Part) as may appear to the Minister to be requisite —

- (a) for securing that gaming on any premises in respect of which licences under this Act are for the time being in force is fairly and properly conducted; or
- (b) for preventing the use of any indirect means for doing anything which, if done directly, would be a contravention of this Part or of any regulations made thereunder.

21 of 1988, s. 2.

¹(3) Except as provided in any contract of employment with the Board, the Board with the approval of the Minister may grant to any employee of the Board, other than an employee appointed by way of secondment under subsection (2), in respect of his service with the Board pensions, gratuities or other like benefits at the rate prescribed by, and in accordance with, the provisions of the Pensions Act as if references in that Act to the Governor-General, the public service and a public officer were references to the Minister, service with the Board and such employee respectively.

Ch. 43.

21 of 1988, s. 2.

²(4) For the purposes of subsection (3), reference to the service of an employee of the Board includes any continuous period of service of that employee with an approved authority immediately prior to his service with the Board.

¹ Insertion of subsection (3) deemed to have come into operation on 1st June, 1970.

² Insertion of subsection (4) deemed to have come into operation on 1st June, 1970.

³(5) Where at any time before the commencement of this section any employee of the Board has been paid in respect of his service with the Board any amount of pension, gratuity or other like benefit, the amount of any pension, gratuity or other like benefit granted under subsection (3) shall be reduced by the amount of such payment. *21 of 1988, s. 2.*

⁴(6) In subsection (4) the expression “approved authority” has the meaning assigned to it in the Pensions Act. *21 of 1988, s. 2*

56. (1) Subject to subsection (2), if any of the provisions of sections 48 to 54, or of any regulations made under subsection (1) or (2) of section 55, are contravened in relation to any premises, being premises in respect of which licences under this Act are for the time being in force, the holder of the licence to manage the premises shall be guilty of an offence. *Offences under Part IV.
3 of 1978, s. 4.*

(2) Where a person is charged with an offence under subsection (1) of this section in respect of a contravention of any such provisions as are mentioned in that subsection, it shall be a defence for him to move —

- (a) that the contravention occurred without his knowledge; and
- (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.

(3) Any person guilty of an offence under subsection (1) of this section shall be liable to a fine not exceeding one thousand two hundred dollars, or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(4) Where, on the grant of a licence under this Act to manage premises, the Minister imposed any restrictions or conditions under section 45, subsections (1), (2) and (3) of this section shall have effect in relation to any contravention of those restrictions or conditions as they have effect in relation to any contravention of the provisions of sections 48 to 54.

³ Insertion of subsection (5) deemed to have come into operation on 1st June, 1970.

⁴ Insertion of subsection (6) deemed to have come into operation on 1st June, 1970.

PART V
MISCELLANEOUS AND SUPPLEMENTARY

Secretary to
Board to keep
registers, etc.

57. The secretary to the Board shall keep in the prescribed form registers containing such particulars as may be prescribed with respect to the grant and cancellation of licences under this Act and to premises the subject of such licences.

Inspection of
registers by
public, etc.

58. The Board shall permit any police officer, and any other person on payment of such fee, if any, as may be prescribed, to inspect at any reasonable time any register kept by the Board under section 57.

Power of
Minister to give
policy directions
and require
returns, etc.

59. (1) The Minister may, after consultation with the chairman, give to the Board such directions of a general character as to the policy to be followed by the Board in the performance of their functions as appear to the Minister to be necessary or desirable in the public interest, and the Board shall give effect to such directions.

(2) The Board shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities and property of the Board, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Accounts of
Board and audit.

60. (1) The Board shall keep proper accounts and other records in relation to the discharge of their functions under this Act, and shall prepare annually a statement of accounts in a form satisfactory to the Minister.

(2) The accounts of the Board shall be audited by the Auditor.

(3) Three months after the end of each financial year, or within such further time as may in special circumstances be allowed by the Minister, the Board shall send a statement of their accounts referred to in subsection (1) to the Minister, together with a copy of any report made by the Auditor on that statement or on the accounts.

Annual report of
Board.

61. (1) The Board shall within four months after the end of each financial year, or within such further time as may in special circumstances be allowed by the Minister, cause to be made and transmit to the Minister a report dealing generally with the activities of the Board during that financial year.

(2) The Minister shall cause a copy of the report, together with the annual statement of accounts and the Auditor's report thereon and on the accounts to be laid on the Table of the House of Assembly and the Senate.

(3) Copies of the Board's report, together with the annual statement of accounts and the Auditor's report on that statement and on the accounts shall be published in such manner as the Minister may direct, and shall be made available to the public by the Minister at a reasonable price.

62. (1) The Board shall appoint a secretary, and may from time to time appoint such other officers including inspectors, and servants as they may deem necessary or expedient for the purpose of assisting the Board generally in carrying out their functions under this Act, and the Board shall specify in relation to each inspector appointed by them the powers exercisable by such inspector pursuant to section 63.

Appointment of officers, etc.

(2) The Governor-General, acting in accordance with the advice of the Public Service Commission, may, subject to such conditions as he may impose, approve of the appointment of any public officer in the service of The Bahamas by way of secondment to any office with the Board, 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.

1 of 1971, s. 9; E.L.A.O., 1974.

63. (1) An inspector, if so authorised by virtue of section 62, and any police officer may at any reasonable time enter any premises in respect of which licences under this Act are for the time being in force, and, while on any such premises, inspect the premises and any machine or other equipment on the premises and any document which constitutes a record or accounts required by virtue of any regulations made under section 55 or 67 to be made and retained in respect of those premises.

Powers and duties of inspectors, etc. *3 of 1978, s. 5.*

(2) An Inspector shall be furnished with a certificate of appointment in the prescribed form and, on entering any premises and while on any such premises pursuant to the provisions of this Act, he shall, if required to do so, produce the said certificate.

1 of 1981, s. 10.

(3) The person in charge of any premises entered by an inspector or a police officer pursuant to subsection (1), and every person found therein, shall give the inspector or police officer, as the case may be, all reasonable assistance in their power and shall furnish them with such information as they may reasonably require.

3 of 1978, s. 4.

(4) If any person, being the holder of a licence under this Act to manage premises, or a person acting on behalf of, and with the consent of, the holder of such a licence —

- (a) fails without reasonable excuse to admit an inspector or police officer who demands admission to the premises in pursuance of subsection (1); or
- (b) on being required by an inspector or police officer to do so, fails without reasonable excuse to permit the inspector or police officer to inspect the premises or any machine or other equipment on the premises; or
- (c) on being required by an inspector or police officer to produce any such document as is mentioned in that subsection which is in his possession or under his control, fails without reasonable excuse to produce it to the inspector or police officer; or
- (d) on being required by an inspector to furnish any information relating to the premises which is reasonably required by the Board for the purpose of the performance of their functions, fails without reasonable excuse to furnish that information to the inspector.

the holder of the licence shall be guilty of an offence.

(5) If, on information on oath with respect to any premises, a magistrate is satisfied that there are reasonable grounds for suspecting that an offence under this Act has been, is being or is about to be committed on those premises, he may issue a warrant in writing authorising any police officer, with or without one or more inspectors, to enter the premises, if necessary by force, at any time within fourteen days after the time of the issue of the warrant and to search the premises.

(6) Any police officer who enters any premises under the authority of a warrant issued under subsection (5) may —

- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purpose of proceedings in respect of an offence under this Act; and
- (b) arrest and search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

(7) In the case of any premises in respect of which a licence under this Act to manage such premises is for the time being in force, the Board or the Commissioner of Police may require the holder of the licence at any reasonable time to produce to the Board, or, as the case may be, to the Commissioner any records or accounts which such holder is required to make and retain in pursuance of regulations made under section 55 or 67, or copies of any such records or accounts; and if without reasonable excuse any such requirement is not complied with, the holder of the licence shall be guilty of an offence.

3 of 1978, s. 5.

(8) Any person guilty of an offence under this section shall be liable to a fine not exceeding three hundred dollars.

63A. (1) Subject to subsections (2) and (3), the Board or any officer, employee, agent or adviser of the Board who discloses any information relating to —

*Confidentiality.
14 of 2001, s. 2.*

- (a) the affairs of the Board;
- (b) any application made to the Board;
- (c) the affairs of a licensee; or
- (d) the affairs of a customer or client of a licensee,

that it or he has acquired in the course of its or his duties or in the exercise of the Board's functions under this or any other law, is guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years.

- (2) Subsection (1) shall not apply to a disclosure —
 - (a) lawfully required or permitted by any court of competent jurisdiction within The Bahamas;

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- (b) for the purpose of assisting the Board to exercise any functions conferred on it by this Act, by any other Act or by regulations made thereunder;
 - (c) in respect of the affairs of a licensee or of a customer or client of a licensee, with the consent of the licensee, customer or client, as the case may be, which consent has been voluntarily given;
 - (d) where the information disclosed is or has been available to the public from any other source;
 - (e) where the information disclosed is in a manner that does not enable the identity of any licensee or of any customer or client of the licensee to which the information relates to be ascertained;
 - (f) to a person with a view to the institution of, or for the purpose of —
 - (i) criminal proceedings;
 - (ii) disciplinary proceedings, whether within or outside The Bahamas, relating to the exercise by a counsel and attorney, auditor, accountant, valuer or actuary of his professional duties;
 - (iii) disciplinary proceedings relating to the discharge by a public officer, or a member or employee of the Board of his duties; or
 - (g) in any legal proceedings in connection with —
 - (i) the winding-up or dissolution of a licensee; or
 - (ii) the appointment or duties of a receiver of a licensee.

(3) Subject to subsection (6), the Board may disclose to any overseas regulatory authority information necessary to enable that authority to exercise regulatory functions including the conduct of civil or administrative investigations and proceedings to enforce laws, regulations and rules administered by that authority.

(4) In deciding whether or not to exercise its power under subsection (3), the Board may take into account —

- (a) whether the inquiries relate to the possible breach of a law or the requirement which has no close parallel in The Bahamas or involve the assertion of a jurisdiction not recognised by The Bahamas; and

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- (b) the seriousness of the matter to which the inquiries relate and the importance to the inquiries of the information sought in The Bahamas.

(5) The Board may decline to exercise its powers under subsection (3) unless the overseas regulatory authority undertakes to make such contribution towards the cost of the exercise as the Board considers appropriate.

(6) Nothing in subsection (3) authorises a disclosure by the Board unless —

- (a) the Board has satisfied itself that the intended recipient authority is subject to adequate legal restrictions on further disclosures which shall include the provision of an undertaking of confidentiality; or
- (b) the Board has been given an undertaking by the recipient authority not to disclose the information provided without the consent of the Board; and
- (c) the Board is satisfied that the assistance requested by the overseas regulatory authority is required for the purpose of the overseas regulatory authority's regulatory functions including the conduct of civil or administrative investigations or proceedings to enforce laws, regulations and rules administered by that authority; and
- (d) the Board is satisfied that information provided following the exercise of its power under subsection (3) will not be used in criminal proceedings against the person providing the information.

(7) Where in the opinion of the Board it appears necessary in relation to any request for assistance received from an overseas regulatory authority to invoke the jurisdiction of a Stipendiary and Circuit Magistrate in obtaining information requested by the overseas regulatory authority, the Registrar shall immediately notify the Attorney-General with particulars of the request, and shall send him copies of all documents relating to the request, and the Attorney-General shall be entitled, in a manner analogous to *amicus curiae*, to appear or take part in any proceedings in The Bahamas, or in any appeal from such proceedings, arising directly or indirectly from any such request.

(8) The Board may cooperate with any other regulatory authority in The Bahamas, including, by sharing

15 of 2007, s. 2.

information that it has acquired in the course of its duties or in the exercise of its functions under this or any other law where it considers such cooperation or information may be relevant to the functions of such other regulatory authority or as a necessary part of a framework for consolidated supervision, oversight or regulation of the financial services sector.

(9) In this section “overseas regulatory authority” means an authority which, in a country or territory outside The Bahamas, exercises functions corresponding to any functions of the Board.

Duty of the Board.
14 of 2001, s. 2.
Ch. 368.

63B. In the exercise of its functions under this Act the Board shall satisfy itself that the provisions of the Financial Transactions Reporting Act are being complied with.

Power of inspector to remove equipment from premises.
1 of 1971, s. 11;
3 of 1978, s. 6.

64. (1) An inspector may at any reasonable time enter any premises in respect of which licences under this Act are for the time being in force and may seize and remove from such premises any equipment or supplies found on the premises for the purpose of examination and inspection, and may examine and inspect any such equipment or supplies apart from such premises.

- (2) Any person who —
- (a) fails without reasonable excuse to admit an inspector who demands admission to any premises in pursuance of subsection (1); or
 - (b) hinders, obstructs or interferes with an inspector acting in the exercise of his duties under the said subsection (1),

shall be guilty of an offence and liable to a fine not exceeding three hundred dollars.

Power of arrest without warrant.
1 of 1971, s. 11.

65. If any police officer or inspector has reasonable cause to suspect that any person has committed an offence under this Act and it appears to him to be necessary to arrest such person immediately in order that the ends of justice for the purposes of this Act may not be defeated, he may arrest such person without a warrant.

Inspectors to have powers, etc. of police officers.
1 of 1971, s. 11.

66. An inspector shall, while on duty in the capacity of an inspector, have, exercise and enjoy all the powers, authority, privileges and immunities and perform all the duties and have all the responsibilities of a police officer under this Act or any regulations made thereunder.

67. (1) The Minister may make regulations for carrying into effect the provisions of this Act, and in particular but without prejudice to the generality of the foregoing may make regulations —

*Regulations.
1 of 1971, s. 12.*

- (a) Providing for the cards, tokens or other articles to be used in gaming, and for the supply or the inspection by the Board of such cards, tokens or articles as aforesaid;
- (b) prescribing the records to be kept by the holders of licences under this Act;
- (c) prescribing the accounts to be kept by the holders of licences under this Act and requirements for the audit of such accounts;
- (d) Providing for the supply to the Board of information regarding premises licensed under this Act and the activities of any person upon such premises;
- (e) with respect to the stationing of inspectors or other officers of the Board upon premises licensed under this Act, and the functions of such officers;
- (f) prescribing maximum stakes which may be permitted in any gaming at premises licensed under this Act;
- (g) for verifying and checking the amount of the takings on any day or during any period at premises licensed under this Act;
- (h) prescribing the conditions and rules in accordance with which any game is to be played or any sports betting is to be conducted, on premises licensed under this Act either generally or in any particular circumstances;
- (i) declaring any area on premises licensed under this Act to be a restricted area;
- (j) regulating and restricting the admission of persons on premises licensed under this Act;
- (k) regulating and controlling the importation into The Bahamas of gaming machines and equipment;
- (l) for any purposes for which regulations are authorised or required to be made under this Act;

27 of 1995, s. 5.

(m) prescribing anything authorised or required by this Act to be prescribed;

(n) prescribing offences under the regulations.

(2) The Minister shall not make any regulations under this Act except after consultation with the Board.

Liability of lessees, tenants, etc.

68. The keeping of any premises by the lessee, tenant or occupier thereof, or by any person for whose acts the lessee, tenant or occupier is responsible, for the conduct of gaming, or the use of any premises by any such person as aforesaid for the conduct of a lottery, in such circumstances that such gaming or such lottery is unlawful under the provisions of this Act, shall entitle the owner or lessor of such premises, as the case may be, to terminate the lease, tenancy or agreement under which the premises are held.

Offences by bodies corporate.

69. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary of other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Penalties.

70. Any person who is guilty of an offence under this Act or any regulations thereunder for which no penalty is provided elsewhere in this Act or in the regulations shall be liable to a fine not exceeding three hundred dollars and in default of payment thereof to imprisonment for a term not exceeding twelve months.

Mode of trial.

71. All offences against this Act or any regulation thereunder for which no other mode of trial is specifically provided shall be tried summarily.

Forfeiture.

72. The court by or before which a person is convicted of an offence under this Act may order anything produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

73. Any notice or other document required by any provision of this Act to be served on any person, or to be given or sent to any person, may be served, given or sent —

Service of documents.

- (a) by delivering it to him; or
- (b) by sending it by post to him to his usual or last known residence or place or business in The Bahamas; or
- (c) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office or sending it by post to the secretary or clerk of that body corporate at that office.

74. (1) All expenses incurred by the Minister under this Act, together with —

Financial provisions.

- (a) any expenses incurred by the Board under paragraph 5 of the First Schedule; and
- (b) to such amount as the Minister with the consent of the Minister of Finance may approve, any other expenses incurred by the Board,

First Schedule.

shall be defrayed out of moneys provided by Parliament.

(2) The following fees shall be charged under this Act, that is to say —

*1 of 1971, s. 73;
3 of 1978, s. 7.*

- (a) in respect of the issue or renewal of a certificate of approval under Part I of the Second Schedule, a fee of fifteen dollars;
- (b) in respect of the issue or renewal of a permit under the Third Schedule, a fee of ten dollars.

Second Schedule.

Third Schedule.

(3) The Minister may by order direct that any provision of subsection (2) which is specified in the order shall have effect as if, for any reference in that provision to a sum so specified, there were substituted a reference to such other sum as may be so specified.

75. (1) The Minister may for the purpose of the due discharge of any function to which this section applies, delegate that function by instrument in writing to any public officer and any such delegation —

Delegation of certain functions by Minister.

- (a) may be made subject to such terms and conditions as the Minister thinks fit;
- (b) while in force shall not prevent the discharge by the Minister of the function thereby delegated; and
- (c) may at any time be revoked by the Minister.

(2) The functions to which this section applies are functions conferred on the Minister by subsection (3) of section 14, paragraph (g) of subsection (2) of section 15, subparagraph (i) of paragraph (a) of subsection (1) of section 16, subsection (2) of section 26 and subsection (3) of section 29.

FIRST SCHEDULE (Section 32(2))

PROVISIONS AS TO THE GAMING BOARD

1. The Gaming Board for The Bahamas shall by that name be a body corporate with perpetual succession and a common seal.

2. The Board shall consist of a chairman and two other members appointed by the Minister, and they shall hold and vacate office as such in accordance with the terms of their appointments.

3. A person who ceases to hold office as a member of the Board, or ceases to hold office as chairman, shall be eligible for reappointment.

4. The Minister shall pay to the members of the Board such remuneration and allowances as, with the consent of the Minister of Finance, he may determine.

5. The Board shall pay to their officers and servants such remuneration and allowances as, after consultation with the Minister and with the consent of the Minister of Finance, the Board may determine.

6. Subject to the provisions of the Second Schedule, the Board shall have power to regulate their own procedure.

7. The validity of any proceedings of the Board shall not be affected by any vacancy among the members of the Board or by any defect in the appointment of any such member.

SECOND SCHEDULE (Section 52(3))

PROCEDURE FOR APPROVAL BY BOARD

PART I

ISSUE, RENEWAL AND REVOCATION OF CERTIFICATE OF APPROVAL

*1 of 1971, s. 14.;
2 of 1972, s. 4.; 3
of 1988, s. 8.*

Issue and Renewal of Certificate

1. Any person may apply to the Board for the issue or renewal in respect of him of a certificate under section 52 certifying that, in relation to premises specified in the certificate, he has been approved by the Board under that section for acting in relation to those premises in a capacity and in respect of the performance of the functions relating to such capacity to which subsection (1) of that section applies which are specified in the certificate.

2. Any such application shall specify the premises, and the capacity to which subsection (1) of section 52 applies, in respect of which the certificate is required.

3. In determining whether to issue or renew a certificate on any such application the Board shall have regard only to the question whether, in relation to the premises specified in the application, the applicant is a fit and proper person to act in the capacity so specified and to perform the functions relating to such capacity.

4. Subject to the following provisions of this Schedule any such certificate issued by the Board, if not renewed, and any such certificate renewed by the Board, if not again renewed, shall cease to be in force after the 31st day of December next following the date of issue or renewal.

5. The Board may at any time revoke any such certificate if it appears to the Board that, in relation to the premises specified in the certificate, the person to whom the certificate relates is not a fit and proper person to act in the capacity so specified and to perform the functions relating to such capacity.

6. Where the Board determine to revoke any such certificate, they shall serve a notice on the person to whom it relates stating that (subject to any appeal against revocation) the certificate is revoked as from the end of the period of twenty-one days after the date of service of the notice; and, subject to the following provisions of this Schedule, the revocation shall take effect at the end of that period.

Appeal against Refusal or Revocation of Certificate

7. (1) Where on an application under this Schedule the Board refuse to issue or renew a certificate, the applicant may, by notice in writing to the Minister, appeal to the Minister against the decision of the Board.

(2) Where the Board serve a notice on any person under paragraph 6 of this Schedule, he may by notice in writing to the Minister appeal to the Minister against the decision of the Board to revoke the certificate.

8. Before determining any appeal under this Schedule with respect to a decision of the Board, the Minister shall afford to the appellant and to the Board an opportunity of submitting to him representations in writing with respect to that decision, and may also, if he thinks fit, and either the appellant or the Board so desire, afford to each of them an opportunity of appearing before and being heard by, a person appointed by the Minister for the purpose; and the Minister, in determining the appeal, shall take into account any such representations and the report of the person (if any) so appointed.

Payment of Fees

9. Notwithstanding anything in the preceding provisions of this Schedule, the Board shall not issue or renew a certificate of approval under section 52 except on payment by the applicant to the secretary to the Board of the fee chargeable in accordance with section 74.

PART II

2 of 1972, s. 4.

PENDING APPLICATIONS AND APPEALS

10. Where a person applies to the Board for a certificate under section 52, and at the time of that application a certificate issued by the Board in respect of him (whether in relation to the same premises or not) is in force, the application shall, until it is determined by the Board have the same effect for the purposes of that section as if it were a certificate issued by the Board and for the time being in force, certifying that, in relation to the premises specified in the application, he has been approved by the Board for acting in the capacity specified in the application and for performing the functions relating to such capacity.

11. Where by virtue of paragraph 10 an application has effect as mentioned in that paragraph, and the Board refuse to issue a certificate on that application and the applicant appeals to the Minister against the decision of the Board, that appeal shall, until it is determined by the Minister or abandoned, have the effect specified in paragraph 10.

12. Where a notice of appeal is served on the Minister under subparagraph (2) of paragraph 7 of this Schedule, the person serving the notice of appeal shall be suspended from acting in the capacity and performing the functions in relation to such capacity to which the certificate relates, until the appeal is determined by the Minister.

THIRD SCHEDULE (Section 53)

1 of 1971, s. 15.

ISSUE, RENEWAL, AND REVOCATION OF PERMITS

Issue and Renewal of Permit

1. Any person may apply to the Board for the issue or renewal in respect of him of a permit stating that, in relation to the premises specified in the permit, he has been approved by the Board for employment on those premises in the capacity specified in the permit.

2. Any such application shall specify the premises and the capacity such as is specified or referred to in subsection (2) of section 53 in respect of which the permit is required.

3. In determining whether to issue or renew a permit on any such application, the Board shall have regard only to the question whether, in relation to the premises specified in the application, the applicant is a fit and proper person to be employed in the capacity so specified.

4. Subject to the following provisions of this Schedule, any such permit issued by the Board, if not renewed, and any such permit renewed by the Board, if not again renewed, shall cease to be in force after the 31st day of December next following the date of issue or renewal.

Revocation of Permit

5. The Board may at any time revoke any such permit if it appears to the Board that, in relation to the premises specified in the permit, the person to whom the permit relates is not a fit and proper person to be employed in the capacity so specified, and such revocation shall be final and shall not be the subject of any appeal.

6. Where the Board determine to revoke any such permit, they shall serve a notice on the person to whom it relates stating that the permit is revoked as from the end of the period of twenty-one days after the date of service of the notice.

Payment of Fees

7. Notwithstanding anything in the preceding provisions of this Schedule, the Board shall not issue or renew a permit under section 53 except on payment by the applicant to the secretary to the Board of the fee chargeable in accordance with section 74.

FOURTH SCHEDULE (Section 53)

2 of 1972, s. 5.

CAPACITIES AND FUNCTIONS IN RESPECT OF WHICH A CERTIFICATE OF APPROVAL IS REQUIRED

(a) *Accountant* — that is to say, a person who records cash, cheques, markers, IOU's, chips and tokens used in the gaming, and who may, from time to time, perform such other duties as are normally undertaken by an accountant provided that such duties are directly connected with the gaming activities of the licensee;

(b) *Assistant Casino Manager* — that is to say, a person who watches the gaming and the performance of cashiers, croupiers, inspectors, and supervisors in the course of their duties, and who may record the details of, and transmit cash, cheques, markers, IOU's, chips and tokens used in the gaming and who may, with the prior approval of the Board, perform the functions of the Casino Manager in his absence;

(c) *Assistant Director of Security* — that is to say, a person who watches the gaming and the performance by any person pursuing any service agreement of any functions which such person is permitted to perform. Such person may perform such other duties as are specified in the written security instructions issued by the licensee, and notified to the Board. He may also, with the prior approval of the Board, perform the functions of the Director of Security in his absence;

(d) *Cashier* — that is to say, a person who may assist the gaming by handling any apparatus, markers, dice, chips, tokens or other articles used in the gaming, and who may issue, receive and record cash, cheques, markers, IOU's, chips or tokens used in the gaming, provided that he performs his duties only in the cashier's office;

(e) *Casino Manager* — that is to say, the person who is in actual and effective control of all persons pursuing any service agreement of any functions which such person is permitted to perform and who may record the details of, and transmit cash, cheques, markers, IOU's, chips and tokens used in the gaming;

(f) *Change Booth Operator* — that is to say, a person who issues, receives, transmits, exchanges or records cash, chips or tokens used in the gaming on the slot machines, provided that such person shall perform his duties only in the money-change booth where he is on duty;

(g) *Change Girl* — that is to say, a person who issues, receives, transmits, exchanges and records cash, chips and tokens used in the gaming on the slot machines, provided that such person shall in the performance of her duties, only be directly concerned with players at the slot machines;

(h) *Company Official* — that is to say, a person who is a director, secretary, shareholder or other official of the company (where the licensee is a company), and who may watch the gaming or performance by any person in pursuance of any service agreement of any functions which such person is permitted to perform, and who may record the details of, and transmit cash, cheques, markers, IOU's, chips and tokens used in the gaming;

(i) *Croupier* — that is to say, a person who takes part in the gaming as a player, handles apparatus, cards, tokens and other articles used in the gaming at the gaming tables and who may receive cash and issue chips and tokens used in the gaming at the gaming tables where he is on duty;

(j) *Director of Security* — that is to say, a person who watches the gaming and the performance by any person pursuing any service agreement of any functions which such person is permitted to perform. Such person may perform such other duties as are specified in the written security instructions issued by the licensee and notified to the Board;

(k) *Inspector* — that is to say, a person who watches the gaming and the performance of croupiers in the course of their duties and who may receive or record cash, markers, IOU's, chips and tokens used in the gaming at the gaming tables where he is on duty, and who may transmit markers, IOU's, chips and tokens used in the gaming between the cashier's office and the gaming tables. Such person may also transmit and exchange chips and tokens between the money-change booths and the gaming tables where he is on duty. An inspector watching the gaming on slot machines may also transmit coins used in the gaming on slot machines between the cashier's office and the money-change booths, and may count and record the cash won or lost in the gaming on the slot machines if the cash is held in the money-change booths, or in the cashier's office;

(l) *Office Assistant* — that is to say, a person who records the details of cash, cheques, markers, IOU's, chips and tokens used in the gaming, and who may perform such other duties as are specified in written instructions issued by the licensee and notified to the Board;

(m) *Office Manager/Credit Manager* — that is to say, a person who records the details of cash, cheques, markers, IOU's, chips and tokens used in the gaming, and who may perform such other supervisory duties in relation to the gaming and in relation to persons employed in pursuance of service agreements, within the cashier's office, or in the offices adjacent thereto;

(n) *Security Supervisor* — that is to say, a person who watches the gaming and the performance by any person pursuing any service agreement of any functions which such person is permitted to perform and who may record the details of, and transmit cash, cheques, markers, IOU's, chips and tokens used in the gaming. Such person may also perform such other duties as are specified in the written security instructions issued by the licensee, and notified to the Board;

(o) *Supervisor* — that is to say, a person who watches the gaming and the performance of croupiers and inspectors in the course of their duties and who may record the details of, and transmit between the cashier's office and the gaming tables, cheques, markers, IOU's, chips and tokens used in the gaming;

27 of 1995, s. 6.

(p) *Sports Book Manager* — that is to say, a person who monitors the licensee's sports betting activities, sets sports betting odds, makes recommendations in respect of the hiring of persons to participate in, and the dismissal of persons participating in, the licensee's sports betting activities, and who enters sports betting results into a computer;

27 of 1995, s. 6.

(q) *Sports Book Shift Manager* — that is to say, a person who is responsible, during a shift, for the operation of the licensee's sports betting activities, who directs and supervises persons employed by the licensee to participate in sports betting, and who verifies and enters sports betting results into a computer;

27 of 1995, s. 6.

(r) *Sports Book Writer/Cashier* — that is to say, a person who, in respect of the licensee's sports betting activities, inputs wagers into a computer terminal for the issuance of tickets, makes payments in respect of winning tickets, and operates writer/ cashier computer terminals.