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GRENADA

ACT NO. 21 OF 2016**I assent,**

8th July, 2016.

CÉCILE E. F. LA GRENADE
Governor-General.

AN ACT related to the regulation of the use of gaming machines, the conduct of lotteries and betting, and gaming in general.

[By Order].

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

PART I**PRELIMINARY****1.—(1)** This Act may be cited as the**GAMING ACT, 2016.**Short title
and commen-
cement.

(2) This Act shall come into force on a day fixed by the Minister by Order published in the *Gazette*.

Scope and application.

2.—(1) This Act shall not apply to casino gaming or other matters to which the Casino Gaming Act, 2014 applies.

(2) This Act shall bind the National Lotteries Authority.

Interpretation.

3.—(1) In this Act—

“adult” means an individual who is not an individual under the age of eighteen years;

“betting” means making or accepting a bet on—

- (a) the outcome of a race, competition or other event or process; or
- (b) the likelihood of anything occurring or not occurring,

whether anything is or is not true;

“betting intermediary” means a person who provides a service designed to facilitate the making or acceptance of bets between others;

“bingo” means any version of the game traditionally known as bingo, irrespective of by what name it is described;

“Commission” means the Gaming Commission established under section 5;

“director” has the meaning given under the Companies Act, Chapter 58A;

“e-gaming” means engaging in an interactive game of chance operated by a computer circuitry using–

- (a) a general-purpose computer whether shared or personal;
- (b) an arcade console;
- (c) a lottery terminal;
- (d) a gaming machine; or
- (e) any other electronic device adapted for playing games of chance,

that incorporates the use of a computer generated video display that responds directly or indirectly to inputs from the player;

“game of chance” includes–

- (a) a game that involves both an element of chance and an element of skill;
- (b) a game that involves an element of chance that can be eliminated by superlative skill; and
- (c) a game that is presented as involving an element of chance,

whether or not there are other participants in the game and whether or not a computer generates images or data taken to represent the actions of other participants in the game, but excludes a sport;

“gaming” means playing any game of chance for a prize, and includes—

- (a) every form of gaming using a gaming machine;
- (b) betting; or
- (c) participating in a lottery;

“gaming machine” means, subject to subsection (8), any machine, platform, software, electronic device or other equipment, excluding currency, playing cards, dice and devices utilised by the National Lotteries Authority to conduct a lottery, which is designed or adapted for use by persons to play a game of chance for a prize, including participating in e-gaming, whether or not it can also be used for other purposes;

“holder”, in relation to a licence, means the person to whom the licence is granted;

“licence” means a licence granted under Part III;

“lottery” means an arrangement in which—

- (a) persons are required to pay in order to participate in the arrangement;
- (b) in the course of the arrangement, one or more prizes are allocated to one or more members of a class; and
- (c) the prizes are allocated by a process which relies wholly or partially on chance,

and includes bingo and a promotional drawing in which prizes are given away at no charge to the participants;

“Minister” means the Minister with responsibility for Finance;

“National Lotteries Authority” means the National Lotteries Authority established under section 3 of the National Lotteries Authority Act, Chapter 205A;

“non-commercial society” means a society established and conducted—

- (a) for charitable purposes;
- (b) for the purpose of enabling participation in, or of supporting, sports, athletics, religion or a cultural activity; or
- (c) for any other non-commercial purpose in the course of activities for purposes under paragraph (a) or (b);

“participant”, in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game;

“pool betting” means betting that is made on terms that all or part of winnings—

- (a) shall be determined by reference to the aggregate of stakes paid or agreed to be paid by the persons betting;

-
- (b) shall be divided among the winners; or
 - (c) shall or may be something other than money;

“premises” includes any place and, in particular—

- (a) a vessel; and
- (b) a vehicle;

“prize” includes any money, articles or services—

- (a) whether or not described as a prize; and
- (b) whether or not consisting wholly or partly of money paid, or articles or services provided, by the members of the class among whom the prizes are allocated;

“relevant offence” means—

- (a) an offence listed in Schedule II; and
- (b) an offence under the law of a country or territory outside Grenada which prohibits a kind of activity prohibited by an offence listed in Schedule II;

“stake” means an amount paid or risked in connection with gaming and which either—

- (a) is used in calculating the amount of the winnings or the value of the prize that the person making the stake receives if successful; or

- (b) is used in calculating the total amount of winnings or value of prizes in respect of the gaming in which the person making the stake participates;

“supply” includes—

- (a) sale;
- (b) lease; and
- (c) placing on premises with permission or in accordance with a contract or other arrangement;

“Tribunal” means the Gaming Appeals Tribunal established under section 21;

“vessel” includes—

- (a) anything designed or adapted for navigation or other use in, on or over water; and
- (b) anything, or any part of any place, situated in or on water;

“winnings”, in relation to a bet, means anything won, whether in money or in money’s worth.

(2) For the purposes of this Act, a person participates in a game of chance for a prize if he or she participates in a game of chance and thereby acquires a chance of winning a prize, whether or not he or she risks losing anything at the game of chance.

(3) The Minister may by regulations exempt for the purposes of this Act a specified activity or an activity carried on in specified circumstances, other than an activity involving e-gaming or a lottery, from the definition of “game of chance” and “sport”.

(4) For the purposes of this Act, a person makes a bet, despite the fact that he or she does not deposit a stake in the normal way of betting, if—

- (a) he or she participates in an arrangement in the course of which participants are required to guess any of the matters specified in paragraphs (a) or (b) of the definition of “betting”;
- (b) he or she is required to pay to participate; and
- (c) if his or her guess is accurate, or more accurate than other guesses, he or she is to—
 - (i) win a prize; or
 - (ii) enter a class among whom one or more prizes are to be allocated, whether or not wholly by chance.

(5) For the purposes of subsection (4), a reference to guessing includes a reference to predicting using skill or judgment.

(6) A process which requires persons to exercise skill or judgment or to display knowledge shall be treated for the purposes of this section as relying wholly on chance if—

- (a) the requirement cannot reasonably be expected to prevent a significant proportion of persons who participate in the arrangement of which the process forms part from receiving a prize; and
- (b) the requirement cannot reasonably be expected to prevent a significant proportion of persons who wish to participate in that arrangement from doing so.

(7) The Minister may by regulations provide that an arrangement of a specified kind is to be treated as a lottery for the purposes of this Act, and the power in this subsection is not constrained by subsections (6).

(8) A machine is not a gaming machine—

- (a) by reason only of the fact that it dispenses lottery tickets or otherwise enables a person to enter a lottery provided that the results of the lottery are not determined by the machine;
- (b) by reason only of the fact that it is designed or adapted for the playing of bingo and is used in accordance with a general lotteries operating licence or a special lotteries operating licence;
- (c) if it is exempted by the Minister by Order published in the *Gazette*.

Cross activities.

4.—(1) Where a transaction satisfies the definition of betting and involves the use of gaming machines, the transaction shall be treated for the purposes of this Act as only gaming using gaming machines.

(2) Where a transaction satisfies the definition of pool betting and involves the use of gaming machines, the transaction shall be treated for the purposes of this Act as only betting.

(3) Where a transaction satisfies the definition of participating in a lottery and satisfies the definition of betting, the transaction shall be treated for the purposes of this Act as only participating in a lottery.

(4) Where a transaction satisfies the definition of participating in a lottery and involves the use of gaming machines, the transaction shall be treated for the purposes of this Act as only gaming using gaming machines.

PART II

THE GAMING COMMISSION

Establishment
of the Gaming
Commission.

5.—(1) There shall be a body corporate to be known as the Gaming Commission.

(2) Schedule I, which makes provision about the constitution and proceedings of the Commission, shall have effect.

Powers and
functions of the
Commission.

6. The powers and functions of the Commission include the following—

- (a) to receive applications for licences;
- (b) to make recommendations to the Minister regarding the approval or refusal of applications for licences and conditions to be attached to licences;
- (c) to make recommendations to the Minister regarding the suspension, revocation or varying of licences, where appropriate;
- (d) to maintain records surrounding the application for, granting of, suspension of, revocation of and varying of licences;
- (e) to monitor compliance of holders of licences with the licences and any conditions attached to the licences;
- (f) to conduct inspections of any part of premises, and machine and other thing on premises subject to the provisions of this Act;
- (g) to delegate the power to conduct inspections under paragraph (f);
- (h) to demand from holders of licences access to any written or electronic record in relation to the licences;
- (i) to confiscate any machine or part thereof or other thing on premises subject to the provisions of this Act;
- (j) to issue rules and guidelines for the regulation of gaming facilities; and

-
- (k) to exercise the powers and perform the functions specified in this Act and assigned to it by any other enactment.

Register of licences.

7.—(1) The Commission shall maintain a register of licences containing such details of and relating to each licence as the Commission thinks appropriate, including every activity involving gaming registered under section 8, every application made under section 10 and every licence granted or refused under section 11.

(2) The Commission may make the register available for inspection by members of the public at reasonable times upon payment of a fee specified by the Commission, which shall not exceed the reasonable cost of providing the service sought.

PART III

REGISTRATION AND LICENSING

Mandatory registration and licensing.

8. No person shall provide facilities for gaming without first registering the activity involving gaming with the Commission and obtaining a licence granted by the Minister.

Licences.

9.—(1) The Minister may, on the recommendation of the Commission in accordance with subsection (2), grant a licence as follows—

- (a) a gaming machines operating licence to authorise a person to provide gaming machines other than gaming machines used for the purposes of e-gaming, for use on specified premises;

- (b) an e-gaming operating licence to authorise a person to provide gaming machines or other facilities for e-gaming, including to import, install, maintain or repair gaming machines for e-gaming, or parts of gaming machines for e-gaming;
- (c) a gaming machines technical licence to authorise a person to supply, import, install, maintain or repair gaming machines, or parts of gaming machines;
- (d) a general betting operating licence to authorise a person to provide facilities for betting, excluding pool betting, on specified premises;
- (e) a pool betting operating licence to authorise a person to provide facilities for pool betting on specified premises;
- (f) a general lotteries operating licence to authorise a person other than a non-commercial society and a local authority to promote a lottery;
- (g) a special lotteries operating licence to authorise a non-commercial society or a local authority to promote a lottery;
- (h) a club's gaming licence to authorise a members' club registered under the Registration of Clubs Act, Chapter 282 to provide facilities for gaming, excluding promoting lotteries and engaging in e-gaming, to its members.

(3) The Minister shall not grant a licence to—

- (a) an individual under the age of eighteen years; or
- (b) a group that includes an individual under the age of eighteen years.

Application.

10.—(1) A person may apply to the Commission for a licence under section 9 to authorise the person to provide facilities for gaming.

(2) An application shall be in the prescribed form and shall set out—

- (a) the name and address of the applicant;
- (b) whether the applicant, or any individual of the group constituting the applicant, is under the age of eighteen;
- (c) the activities to be authorised by the licence;
- (d) whether the applicant has been convicted of an offence specified under Schedule II;
- (e) whether the applicant has been convicted of any other offence; and
- (f) such other information as may be prescribed by the Minister,

and shall be accompanied by the fees as may be prescribed by regulations.

(3) Upon an application for a special lotteries operating licence in accordance with this section, the Minister may waive fees payable, or reimburse fees paid, under subsection (2).

11.—(1) The Commission shall, after due consideration of an application under section 10 or 13, make a recommendation to the Minister with respect to the outcome of the application. ^{Determination of application.}

(2) In determining whether to make a recommendation for the grant or renewal of a licence, the Commission shall have regard to—

- (a) public policy directives as may be prescribed by the Minister by regulations;
- (b) whether the applicant is a fit and proper person to hold such a licence and to perform the functions relating to the licence; and
- (c) in the case of a gaming machines operating licence, a general betting operating licence or a pool betting operating licence, whether in relation to the premises specified in the application the applicant is a fit and proper person to hold such a licence and to perform the functions relating to the licence.

(3) For the purposes of subsection (2), in determining whether a person is a fit and proper person, the Commission shall have regard to the following—

- (a) the integrity of the applicant or of any person intended to exercise a function in connection with or is interested in the activities authorised by a licence;
- (b) the competence of the applicant, or of any person intended to exercise a function in connection with the activities authorised by a licence;
- (c) the financial and other circumstances of the applicant or of any person who intends to exercise a function in connection with or is interested in the activities authorised by a licence.

(4) On the recommendation of the Commission in respect of an application under section 10, the Minister may—

- (a) grant a licence under section 9;
- (b) refuse to grant a licence under section 9; or
- (c) grant a licence under section 9 in respect of one or more of the activities specified in the application in accordance with section 10 (2) (c).

(5) Where the Minister grants a licence under section 9 in respect of the whole or a part of an application, the licence to the applicant shall be in the prescribed form and the Commission shall give notice of the grant in the prescribed form to—

- (a) the applicant;

- (b) the Commissioner of Police;
- (c) the Comptroller of Customs;
- (d) the Comptroller of Inland Revenue; and
- (e) in the case of a general lotteries operating licence or a special lotteries operating licence, the Board of the National Lotteries Authority.

(6) Where the Minister refuses to grant a licence under section 9 in respect of the whole or a part of an application, the Commission shall give notice of the refusal in the prescribed form to—

- (a) the applicant;
- (b) the Commissioner of Police;
- (c) the Comptroller of Customs; and
- (d) in the case of a general lotteries operating licence or a special lotteries operating licence, the Board of the National Lotteries Authority.

(7) The Minister may refuse to grant a licence under section 9 where the applicant or a person relevant to the application has a conviction for an offence specified under Schedule II.

(8) Where the Minister grants a licence under section 9, the Minister may attach conditions to the licence.

Form of licence.

12.—(1) A licence shall be in the prescribed form and shall specify—

- (a) the person to whom it is granted and a home or business address of the person;
- (b) the period during which it is to have effect;
- (c) the premises to which it relates and the activities for which it authorises the premises to be used, if any; and
- (d) any condition attached by the Minister.

(2) Every holder of a licence shall prominently display the licence in a conspicuous place on the premises for which the licence is granted.

Renewal.

13.—(1) The holder of a licence may make an application for renewal of a licence in the prescribed form and accompanied by fees as may be prescribed by regulations, not before three months but not later than two weeks before the expiration date of the licence.

(2) Where an application for renewal in accordance with subsection (1) has not been determined on or before the expiration date of the licence, the licence shall continue to have effect until the application is determined, unless the licence ceases to have effect by virtue of section 16, 17 or 18.

(3) An application for renewal shall be accompanied by the licence to be renewed or a true copy thereof.

(4) Upon application under this section with respect to a special lottery operating licence, the Minister may in whole or in part waive or reimburse any payment of fees required under subsection (2).

14.—(1) Where the Minister has granted a licence and there has been a change with respect to any information provided for the purposes of the grant of the licence, the holder of the licence shall no later than seven days following occurrence of the change, and in the prescribed form notify the Commission of the change of circumstance of a prescribed kind in relation to him or her or to an activity authorised by the licence. Change of circumstance.

(2) For the purposes of this section, “change of circumstances” includes a change of control of a body corporate.

(3) A holder of a licence who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

15.—(1) The holder of a licence may make an application to the Minister in the prescribed form for variation of the licence, including— Application to vary.

- (a) insertion, amendment or removal of an activity authorised by the licence;
- (b) amendment of another detail of the licence; or
- (c) insertion, amendment or removal of a condition attached to the licence.

(2) An application for variation shall be accompanied by a statement of the variation sought and the licence to be varied or a true copy thereof.

(3) In approving an application for variation, the Minister—

- (a) shall have regard to the impact of the variation and public policy directives as may be prescribed by the Minister by regulations;
- (b) shall specify a time when the variation shall begin to have effect;
- (c) may attach conditions to the licence to facilitate continuance of the licence in accordance with public policy directives as may be prescribed by the Minister by regulations; and
- (d) may make any transitional provision as the Minister determines appropriate.

Lapse.

16.—(1) Where a licence is granted to an individual, the licence shall lapse, if—

- (a) the individual dies; or
- (b) the individual is adjudged bankrupt.

(2) In any other case, a licence shall lapse if the holder of the licence—

- (a) ceases to exist;
- (b) is adjudged bankrupt; or

(c) goes into liquidation.

(3) Where a licence lapses by virtue of this section, the licence shall not be revived, but the holder of the licence as lapsed, or any other person, may make an application for a new licence in accordance with section 10.

17.—(1) The Minister may, on the recommendation of the Commission, suspend a licence, if the Minister is satisfied that any condition specified under section 19 (1) applies. Suspension.

(2) Where the Minister seeks to suspend a licence, the Minister shall cause a notice of suspension to be served on the holder of the licence in the prescribed form and specify the period during which the suspension shall be in effect.

(3) Where the Minister suspends a licence, the Commission may, for the period specified under subsection (2)—

- (a) confiscate any machine or part thereof or other thing on the premises subject to the provisions of this Act; and
- (b) detain any machine or part thereof or other thing on the premises which was previously confiscated pursuant to section 20.

18.—(1) The Minister may, on recommendation of the Commission, revoke a licence, if the Minister is satisfied that any condition specified under section 19 (1) applies. Revocation.

(2) Where the Minister seeks to revoke a licence, the Minister shall cause a notice of revocation to be served on the holder of the licence in the prescribed form and specifying the date upon which the revocation shall take effect.

(3) Where the Minister revokes a licence, the Commission may—

- (a) confiscate any machine or part thereof or other thing on the premises subject to the provisions of this Act; and
- (b) detain any machine or part thereof or other thing on the premises which was previously confiscated pursuant to section 20.

Conditions for suspension or revocation.

19.—(1) The conditions for suspension under section 17 (1), or revocation under section 18 (1), of a licence are—

- (a) that any activity authorised by the licence is being or has been carried on in a manner that is against the public interest;
- (b) that the holder of the licence has breached a condition of the licence;
- (c) that the holder of the licence has failed to comply with section 14;
- (d) that the holder of the licence is unsuitable to carry on the activities authorised by the licence, by reason of mental or physical incapacity;
- (e) that the holder of the licence is unsuitable to carry on the activities authorised by the licence, other than by reason of mental or physical incapacity.

(2) In considering the suitability of a holder of a licence for the purpose of subsection (1) (d) or (e) the Minister may, in particular, have regard to—

- (a) the integrity of the holder of the licence or of any person who exercises a function in connection with or is interested in the activities authorised by the licence;
- (b) the competence of the holder of the licence, or of any person who exercises a function in connection with the activities authorised by the licence;
- (c) the financial and other circumstances of the holder of the licence or of any person who exercises a function in connection with or is interested in the activities authorised by the licence.

20. Where the Commission has reason to suspect that, with respect to a licence, a condition under section 19 applies, the Commission shall conduct an investigation into the issue and may—

Investigation by Commission.

- (a) in the presence of the holder of the operating licence or an agent thereof, inspect any relevant premises, machines, books, accounts or records;
- (b) generate copies of such books, accounts or records; and
- (c) confiscate any machine or part thereof or other thing for the purposes of investigating whether a condition under section 19 applies.

PART IV**APPEALS**

The Gaming
Appeals
Tribunal.

21.—(1) There shall be a tribunal to be known as the Gaming Appeals Tribunal.

(2) Schedule III, which makes provision about the constitution and proceedings of the Tribunal, shall have effect.

Appeal to
Tribunal.

22.—(1) Where an applicant is aggrieved by the decision of the Minister in respect of an application—

- (a) under section 10 for the grant of a licence;
- (b) under section 13 for the renewal of a licence;
or
- (c) under section 15 to vary a licence,

including a condition attached to a licence, the applicant may appeal to the Tribunal.

(2) Where the holder of a licence is aggrieved by the decision of the Minister to take action—

- (a) under section 17 for the suspension of a licence; or
- (b) under section 18 for the revocation of a licence,

the holder of the licence may appeal to the Tribunal.

(3) An appeal under subsection (1) or (2) shall be in the prescribed form and shall be lodged with the Commission no later than fourteen days after the applicant or holder of the licence, as the case may be, receives notice of the decision of the Minister.

23.—(1) On an appeal under section 22 against a decision or action taken by the Minister, the Tribunal may— Powers of Tribunal.

- (a) affirm the decision or action;
- (b) quash in whole or in part the decision or action;
- (c) substitute for all or part of the decision or action another decision or action of a kind that the Minister could have taken;
- (d) add to the decision or action a decision or action of a kind that the Minister could have taken;
- (e) remit a matter to the Minister in consultation with the Commission (generally, or for decision in accordance with a finding made or direction given by the Tribunal);
- (f) reinstate a lapsed or revoked licence.

(2) In determining an appeal, the Tribunal may take account of evidence which was not available to the Commission or the Minister at the time of the decision of the Minister.

(3) Section 22 applies to a decision or action of the Minister following remittal under subsection (1) (e).

Appeal from
Tribunal.

24.—(1) A party to proceedings before the Tribunal under section 22 may, with leave of the Tribunal and within fourteen days of notice of the decision of the Tribunal, appeal on only a point of law to the Court.

(2) Where the Tribunal refuses permission under subsection (1), the party to proceedings under section 22 may apply to the Court for leave within fourteen days of notice of the refusal of permission of the Tribunal.

(3) Where a party to proceedings under section 21 brings an appeal to the Court under this section, the Court may—

- (a) affirm the Tribunal’s decision;
- (b) quash the Tribunal’s decision;
- (c) remit the matter to the Tribunal, in accordance with a finding made or direction given by the Court.

PART V

TAXATION AND RETURNS

Gaming tax.

25.—(1) Subject to subsection (5) and section 35 (5), every person who provides facilities for gaming shall be liable to pay gaming tax.

(2) Subject to subsection (4), gaming tax shall be chargeable for every month on the gross receipts of gaming of every person liable to pay gaming tax, at the rate specified in Schedule IV.

(3) Subject to subsection (4), gaming tax shall be payable on the tenth day of the month immediately following the calendar month in which the receipts of gaming were payable to the person who provided facilities for gaming.

(4) The Minister may attach to a licence a specified date on which the holder of the licence shall be liable to pay gaming tax at the rate specified in Schedule IV.

(5) Upon application of the holder of a special lotteries operating licence, the Minister may waive in whole or in part the gaming tax payable, or reimburse in whole or in part the gaming tax paid, with respect to the special lotteries operating licence.

(6) For the purposes of this Act, the Tax Administration Act, 2016 shall apply to gaming tax.

26.—(1) Subject to subsection (2), every holder of a licence shall keep such books, accounts and records and shall, on the tenth day of the following month and in the prescribed form, make a return of particulars in respect of the calendar month in which the receipts of gaming were payable to the person who provided facilities for gaming.

Books,
accounts,
records and
returns.

(2) The Minister may attach to a licence a specified date on which the holder of the licence shall be liable to make a return of particulars in respect of a specified period.

(3) A holder of a licence who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

PART VI**OFFENCES**

Provision of facilities for gaming.

27.—(1) A person who provides facilities for gaming or betting commits an offence and is liable on summary conviction to imprisonment for twelve months or a fine of one hundred thousand dollars or both, unless the person has a valid licence and is providing the facilities in accordance with the licence.

(2) For the purposes of subsection (1), a person provides facilities for gaming if he or she—

- (a) invites others to engage in gaming in accordance with arrangements made by him or her;
- (b) provides, operates or administers arrangements for gaming by others;
- (c) participates in the operation or administration of gaming by others;
- (d) manufactures, supplies, installs or adapts gaming software;
- (e) manufactures, supplies, imports, installs, adapts or repairs a gaming machine; or
- (f) is in possession of a gaming machine.

Use of premises.

28. A person who uses premises, or causes or permits premises to be used, to—

- (a) make a gaming machine available for use;
- (b) provide other facilities for gaming; or

- (c) provide facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets,

commits an offence and is liable on summary conviction to imprisonment for twelve months or a fine of one hundred thousand dollars or both, unless there is a licence under section 9 granted with respect to the premises and under which the person receives the authority to so use the premises, or to cause or permit the premises to be so used.

29.—(1) A person commits an offence if he or she— Cheating.

- (a) cheats at gaming; or
- (b) does anything for the purpose of enabling or assisting another person to cheat at gaming.

(2) For the purposes of subsection (1), “cheat” means to alter the selection of criteria which determine the result of gaming or the amount or frequency of payment of a prize in gaming, and it is immaterial whether a person who cheats—

- (a) improves his or her chances of winning anything; or
- (b) wins anything.

(3) Without prejudice to the generality of subsection (1), cheating at gaming may consist of actual or attempted deception or interference in connection with—

- (a) the process by which gaming is conducted; or
- (b) a real or virtual game, race or other event or process to which gaming relates.

(4) For the purposes of subsection (3) (b), a game, race or other event is virtual if it constitutes—

- (a) images generated by computer so as to resemble all or part of a game, race or other event or process of a kind that is played by or involves actual people, animals or things;
- (b) images generated by computer so as to represent an imaginary game, race or other event or process; or
- (c) any game, race or other event or process the result of which is determined by computer,

and a game, race or other event is real if the game, race or other event is not virtual.

(5) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to imprisonment for six months or a fine of fifty thousand dollars or both; or
- (b) on conviction on indictment, to imprisonment for two years or a fine of one hundred and fifty thousand dollars or both.

Making false, defective or misleading statements.

30. Every person who knowingly and wilfully makes a false, defective or misleading statement in an application under section 10, or a return of particulars under section 26, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

PART VII**PROTECTION OF MINORS**

31.—(1) Subject to subsection (2), a person commits an offence if he or she invites, causes or permits an individual under the age of eighteen years to participate in gaming. Invitation to participation in gaming.

(2) For the purposes of subsection (1), a person invites an individual under the age of eighteen years to participate in gaming, if the person intentionally—

- (a) sends to the individual any document which advertises gaming; or
- (b) brings to the individual information about gaming,

with a view to encouraging the individual, or the class of individuals under the age of eighteen years, to participate in gaming, unless the invitation was directed to the general public and complies with subsection (4).

(3) Where a document which is sent to an individual under the age of eighteen years and which advertises gaming gives the name or contact details of a person to whom payment may be made or from whom information may be obtained, that person shall be treated as having committed the offence under subsection (1), unless he or she proves that the document was sent—

- (a) without his or her consent and authority; or
- (b) to the general public at large and complies with subsection (4).

(4) Every oral or written communication advertising facilities for gaming or activities involving gaming shall declare that—

- (a) it is an offence to cause or permit a person under the age of eighteen years to participate in gaming; and
- (b) the facilities or activities advertised are not for use or participation by any person under the age of eighteen years.

Invitation to enter premises.

32.—(1) A person who invites or permits an individual under the age of eighteen years to enter premises on which there is participation in gaming commits an offence and is liable on summary conviction to imprisonment for six months or a fine of fifty thousand dollars or both.

(2) Premises on which tickets are sold for the purpose of a lottery conducted by the National Lotteries Authority, shall be exempted from the application of subsection (1).

Employment to provide facilities.

33.—(1) A person who employs an individual under the age of eighteen years to provide facilities for gaming or betting commits an offence and is liable on summary conviction to imprisonment for twelve months or a fine of seventy-five thousand dollars or both.

(2) For the purposes of subsection (1), a reference to employing an individual includes a reference to—

- (a) employing or engaging the individual whether or not under a contract of employment; and

- (b) causing or permitting the individual to be employed or engaged.

(3) A person who commits an offence under this section shall be treated as committing the offence on each day during any part of which the employment continues.

34. Where a person is charged with an offence under this Part, it is a defence for the person charged to prove that—

Reasonable belief about person's age.

- (a) he or she took all reasonable steps to determine the individual's age; and
- (b) he or she reasonably believed that the individual was not under the age of eighteen years.

PART VIII

MISCELLANEOUS PROVISIONS

35.—(1) Upon the commencement of this Act, the National Lotteries Authority shall be deemed to be granted an e-gaming operating licence for a period of twenty years and no person other than the National Lotteries Authority shall be granted an e-gaming operating licence.

National Lotteries Authority.

(2) Section 8 shall not apply to the National Lotteries Authority with respect to a lottery and no person other than the National Lotteries Authority shall conduct a lottery, unless the person is granted—

- (a) a general lotteries operating licence for the purposes of a bingo or a promotional drawing whether or not prizes are given away at no charge to the participants; or

- (b) a special lotteries operating licence.

(3) Notwithstanding subsection (2), the National Lotteries Authority shall—

- (a) consult with the Commission prior to introducing any game of chance that satisfies the definition of a lottery; and
- (b) comply with every reasonable request for the furnishing of records and information on the conduct of lottery by the National Lotteries Authority, as may be made by the Commission.

(4) The National Lotteries Authority may, in consultation with the Commission, enter into an arrangement in accordance with the National Lotteries Authority Act, Chapter 205A for any other person to provide facilities for gaming on the behalf of the National Lotteries Authority and pursuant to a licence granted to the National Lotteries Authority, without any requirement for the other person to obtain a licence in respect of those activities.

(5) Section 25 shall not apply to the National Lotteries Authority or any duly authorised agent thereof.

(6) Nothing in this section shall preclude an authorised agent of the National Lotteries Authority who contravenes any provision of this Act, regulations made thereunder, or condition attached to a licence granted to the National Lotteries Authority, from any liability and proceedings under this Act in respect of the contravening conduct.

36.—(1) The Minister may make regulations for the carrying into effect of the provisions of this Act and for prescribing anything required to be prescribed for the purposes thereof. ^{Regulations.}

(2) Without prejudice to the generality of subsection (1), the Minister, in consultation with the Commission, may make regulations—

- (a) prescribing mandatory conditions to be attached to every licence of a specified category;
- (b) prescribing limitations on the grant of licences and the approval of applications for varying of licences;
- (c) prescribing forms for the carrying into effect of the provisions of this Act, including sections 9, 10, 11, 12, 13, 14, 15, 17, 18, 22 and 26.

(3) Without prejudice to the generality of subsection (1), the Minister may by Order subject to negative resolution—

- (a) limit the categories of persons to which any type of licence under this Act may be granted; or
- (b) in general terms in any other way, the grant of any type of licence under this Act.

(4) Without prejudice to the generality of subsection (1), the Commission may, in consultation with the National Lotteries Authority, make rules—

- (a) prescribing standards in respect of premises to which gaming machines operating

licences are applicable, including standards in respect of—

- (i) the nature of a game of chance;
 - (ii) the way in which the results of a game of chance are to be determined or presented;
- (b) prescribing standards in respect of the supply, importation, installation, maintenance or repair of gaming machines or parts of gaming machines, including standards in respect of—
- (i) the nature of a game that a machine is designed to be used to play;
 - (ii) the way in which the results of a game of chance are to be determined or presented;
 - (iii) the nature of images or information displayed by or on a machine.

Power to amend
schedules.

37. The Minister may by regulations amend any schedule to this Act.

Repeal and
transitional
provisions.

38.—(1) The Gambling, Lotteries and Betting Act, Chapter 120 is hereby repealed.

(2) Every person who, prior to the commencement of this Act, provides facilities for gaming shall within ninety days of the commencement of this Act comply with the provisions of this Act.

SCHEDULE I

(Section 5 (2))

PROVISIONS AS TO THE GAMING COMMISSION

1. The Commission appointed by the Minister shall consist of—
 - (a) the Chairperson;
 - (b) a nominee from the Ministry with responsibility for economic development;
 - (c) three Commissioners appointed by the Minister on the advice of the business community;
 - (d) a representative from the Ministry of Legal Affairs; and
 - (e) any other person as may be deemed necessary for the proper functioning of the Commission.
2. A Commissioner appointed under paragraph 1 (c) shall be a fit and proper person to be a Commissioner of the Commission and a person of recognised standing and experience in one or more of the following areas—
 - (a) banking;
 - (b) economics;
 - (c) finance and accounting; or
 - (d) any other related field.
3. In determining whether a person is a fit and proper person to be appointed a Commissioner, the Minister shall have regard to all matters that the Minister considers relevant to the appointment—
 - (a) the person's probity, competence and soundness of judgment for fulfilling the responsibilities of a Commissioner; and
 - (b) the diligence with which that person is likely to fulfil the responsibilities of a Commissioner.

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4. Notwithstanding paragraph 3, regard may be had to the previous conduct and activities in business or financial matters of the person and, in particular, to any evidence that that person has—
 - (a) committed an offence involving fraud or other dishonesty or violence;
 - (b) contravened any provision made by or under an enactment designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of banking, insurance, investment or other financial services or the management of companies or against financial loss due to the conduct of a discharged or undischarged bankrupt;
 - (c) engaged in any business practices appearing to the Minister to be deceitful or oppressive or otherwise improper or which otherwise reflect discredit on that person's method of conducting business;
 - (d) an employment record which leads the Minister to believe that person carried out an act of impropriety in the handling of his or her employer's business; or
 - (e) engaged in or been associated with any other business practice or otherwise conducted himself or herself in such a way as to cast doubt on his or her competence and soundness of judgment.
 5. A vacancy on the Commission does not impair the right of the remaining Commissioners to act or make decisions.
 6. Where a Commissioner is incapacitated due to illness or any temporary absence from Grenada, the Minister may appoint some other person to act as a temporary Commissioner for the period such incapacity or absence continues.
 7. A Commissioner may be paid by the Commission out of funds of the Commission on account of his or her position as Commissioner, remuneration and an allowance as may be determined by the Minister.
 8. No person may be appointed as or be a Commissioner of the Commission at the same time as being appointed as or being a Member of Parliament.
 9. The Minister may at any time revoke the appointment of a Commissioner if he or she considers it in the interest of the Commission to do so.

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10. Notwithstanding paragraph 9 where the Commissioner is the nominee of the business community, the Minister shall request a suitable replacement from the business community.
 11. The Minister shall designate a Chairperson and Deputy Chairperson from among the Commissioners appointed under paragraph 1.
 12. The Chairperson shall preside at all meetings of the Commission but where at any meeting the Chairperson is absent, the Deputy Chairperson shall preside and have all the powers of the Chairperson.
 13. The Minister may, at any time, revoke a designation made under paragraph 11.
 14. The Commission may appoint a fit and proper person to be the Legal Counsel of the Commission.
 15. The Minister may, from time to time, after consultation with the Commission, give written directions of a general nature to the Commission as appear to the Minister to be necessary in the public interest and the Commission shall act in accordance with those directions within a reasonable time.
 16. The Commission shall be responsible for the policy and general administration of the affairs and business of the Commission.
 17. The Commission may, with the approval of the Minister, make by-laws—
 - (a) for the administration, management and control of the property, affairs and business of the Commission;
 - (b) governing the functions, duties and remuneration of all officers, agents and employees of the Commission;
 - (c) concerning conflicts of interest in respect of Commissioners and employees of the Commission;
 - (d) governing the time and place for the holding of meetings of the Commission and the procedure in all things at those meetings; and
 - (e) governing the conduct in all other particulars of the business and affairs of the Commission.
 18. The number of Commissioners constituting a quorum at any meeting of the Commission shall be five.

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19. A person who ceases to hold office as a member of the Commission, or ceases to hold office as Chairperson, shall be eligible for reappointment.
 20. The Minister shall pay to the members of the Commission such remuneration and allowances as he or she may determine.
 21. The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any such member.

SCHEDULE II

(section 11 (6))

DISQUALIFYING OFFENCES

1. An offence under this Act or the Gambling, Lotteries and Betting Act, Chapter 120
2. An offence for which the maximum penalty of imprisonment is for three or more years
3. An offence under the Customs Act, 1960 or the Customs Act, 2015
4. An inchoate offence relating to an offence qualifying under paragraph 1, 2 or 3

SCHEDULE III

(section 21)

PROVISIONS AS TO THE GAMING APPEALS TRIBUNAL

1. The Tribunal shall be appointed by the Governor-General and shall consist of—
 - (a) the Attorney-General, or his or her representative, who shall be the Chairperson;
 - (b) the Commissioner of Police, or his or her representative who shall be a member of the Royal Grenada Police Force holding the rank of Inspector or a rank above Inspector;

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- (c) the Comptroller of Inland Revenue or his or her representative;
 - (d) a representative of the business community who shall be a person of recognised standing and experience in banking, finance or account for a minimum of fifteen years;
 - (e) the Permanent Secretary with responsibility for Culture.
2. A vacancy on the Tribunal does not impair the right of the remaining members to act or make decisions.
 3. No person may be a member of the Tribunal at the same time as being appointed as or being a Member of Parliament.
 4. The Minister shall pay to the members of the Tribunal such remuneration and allowances as he or she may determine.
 5. The Tribunal shall have power to regulate its own procedure.

SCHEDULE IV

(section 25)

RATE OF GAMING TAX

The rates applicable for computing gaming tax shall be as follows—

- (a) providing gaming machines other than gaming machines used for the purposes of e-gaming
30% of gross receipts, or \$250.00 in respect of each gaming machine, whichever is greater
- (b) providing facilities for betting excluding pool betting
30% of gross receipts
- (c) providing facilities for pool betting
30% of gross receipts
- (d) promoting a lottery – a person other than a non-commercial society or a local authority
25% of gross receipts

- (e) promoting a lottery – a non-commercial society or a local authority
15% of gross receipts
 - (f) members' club providing facilities for gaming to its members
15% of gross receipts
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Passed by the House of Representatives this 11th day of May, 2016.

WILLAN A. THOMPSON
Clerk to the House of Representatives.

Passed by the Senate this 3rd day of June, 2016.

WILLAN A. THOMPSON
Clerk to the Senate.

GRENADA
