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GRENADA

ACT NO. 40 OF 2014



I assent,

CÉCILE E. F. LA GRENADE
Governor-General.

24th September, 2014.

AN ACT to provide for the Licensing and Control of Premises used for Gaming, for Levying Taxes on Gaming and for other purposes in connection therewith.

[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 of Grenada, and by the authority of the same as follows—

PART I

PRELIMINARY

1.—(1) This Act may be cited as the—

CASINO GAMING ACT, 2014.

Short title and
Commencement.

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

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

“application” means an application for a licence;

“casino” means any premises—

(i) kept and managed for gain by the occupier or any person acting with his or her authority or consent; and

(ii) licensed by the Commission to carry on the business of gaming under this Act;

“chips” means any tokens prescribed for use in a casino to represent sums of money as stakes in gaming;

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

“Commissioner of Police” means the commissioner of the Royal Grenada Police Force;

“Director” includes any person who occupies the position of a director, by whatever name that position is called;

“gaming” means playing for winnings in money, or for other stakes, any game of chance or betting whether or not any person playing the game or betting is at risk of losing any money or other stakes;

“gross gaming income” means the difference between—

- (i) the value in money or money's worth of the stakes staked with the casino, its employees, agents, representatives or other persons authorised by this Act to receive stakes, in gaming; and
- (ii) the value in money or money's worth of the winnings paid by the casino, its employees, agents, representatives or other persons so authorised as aforesaid, to those taking part in gaming otherwise than on behalf of the casino;

“Hotel” means any building or group of buildings whether contiguous to each other or not and the grounds appurtenant thereto that operate as one business venture in which—

- (a) sleeping accommodation is provided in 300 or more bedrooms;
- (b) meals are served to residents and non-residents; and
- (c) a charge is made for the accommodation provided;

“inspector” means an inspector appointed under section 35;

“licence” means a licence to operate a casino granted under section 13, and grammatical variations and cognate expressions shall be construed accordingly;

“Minister” means the Minister with responsibility for Finance;

“tax” means a tax payable under the provisions of section 36 or 37 or any additional tax payable under section 38, as the context requires.

Application.

3. This Act shall not affect the validity of activities sanctioned or prohibited under the Gambling, Lotteries and Betting Act Cap. 120 and the National Lotteries Act Cap. 205A.

Illegality of gaming.

4. For the purposes of this Act gaming is illegal unless conducted in a casino.

Establishment of Casino Gaming Commission.

5.—(1) There shall be established a body to be known as the Casino Gaming Commission which shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name, to which section 49 of the Interpretation and General Provisions Act applies.

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

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

(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 Commission by this Act.

PART II**LICENSING OF CASINOS**

6.—(1) An application for a licence under this Act to operate a casino shall be made in writing to the Commission for submission to the Minister, in such form and manner, and containing such particulars as may be prescribed or as the Minister may direct, and shall be accompanied by a non-refundable payment of \$100,000.00.

Application
for licence.

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

7.—(1) No later than fourteen days after the date on which the application is made, the Commission shall cause a notice of the making of the application to be published by means of an advertisement in two weekly newspapers which are circulating in Grenada, and in the *Gazette*.

Advertisement
of application.

(2) A notice published under subsection (1) shall specify the name of the applicant and the location of the premises in respect of which the application is made, and shall state that any person who desires to object to the grant of the licence shall send to the Commission before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified in the notice.

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

(4) No action shall be taken for the consideration of the application earlier than fourteen days after the date specified in the advertisement.

Objection to
application.

8.—(1) A person who wishes to object to the grant of a licence shall within the time specified under section 7(2)—

- (a) send to the secretary of the Commission a brief statement setting out precisely the reasons for the objection;
- (b) provide their contact details; and
- (c) state on oath that their personal interest is not being served by their objection to the application.

(2) Upon receipt of an objection the Commission may—

- (a) refuse to entertain the objection;
- (b) request further clarification/information from the objector; or
- (c) notify that the objection will be entertained at a later date.

Notice of
meeting for
consideration
of application.

9.—(1) No less than seven days before the date appointed by the Commission for the consideration of the application, the secretary to the Commission shall send a notice in writing of the date, time and place of the meeting of the Commission at which the application will be considered—

- (a) to the applicant;
- (b) to the Commissioner of Police; and
- (c) to a person who has made an objection, if the secretary to the Commission has received such an objection and the address of that person is known to the Commission.

(2) The secretary to the Commission shall also cause notice of that meeting to be published in two newspapers circulating in Grenada and in the *Gazette*.

(3) With the notice sent to the applicant in accordance with subsection (1) there shall be enclosed a copy of any objection to the grant of a licence which has been received by the secretary to the Commission and has not been withdrawn or rejected.

(4) Except as provided by subsection (1) of section 9, 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 or rejected,

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

10.—(1) On any application for the grant of a licence under this Act, the Commission 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 or rejected before the beginning of the meeting of the Commission at which the Commission considers the application.

Procedure if
no objection to
application.

(2) If no objection to the grant of a licence is received from the Commissioner of Police or any other person,

within the times respectively provided by sections 7 and 8, the Commission shall refer the application to the Minister who may grant a licence upon such terms and conditions he considers appropriate.

Report by
Commission
to Minister of
application.

11.—(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 Commission shall make a confidential report in writing directly to the Minister upon such application.

(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 Commission in relation thereto, and shall include the recommendation of the Commission to the Minister whether the licence should be granted or refused or be granted subject to any special identified restrictions or conditions which appear to the Commission to be required.

(3) In making a recommendation to the Minister the Commission shall not recommend that a licence be granted to the applicant unless it is satisfied—

- (a) that the applicant is qualified to hold a licence under the provisions of section 12, and is in all respects a fit and proper person and of appropriate financial standing to be the holder of a licence;
- (b) that if the licence is granted, the premises concerned, if not to be managed personally by the applicant, would be managed by a person who would himself be a fit and proper person to be the holder of a licence, and who has

given an undertaking to be ordinarily resident in Grenada during such time as he manages such premises;

- (c) that the Commission has been given all reasonable facilities to inspect any premises referred to in the application or to study the plans prepared for the alteration or erection of any premises concerned.

(4) Every report made by the Commission pursuant to subsection (1) 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 Commission) as he may deem fit and every decision of the Minister under this section shall be final.

12.—(1) A licence under this Act will only be granted if the applicant is a body corporate which owns or manages a hotel of at least 300 rooms approved and accredited by the Grenada Tourism Authority or a resort that is so approved or designated by the Minister.

Hotels or resorts qualified for grant of a licence.

(2) A licence shall not be granted—

- (a) to any company if any shareholder, director or officer of that company, has ever been convicted, and has not successfully appealed against that conviction, of any offence, whether committed within Grenada or elsewhere, involving fraud, dishonesty or violence, or has been convicted (whether

within or without Grenada) of any other criminal offence punishable by imprisonment for six months or longer without the option of a fine; or

- (b) to any company of which more than five *per centum* of the issued share capital is represented by bearer securities transferable by delivery only, unless such company maintains, or has undertaken to maintain, a record of the identity of the persons to whom payments are made in respect of interest or dividends on such securities, and that such record will be available for inspection by any person appointed for the purpose by the Minister; or
- (c) to any hotel or resort which does not have a separate gaming room within the said hotel or resort.

(3) For the purposes of paragraph (a) of subsection (2) the expression “director” includes any person who occupies the position of a director, by whatever name that position is called, and “officer” includes a director, manager or secretary.

(4) A licence shall not be granted to any body corporate which is not a company incorporated in Grenada under the provisions of the Companies Act or a foreign company, as defined in that Act.

Grant of licence to be subject to considerations of public interest.

13.—(1) A licence may be granted subject to such conditions as may appear necessary in the public interest.

(2) A licence may be granted for such term, not exceeding ten years, as may be specified therein, but may be extended from time to time by the Minister, for periods not exceeding five years in respect of each such extension, upon application made by the licensee to the Commission:

Provided that there shall be no extension of the term of a licence unless the licensee has duly performed all his obligations under this Act and the licence, and that the grant of an extension is in the public interest.

14.—(1) The Minister, after considering the circumstances relevant to any application for a licence and the recommendations made thereupon under section 11 may approve or refuse the granting of a licence.

Approval or refusal of application for licence.

(2) No appeal shall lie from any decision to grant or refuse a licence or from any decision to make a licence subject to any conditions or restrictions.

(3) The granting of a licence shall be signified under the hand of the Minister but no licence shall be issued to an applicant except upon payment of the fee payable therefor specified in Schedule II.

(4) Notice of the granting of any licence shall be published in the *Gazette*.

15.—(1) A licence shall—

Contents of licence.

- (a) state the particulars of the premises to which it relates, the period for which it is to remain in force and those conditions or restrictions to which it is subject other than those referred to in paragraph 15(b) hereof;

- (b) be deemed to include as conditions thereof—
- (i) that the licensee authorises every bank (whether within Grenada or elsewhere) at which it 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 request made by the Commission, to the Commission, or any public officer authorised in writing by the Minister, full particulars of that account;
 - (ii) that every alteration in the ownership or control of the premises to which the licence relates, or any part thereof, and every mortgage or charge of whatsoever kind granted over the said premises or any part thereof; and, in the case of a licensee, every alteration in the control of that company or of a holding of the shares representing five *per centum* or more of the capital of the company, shall be notified to the Commission within thirty days of the making of the alteration or the granting of the mortgage or charge, as the case may be; and
 - (iii) that the approval of the Commission shall be obtained before any change is made with respect to any person appointed to manage the gaming premises to which the licence relates;
- (c) contain such other provisions as may be required for giving effect to the requirements of this Act and shall be in such form as the Commission may approve;

- (d) right to cure any dispute between the Commission and Licensee: in the event that a dispute of notice under this provision that may cause consideration of issuance or suspension of a granted license; the Commission will cause a hearing within a reasonable time period and may extend a specific period of time for licensee and Commission to cure such dispute.

(2) For the purposes of subparagraph (ii) of paragraph (b) of subsection (1), a company shall be deemed to be controlled by a person or persons if that person, or those persons, by the exercise of some power by him or by them acting together, can without the consent of any other person appoint or remove all or a majority of the directors of that company.

16.—(1) An application may be made by the licensee at any time for the amendment of a licence. Such application must state the reasons for the amendment.

Amendment of
licence.

(2) Subject to sub-section (1), the Minister may approve such amendment provided that he is satisfied that the reasons given by the licensee for the amendment are in the public interest.

(3) Without prejudice to any other provisions of this Act, where at any time the Minister is satisfied that it is expedient in the public interest to amend a licence, he may amend such licence as he deems necessary.

(4) Before amending a licence under sub-section (3), the Minister shall give the licensee concerned, notice in writing, served at the registered office, of his or her

intention to do so, specifying the grounds upon which he or she proposes to make the amendment.

(5) Pursuant to sub-section (4), the Minister shall require the licensee to submit to him or her within a specified period being not less than thirty days, a written statement of objections to making the amendment and thereafter, the Minister shall advise the licensee of his or her decision.

Suspension of
licence.

17.—(1) Without prejudice to any other provisions of this Act, where at any time the Minister is satisfied that it is expedient in the public interest to suspend a licence, he may suspend such licence for such a period as deemed necessary.

(2) Before suspending any licence under subsection (1), the Minister shall give the licensee concerned notice in writing, served at the registered office of his or her intention to do so, specifying therein the grounds upon which he or she proposes to make the suspension.

(3) Pursuant to sub-section (2), the Minister shall require the licensee to submit to him or her within a specified period being not less than thirty days, a written statement of objections to the making of the suspension and thereafter, the Minister shall advise the licensee of his or her decision.

(4) A licence which has been suspended under subsection (1) shall, during the period of such suspension, be deemed to be no longer in force.

(5) The Commission shall forthwith serve on the licensee notice of a suspension of a licence effected pursuant to this section.

(6) In the event that a dispute of notice under this provision may cause consideration of issuance or suspension of a granted license, the Commission will cause a hearing within a reasonable time period and may extend a specific period of time for licensee and Commission to cure such dispute.

18.—(1) The Minister may at any time—

Cancellation
of licence.

(a) subject to the provisions of subsection (4),
cancel a licence, in any case where—

(i) he or she 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 willfully or otherwise);

(ii) there has been a breach of any restrictions or conditions to which the licence is made subject;

(iii) the licensee, has ceased to exercise proper supervision of the premises or has been convicted (whether within or without Grenada) of a criminal offence punishable by imprisonment for six months or longer without the option of a fine;

(iv) the licensee is in default in paying any fee or tax payable under the provisions of the Act; or

(v) it is deemed to be in the public interest so to do.

(2) Prior to the cancellation of a licence in any particular case under the provisions of subparagraphs (i), (ii), (iii) or (iv) of paragraph (a) of subsection (1), the Commission shall inform the licensee in writing of the grounds upon which it considers that the licence ought to be cancelled.

(3) The licensee shall be given an opportunity to show cause, within a specified time, why the licence should not be cancelled, and any representations made by the licensee in this respect shall be transmitted to the Minister by the Commission before the licence is cancelled. If the licensee fails to make representations within the time specified or if the cause shown is considered to be inadequate or the cancellation is made on the grounds of public interest, the Minister may cancel the licence and in such case notice of the fact in addition to publication in the *Gazette*, shall be sent by the Commission to the licensee by registered post at his last known address.

(4) The cancellation of a licence by the Minister in exercise of the powers conferred by this section shall be signified under the hand of the Minister and no appeal shall lie from any decision so to do, except upon a point of law or on the grounds of failure to comply with the requirements of this section, in which case an appeal shall lie to the Supreme Court.

(5) In the event of a cancellation of license and a dispute of facts with regard to the determination this section of the act will guide the determination of financial liability in the event that a license is forfeited without cause.

PART III**GAMING IN CASINOS**

19.—(1) No person—

(a) who is under eighteen years of age; or

(b) who is a citizen of Grenada and ordinarily resident in Grenada;

Persons
prohibited
from gaming.

shall take part in the activities of any casino, and any such person who takes part in gaming as aforesaid commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(2) A licensee shall take all reasonable steps to ensure that persons who are prohibited from gaming under subsection (1), shall not take part in the activities of the casino.

(3) Where a licensee does not take all reasonable steps under sub-section (2), he commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars.

(4) No employee of a licensee, regardless of his or her citizenship; shall be permitted to participate in gaming conducted by their employer. Provided that taking part in gaming as aforesaid by an employee shall not constitute an offence under this section when doing so in the course of his or her employment.

(5) Where gaming such as is referred to in subsection (1) consists of a game which involves playing or staking against a bank, nothing in subsection (1) or in section 20 shall

be deemed to prevent the holder of the licence concerned, or a person acting on his behalf, from holding the bank or having a share or interest in it.

Exceptions.

20. The following shall be exceptions to section 19—

- (a) Grenadian nationals who are employed by or working for a licensee or acting on behalf of the Commission;
- (b) Visitors to Grenada and registered guests at the hotels that are licensed for that purpose.

Minister may recommend the banning of particular person(s) from gaming.

21.—(1) In any case in which the Minister, after such enquiry as he or she considers necessary, is satisfied that the presence of any particular person on the premises of any casino would be undesirable in the public interest, he may by Order declare that person to be a prohibited person and no appeal shall lie from the making of such an order:

Provided that before making any such order he or she shall give the person concerned an opportunity to show why such an order should not be made.

(2) Any person who—

- (a) enters the premises of any casino after he or she has been declared a prohibited person under subsection (1); or
- (b) being a licensee or a manager of a casino, knowingly permits a person so declared to be a prohibited person to enter or remain on the premises of that casino,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

22.—(1) Subject to the provisions of subsection (2) of section 19, no person shall participate in gaming conducted on the premises of any casino—

Participation in gaming restricted to persons on the premises at the time.

- (a) if he is not present on the premises at the time when the gaming takes place there; or
- (b) on behalf of another person who is not present on the premises at the time,

and any person who takes part in gaming contrary to the provisions of this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

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

- (a) he takes part in 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.

23.—(1) No gaming in any casino 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—

Prohibition of winnings in excess of aggregate stakes.

- (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.

(2) Subsection (1) shall not apply to any competitions or special events which may be approved by the Minister in writing.

PART IV

JUNKETS

Interpretation.

24.—(1) In this Part—

“accredited”, in relation to a junket representative, means a person who is approved under the laws of another country, to carry on business as a junket representative;

“complimentary service” means any of the services set out in the Table to this definition, if those services are provided free or at a reduced cost—

Table

Transport	Food
Lodging	Entertainment;

“junket” means any arrangement the primary purpose of which is to induce any person or group of persons to visit Grenada in order to participate in gaming at a casino and pursuant to which any or all of the cost of transport, food, lodging or

entertainment for that person or group of persons is paid, directly or indirectly, by the licensee of a casino or his or her servant or agent; and

“junket representative” means a person, whether resident in Grenada or not, who is in the business of organizing junkets, whether such business is his or her only business or not.

(2) In this Part, if the context so requires, a reference to a junket includes a reference to the person or group of persons who are visiting Grenada as participants in the junket.

25. Any person, other than the licensee of a casino, who organizes a junket or causes a junket to be organized other than by entering into an arrangement with an accredited junket representative commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Offence to organize junket except with junket representative.

26. A licensee of a casino who wishes to organize a junket, other than by entering into an arrangement with a junket representative, shall—

Casino licensee may organize a junket.

- (a) inform the Commission in writing that he intends to organize the junket and provide the Commission with such particulars relating to the organization thereof as the Commission may require;
- (b) without restricting the generality of paragraph (a), at least 5 clear days before the planned arrival of the junket in Grenada, provide the Commission with written particulars of—

- (i) the origin of the junket;
 - (ii) the airline, flight number and time of arrival in Grenada of the junket;
 - (iii) the number of participants in the junket; and
 - (iv) the date and time that the junket will be leaving Grenada; and
- (c) within 24 hours after the arrival of the junket, provide the Commission in writing with the names and addresses of each participant in the junket and written particulars of the complimentary services that the participants are to be provided with.

Junket
arrangements.

27. Any person who wishes to enter into an arrangement with a junket representative for the purpose of organizing a junket shall—

- (a) inform the Commission in writing that he or she intends to enter into that arrangement for that purpose;
- (b) provide the Commission with the name and address of the junket representative involved, and with written particulars of the accreditation of the junket representative;
- (c) at least five clear days before the planned arrival of the junket in Grenada, provide the Commission with written particulars of the matters set out in subparagraphs (i) to (iv) of section 26(b); and

- (d) within twenty-four hours after the arrival of the junket, provide the Commission with written particulars of the information referred to in section 26(c).

28. A person who contravenes any of the provisions of sections 26 or 27 commits an offence and is liable on summary conviction to a fine of Fifty Thousand Dollars. Offences.

PART V

SUPPLEMENTARY

29.—(1) No person shall in pursuance of any service agreement be employed on the premises of any casino in any capacity, or perform any function in relation to such capacity, to which this subsection applies unless a certificate was issued to him or her by the Commission, and is for the time being in force, certifying that he has been approved by the Commission under this section for employment on those premises and in respect of the duties and functions he or she performs. Approval of certain persons employed in connection with gaming.

(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 Schedule III, on the premises of the casino concerned.

(3) The provisions of Part I of Schedule IV shall have effect with respect to applications to the Commission for certificates of approval under this section and, with respect to the issuance, refusal and revocation of such certificates and

with respect to appeals against decisions given in relation to the refusal or revocation of any such certificates.

(4) An application made to the Commission for the issuance or renewal of a certificate of approval and the making of an appeal against a decision by the Commission refusing such a certificate shall, in such circumstances and to such extent as is provided in Part II of Schedule IV, have effect for the purposes of this section as if it were a certificate of approval issued by the Commission under this section, and for the time being in force; but in the case of an appeal against a decision to revoke such a certificate the appellant shall be deemed to be suspended from acting in the capacity, and performing the functions in relation to such capacity, to which the certificate relates pending the determination of the appeal.

(5) In this section “service agreement” means any contract of service or apprenticeship or any other contract or arrangement for the rendering of services.

(6) Any person who, for the purpose of obtaining for himself or for any other person a certificate of approval under this section, or its renewal or the reinstatement, after it has been revoked—

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

commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

30.—(1) No person shall be employed in any capacity to which this subsection applies unless a permit has been granted by the Commission, and is for the time being in force, stating that he has been approved by the Commission under this section for employment in such capacity.

Approval of certain persons working in other capacities in casinos.

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

- (a) bartender;
- (b) cocktail or drink waiter or waitress;
- (c) host or hostess;
- (d) such other capacity as may be prescribed by the Minister by order.

(3) The provisions of Schedule V shall have effect with respect to applications to the Commission for permits under this section, and with respect to the issue, refusal and revocation of any such permit and with respect to appeals against decisions given in relation to the refusal or revocation of any such permit.

(4) Any person who, for the purpose of obtaining for himself or for any other person a permit under this section, or for its renewal or the reinstatement, after it has been revoked, of any such permit—

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

commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Applicants for certificates of approval or permits to provide fingerprints.

31.—(1) Any person making application for a certificate of approval, under section 29, or for a permit under section 30, shall before the issue of the certificate of approval or the permit, as the case may be, furnish the Commission with a full set of his or her fingerprints taken in accordance with the requirements of subsection (2).

(2) Fingerprints for the purposes of subsection (1) shall be taken under such arrangements as may be approved by the Commission, and certified in writing, by a person approved by the Commission, to be the fingerprints of the person in question.

(3) Where the fingerprints of any person have been furnished in accordance with the provisions of this section, copies and all records thereof shall be returned to that person—

- (a) if he or she is refused a certificate or permit (as the case may be), upon such refusal; or
- (b) if he is granted a certificate or permit, upon his or her ceasing to hold such certificate or permit.

Further powers to regulate licensed premises.

32.—(1) The Minister may make regulations requiring the holder of a licence in respect of any premises—

- (a) to display, in such manner and in such position on those premises as the Minister may direct, the rules according to which any gaming is to

be conducted on the premises, either generally or in any particular circumstance;

- (b) to make, and to retain during such period as may be prescribed by such regulations, such records as may be so prescribed with respect to cheques given in exchange for cash or 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) Without prejudice to any other provisions of this Act, the Minister may make regulations imposing such prohibitions, restrictions or other requirements as may appear to the Minister to be requisite—

- (a) for ensuring that gaming in any casino is properly and fairly conducted; or
- (b) for preventing the use of any indirect means of doing anything which, if done directly, would be in contravention of any of the provisions of this Act.

33.—(1) Without prejudice to the powers conferred by sections 17 and 18 (relating respectively to the suspension or cancellation of a licence) and subject to subsection (2), if any of the conditions or restrictions imposed on the grant of a licence or any of the provisions of sections 18, 21 or 22, or of any regulations made under section 32, are contravened in relation to any casino, the licensee and any other person for the time being having the control or management thereof shall each commit an offence.

Offences in relation to the management of casinos.

(2) Where a person is charged with an offence under subsection (1) it shall be a defence for him or her to prove—

(a) that the contravention occurred without his or her knowledge; and

(b) that he or she exercised all such care as was reasonable in the circumstances to secure that the provisions in question were not contravened.

(3) Any person who commits an offence under subsection (1) is liable on summary conviction to a fine of one hundred thousand dollars or to a term of imprisonment of one year, or to both such fine and imprisonment.

Operations
of the Casino
Gaming
Commission.

34.—(1) The secretary to the Commission 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 the premises which are subject of these licences.

(2) The Commission 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 Commission under subsection (1).

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

(4) The Commission shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities and property of the Commission, and shall afford to him or her facilities to verify such information in such manner and at such times as he or she may reasonably require.

(5) The Commission 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.

(6) The accounts of the Commission shall be audited by the Director of Audit.

(7) Three months after the end of each financial year or within such further time as may be approved by the Minister, the Commission shall transmit a statement of their accounts referred to the Minister together with a copy of any report made by the Director of Audit on that statement or on the accounts.

(8) The Commission shall within four months after the end of each financial year or within such further time as may be approved by the Minister, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Commission during that financial year.

(9) The Minister shall cause a copy of the report, together with the annual statement of accounts of the Director of Audit to be laid before the House of Representatives without delay.

(10) The Commission shall appoint a secretary, and may from time to time appoint such other officers including

inspectors, and other officers as may be deemed necessary or expedient for the purpose of assisting the Commission generally in carrying out their functions under this Act, and the Commission shall specify in relation to each inspector appointed by them the powers exercisable by such inspector pursuant to section 34.

Appointment
and powers of
inspectors.

35.—(1) The Commission may, by writing, in such form as may be prescribed, with the approval of the Minister appoint any public officer to be an inspector to carry out such duties and exercise such powers for ensuring compliance with the provisions of this Act as are conferred by this Act or may be conferred by any regulations made under this Act.

(2) Without prejudice to the provisions of subsection (1), an inspector, while on duty in that capacity and in relation to his duties under this Act shall have, exercise and enjoy all the powers, privileges and immunities and have the responsibilities of a police officer.

(3) Any inspector or any police officer may at any reasonable time enter any casino and inspect the premises and any machine or other equipment on the premises and any document which constitutes a record or account required to be made and retained for the purpose of this Act.

(4) An inspector upon entering any casino and while on any premises in pursuance of the powers conferred by this section shall, if requested to do so, produce the document under which he was appointed.

(5) The person in charge of any casino entered by an inspector or a police officer pursuant to this section, shall give to such inspector or police officer all reasonable assistance

within his or her power, and shall furnish him with any such information as he or she may reasonably require.

(6) If any licensee or other person for the time being having the control or management of any casino and any other person acting on behalf of or with the authority of the licensee—

- (a) fails without reasonable excuse to admit any inspector or police officer who requests admission to the premises of that casino in pursuance of this section; or
- (b) on being required by an inspector or police officer to do so, fails without reasonable excuse to permit him or her 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 subsection (3), which is in his or her possession or under his or her control, fails without reasonable excuse to produce it as required; or
- (d) on being required by an inspector to provide any information relating to the premises or the conduct of gaming therein, which is reasonably required by the Minister for the purposes of this Act, fails without reasonable excuse to furnish that information to the inspector; or

- (e) wilfully obstructs any inspector or police officer in the exercise of powers conferred by this Act,

the licensee or other person concerned commits an offence.

(7) If, on information on oath, a Judge is satisfied with respect to any premises 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 authorising any police officer or inspector to enter the premises, if necessary with force, at any time within fourteen days after the date of issue of the warrant, and to search the premises.

(8) Any police officer or inspector who enters any premises under the authority of a warrant issued under subsection (7) 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:

Provided that no female shall be searched except by a female.

(9) Any person who commits an offence under this section is liable on summary conviction to a fine of five thousand dollars or to a term of imprisonment of six months.

PART VI**TAXATION**

36.—(1) In each year there shall be charged on and paid by the licensee of a casino, which is open for business at any time during that year, an annual tax based on the floor space of that casino as follows—

Basic tax.

- (a) where the casino has floor space of 6,000 square feet or less, the tax shall be fifty thousand dollars per annum;
- (b) where the casino has floor space of more than 6,000 but not more than 10,000 square feet the tax shall be seventy-five thousand dollars per annum;
- (c) where the casino has floor space of more than 10,000 but not more than 15,000 square feet the tax shall be one hundred thousand dollars per annum;
- (d) where the casino has floor space of more than 15,000 but not more than 20,000 square feet the tax shall be \$150,000 per annum; and
- (e) where the casino has floor space of more than 20,000 square feet the tax shall be \$200,000 per annum.

(2) The tax specified in subsection (1) shall be referred to in this Act as the basic tax.

(3) The rate of basic tax may be varied by Order prescribed by the Minister responsible for finance and taxation matters.

(4) The basic tax payable under subsection (1) shall be paid by the licensee in six equal monthly instalments, the first of which shall be due and payable on the 31st day of January in that year and the remainder each on the last day of each next succeeding month:

Provided that where any casino is first opened for business after the 31st day of January in any year, the basic tax payable in respect of that casino for that year shall be due and payable by the licensee in such manner, whether or not by monthly installments, as the Minister may direct in writing:

Provided further that where any casino is first opened for business after the 30th day of June in any year, the amount of the basic tax payable in respect of that casino for that year may be reduced by such amount as may be determined by the Minister and shall be payable in such manner and at such time or times as the Minister may direct in writing.

Other taxation provisions.

37.—(1) In addition to the basic tax there shall be charged on and paid by the licensee of any casino, in respect of each year, or part thereof, in which the casino is open for business, a tax on the gross gaming income, calculated as provided in section 2 and at the rates specified in subsection (3) of this section; and such taxes shall be computed and paid as hereafter provided by this Act.

(2) In computing for any period the amount of the gross gaming income, the value of any cheque, or the amount of any promise to pay money given to the licensee of the casino, or to his servant or agent, and the amount of any credit extended by the licensee or his servant or agent to any person taking part or intending to take part in any gaming, shall be taken into account as money received by the casino

on the day on which such cheque or promise is given or such credit is provided.

(3) The taxes payable under the provisions of subsection (1) shall be computed in respect of each month in every year, and such computations shall be made at the rates set out in Schedule II, and shall be due and payable by the licensee on or before the last day of the month next succeeding the month to which they relate.

(4) The licensee of any casino shall submit to the Commission, on or before the last day of every month in any year in which the casino is open for business a statement, in such form as the Commission may direct, setting out the total amount of the gross gaming income on each day (or during such other period as the Commission may direct) of the immediately preceding month, and the amount of such gross gaming income for the preceding months of the same year and certifying that the amounts of the taxes, payable in respect thereof in accordance with the provisions of this Act have been paid.

38.—(1) Notwithstanding any other provision of this Act, if the Minister has reason to believe that the amount of any tax payable under section 36 was incorrectly computed by a licensee, or if a licensee fails in any month to submit to the Minister a statement in conformity with subsection (4) of section 36, the Minister may assess the amount of such tax (if any) payable by the licensee as being such amount as in the circumstances appears to the Minister to be proper in view of the provisions of this Act.

Assessment
by the
Minister.

(2) When the amount of any tax has been assessed as provided by subsection (1), the Minister shall give notice in

writing to the licensee stating the amount so assessed, and such amount of tax shall be due and payable by the licensee within such period next following the date of such notice as the Minister may direct in the notice:

Provided that a licensee may appeal against such assessment to the Supreme Court, within thirty days of the date of such notice, and—

- (a) pending the determination of the appeal the licensee shall not be liable to pay the amount of the tax so assessed; and
- (b) upon the determination of the appeal the licensee shall be liable to pay such amount of tax within such time as the court may order, as being due and payable under section 36, in lieu of the amount assessed by the Minister.

(3) The Judge may by rules of court provide for the procedure to be used in appeals made under this section; and until any such rules are made, any appeal shall be made in accordance with such procedure as the Judge may direct in any particular case.

Returns,
inspections,
etc.

39.—(1) The licensee of any casino shall submit to the Commission such statements in such form and at such times as the Commission may direct, relating to the amount of gross gaming income received during any period and to the financial transactions between the licensee and the persons taking part in the gaming, including particulars of cheques and promises to pay given by, or credit extended to, such persons.

(2) Without prejudice to subsection (1), the licensee of any casino shall, within sixty days (or such longer period as the Commission may allow in any particular case) next following the 31st day of December in each year in which the casino is opened for business, submit to the Commission, a statement showing the amount of gross gaming income received during each month of that year, together with a certificate by a chartered accountant, or person with other equivalent professional qualification in accountancy, approved by the Commission, certifying that any gross gaming income tax payable in respect thereof has been correctly computed and paid.

(3) The licensee of any casino shall ensure that all accounts, books, documents and records of that casino are at all times kept within Grenada and permit any inspector, or other person authorised in that behalf in writing as proper notice by the Minister, at any reasonable time to enter the casino—

- (a) to inspect and take extracts from or copies of any book, document or other record relating to the accounts of the casino or the financial transactions between the licensee and persons gaming in the casino, including credit arrangements, promises to pay and cheques issued:

Provided that if any such books, documents or records are kept by the licensee on any premises other than the premises of the casino, the licensee shall afford the same facilities for inspection on those other premises;

- (b) to be present and supervise the count, at the close of business of the casino on any day, of

the money received by the casino in gaming during that day; and

- (c) to be present at and supervise the calculation of the amount of gross gaming income received on any day.

Offences
affecting tax
assessment,
etc.

40.—(1) Any licensee, his servant or agent who—

- (a) knowingly makes any false entry in any statement or return required to be submitted to the Commission or the Minister under the provisions of this Part; or
- (b) knowingly makes any false entry in any account relating to the casino,

so that the same shall be taken to be true, commits an offence and shall be liable on summary conviction, in the case of an individual, to a fine of five thousand dollars or to a term of imprisonment of two years, or, in the case of an offence committed by a body corporate, to a fine of fifty thousand dollars.

(2) Any person who obstructs any person in the execution of the powers and duties conferred upon him by subsection (3) of section 39 commits an offence and is liable on summary conviction to a fine of one thousand dollars or to a term of imprisonment of six months.

(3) Where the servant or agent of the licensee commits an offence under this section, the licensee or any director or principal officer of the licensee shall be deemed to have aided and abetted the commission of the offence unless he establishes to the satisfaction of the court that the offence was committed without his knowledge and that he

could not reasonably be expected to know that the offence was being committed.

41. Where any amount due and payable by the licensee of a casino in respect of tax or any part thereof under sections 36 or 37 remains unpaid for a period of more than twenty-one days after the day on which such amount or part thereof becomes due and payable under those sections, the licensee shall also be liable to pay, a penalty equal to twenty *per centum* of such amount or part thereof.

Penalty in cases of late payment.

42. Any amount of tax due and payable under sections 36 or 37 shall be paid into the consolidated fund:

Taxes to be paid to the Permanent Secretary, Finance.

Provided that the Minister may waive the payment of the whole or any part of any such tax payable in respect of the first five years of the operation of any casino if he is satisfied that there are sufficient reasons for so doing in any particular case.

43.—(1) Any amount due and payable in respect of tax, or any part thereof, remaining unpaid may be sued for and recovered by the Permanent Secretary, Ministry of Finance in the Magistrate's Court.

Recovery of unpaid tax.

(2) When any person is adjudged to pay any amount of tax in any proceedings brought in pursuance of subsection (1), the court may order such person to pay in addition to the amount of the tax due and the cost of the suit, a penalty calculated at the rate of ten *per centum* of the amount of tax unpaid and adjudged to be payable in such proceedings, and an additional sum in respect of interest on the amount of tax so adjudged to be payable, calculated at the rate of one *per centum* per month from the date when the tax first became payable.

PART VII**MISCELLANEOUS**

Fees and taxes. **44.**—(1) The fees specified in paragraph 1 of Schedule II shall be payable into the Consolidated Fund in respect of the matters to which they respectively relate; and the rates of tax specified in paragraph 2 of the said Schedule shall apply for the purpose of computation of taxes payable under section 37.

(2) The Minister may, from time to time, by order amend Schedule II in respect of the fees and rates of tax (or any of them) specified therein.

Liability of lessees, tenants, etc. **45.** 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 casino gaming in such circumstances that such gaming 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. **46.** Without prejudice to any other provisions of this Act, where an offence, under this Act, is committed by a body corporate and 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 or similar officer (by whatever name called) of the body corporate, or by any person purporting to act in any such capacity, he as well as the body corporate commit that offence and shall be liable to be proceeded against and punished accordingly.

47.—(1) Any person who, without lawful excuse (the proof whereof shall lie on him) has in his possession any instrument designed or adapted for gaming commits an offence and is liable on summary conviction—

Unlawful possession of instruments for gaming.

- (a) in the case of a first conviction, to a fine of five thousand dollars or to a term of imprisonment of no less than six months, or to both such fine and imprisonment;
- (b) in the case of a second or subsequent conviction for the same offence to a fine of ten thousand dollars and shall be sentenced to a term of imprisonment of not less than six months and not more than one year.

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

48. The court before which any person is convicted of an offence under section 46 may order that anything produced to the court, and shown to the satisfaction of the court to relate to the offence, be forfeited and either destroyed or dealt with in such other manner as the court may direct.

Forfeiture.

49. Any person who commits an offence under this Act, or any Regulations made thereunder, for which no specific penalty is provided, shall be liable on summary conviction to a fine of five thousand dollars and in default of payment thereof to a term of imprisonment of six months.

Penalties for certain other offences.

50. Any notice or other document required under this Act to be given or sent to any person, if not required by this Act to be served by registered post, may be given or sent—

Service of documents.

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

Regulations.

51.—(1) Without prejudice to any other provisions of this Act, the Minister may make regulations for carrying into effect the provisions of this Act and for prescribing anything required to be prescribed for the purposes thereof.

(2) Without derogation from the generality of the power conferred by subsection (1), the Minister may make regulations—

- (a) providing for the cards, chips, tokens or other articles to be used in gaming, and for their inspection by the Commission and inspectors appointed under the Act;
- (b) prescribing the records to be kept by licensees;
- (c) prescribing the accounts to be kept by licensees and the requirements for the audit of such accounts;
- (d) providing for the supply to the Minister of information regarding the operation of casinos and the activities of any person upon the premises thereof;

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- (e) with respect to the activities and functions of inspectors;
 - (f) prescribing maximum stakes which may be permitted in any gaming in a casino;
 - (g) for verifying and checking the amount of gross gaming yield and of profits made from the operation of gaming machines in any casino on any day or during any period;
 - (h) prescribing the conditions and rules in accordance with which any game is to be played in any casino, either generally or in any particular circumstances;
 - (i) for the restriction and control of access to any casino, either by persons generally or by persons who are prohibited from gaming under the provisions of sections 19 or 20;
 - (j) regulating and controlling the importation into the island of gaming machines and other equipment suitable for use or adaptation for gaming.

52. Notwithstanding any other law for the time being in force, it shall not be an offence for any person to be concerned in keeping any house or place for the purpose of gambling, or to be found in any such house or place, if that house or place is a casino and the gambling is conducted, or such person is present, in conformity with the requirements of this Act.

Restriction on application of certain provisions of the law.

53.—(1) Nothing in any statute relating to gaming which is for the time being in force in Grenada, or in any principle of the common law shall affect the validity of, or any remedy in respect of—

Certain dealings protected.

- (a) any cheque or marker lawfully accepted by the licensee of a casino in exchange for cash or tokens to be used by a player in gaming to which this Act applies; or
- (b) any agreement or document evidencing such agreement, in accordance with which the licensee of a casino supplies a player with cash or tokens on credit to be used by the player in gaming to which this Act applies.

(2) In this section, “licensee of a casino” includes any servant or agent of such licensee.

Disclosure by the
Commission.

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

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

that was acquired in the course of its or his duties or in the exercise of the Commission’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 Grenada;

- (b) for the purpose of assisting the Commission 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 Grenada, 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 Commission 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 Commission may after consultation with and approval by the Attorney General 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 Commission 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 Grenada or involve the assertion of a jurisdiction not recognised by Grenada; and
- (b) the seriousness of the matter to which the inquiries relate and the importance to the inquiries of the information sought in Grenada.

(5) The Commission 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 Commission considers appropriate.

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

- (a) the Commission 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 Commission has been given an undertaking by the recipient authority not to disclose the information provided without the consent of the Commission; and
- (c) the Commission 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 Commission 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; and
- (e) the Attorney General has approved such disclosure.

SCHEDULE I

(Section 5 (2))

PROVISIONS AS TO THE CASINO GAMING COMMISSION

1. The Commission appointed by the Minister shall consist of—
 - (a) the Chairman;

- (b) a nominee from the Ministry of Economic Development;
- (c) three Commissioners appointed by the Minister on the advice of the business community; and
- (d) 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 Commissioner; and
- (b) the diligence with which that person is likely to fulfill the responsibilities of Commissioner.

4. Notwithstanding subsection (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 that person carried out an act of impropriety in the handling of his employer's business; or
- (e) engaged in or been associated with any other business practice or otherwise conducted himself in such a way as to cast doubt on his competence and soundness of judgment.

5. A vacancy on the Commission does not impair the right of the remaining directors 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 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 who is at the same time a Member of Parliament.

9. The Minister may at any time revoke the appointment of a Commissioner if he considers it in the interest of the Commission to do so.

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 Chairman and Deputy Chairman from among the Commissioners appointed under section 1 of Schedule 1.

12. The Chairman shall preside at all meetings of the Commission but where at any meeting the Chairman is absent, the Deputy Chairman shall preside and have all the powers of the Chairman.

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. Subject to subsection (3), the Commission may 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 directors, officers 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.

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

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

21. The Commission 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 Commission may determine.

22. Subject to the provisions of Schedule II, the Commission shall have power to regulate their own procedure.

23. 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

FEES AND TAXES

1. The following fees shall be payable to the Permanent Secretary, Finance in respect of the matters stated—

(a) for the issue of a licence to operate a casino	\$2,500.00
(b) for the issue or renewal of a certificate of approval under section 29 and Schedule IV	\$ 300.00
(c) for the issue or renewal of a permit under section 30 and Schedule V	\$ 100.00

2. The rate applicable for the computation of gross gaming yield tax under section 36(1) shall be — on the gross gaming income of—

(a) the first amount of more than \$1,000 but not more than \$250,000	15%
(b) the next amount of more than \$250,000 but not more than \$500,000	10%
(c) the next amount of more than \$500,000 but not more than \$3 million	5%
(d) the next amount of more than \$3 million	2 1/2%.

3. The rate applicable to tax on winnings from all games played in any casino shall be 1%.

SCHEDULE III**CAPACITIES AND FUNCTIONS IN RESPECT OF WHICH CERTIFICATE OF APPROVAL IS REQUIRED**

- (a) Chief Accountant – that is to say, a person who is responsible for all accounting controls, and the supervision of the cash cage;
- (b) Assistant Casino Manager – that is to say, a person who watches the gaming and the performance of cashiers, dealers, inspectors and supervisors in the course of their duties, and who may perform the functions of the Casino Manager in his absence;
- (c) Cashier – that is to say, a person who is responsible to the Chief Accountant and who may issue, receive and record cash, cheques, markers, IOUs, chips, tokens or any apparatus used in the gaming, provided that he performs his duties only in the cashier's office;
- (d) Casino Manager – that is to say, the person who is in the actual and effective control of all gaming activities;
- (e) Change Booth Operator – that is to say, a person who issues, receives, transmits, exchanges or records cash, chips or tokens used in the gaming, provided that such person shall perform his duties only in the money-change booth where he is on duty;
- (f) Change Girl – that is to say, a person who issues, receives, transmits, exchanges and records cash, chips and tokens used in the gaming on any gaming machines, provided that such person shall in the performance of her duties only be directly concerned with players at the gaming machines;
- (g) Dealer – 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;
- (h) Head 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 Commission;

- (i) Inspector – that is to say, a person who on behalf of the licensee watches the gaming and the performance of dealers in the course of their duties;
- (j) Office Manager/Credit Manager – that is to say, the person who is responsible for the verification of credit references, the establishment of credit limits and the maintenance, review and update of credit lines;
- (k) Security Officer – 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, IOUs, 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 Commission;
- (l) Slots Manager – that is to say, the person who is in actual and effective control of all persons pursuing any service agreement and of any functions which such person is permitted to perform in connection with the gaming machine area;
- (m) Slots Mechanic – that is to say, a person who services or maintains or repairs slot machines;
- (n) Supervisor – that is to say, a person who watches the gaming and the performance of dealers 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, IOUs, chips and tokens used in the gaming.

SCHEDULE IV

ISSUE, RENEWAL AND REVOCATION OF CERTIFICATES OF APPROVAL

PART I

1.—(1) Any person may apply to the Commission for the issuance to him or her for the renewal of a certificate, under section 29, certifying that, in relation to premises specified in the certificate, he has been approved by the Commission for employment in

relation to the business of gaming on 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, as are specified in the certificate.

(2) Any such application shall specify the premises and the capacity in respect of which the certificate is required.

2.—(1) In determining whether to issue or renew a certificate on any such application the Commission 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 specified and to perform the functions relating to that capacity.

(2) Notwithstanding any other provision of this Schedule, the Commission shall not issue or renew any certificate of approval except upon payment by the applicant of the fee payable in respect thereof specified in Schedule II.

3. Subject to the provisions of this Schedule, any such certificate issued by the Commission, if not renewed (or again renewed, as the case may be) shall cease to be in force after the 31st day of December next following the date of issue or renewal.

4. Subject to the provisions of this Schedule the Commission, after such enquiry as it may consider necessary, may at any time revoke any such certificate if it appears 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 specified therein and to perform the functions relating to such capacity.

5. Where the Commission proposes to revoke any such certificate, it shall serve a notice on the person to whom it relates stating that (subject to any appeal against revocation) the certificate is to be 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. Where a certificate has been revoked the Commission shall also serve on the licensee of the premises specified in the certificate notice of the revocation of the certificate.

6.—(1) Where on an application made under this Schedule the Commission refuses to issue or renew a certificate, the applicant, by notice in writing to the Commission, may appeal to the Minister against the decision of the Commission.

(2) Where the Commission serves a notice on any person under paragraph 5 of this Schedule that person, by notice in writing to the Commission, may appeal to the Minister against the decision of the Commission to revoke the certificate.

7. Upon receipt of a notice of appeal under the provisions of paragraph 6, the Commission shall refer the case to the Minister, who shall appoint such person as may appear to him to be fit and proper to enquire into the case and, after giving the appellant and the Commission an opportunity to submit to him in writing representations in respect of the matter, to report to the Minister with such recommendation as appears to him to be proper. The Minister in determining the appeal shall take into account the representations made in the appeal and the report and recommendation made by the person so appointed to enquire into the case.

PART II

8.—(1) Where a person applies to the Commission for a certificate under section 29 and at the time of the application a certificate issued by the Commission in respect of the applicant (whether in relation to the same premises or not) is in force, the application shall, until it is determined by the Commission, have the same effect for the purposes of that section as if it were a certificate issued by the Commission, and for the time being in force, certifying that, in relation to the premises specified in the application he has been approved by the Commission for acting in the capacity specified in the application and for performing the functions relating to such capacity.

(2) Where an application has effect as mentioned in subparagraph (1) of this paragraph, and the Commission refuses to issue a certificate on that application, and the applicant appeals against the decision of the Commission, in accordance with the provisions of subparagraph (1) of paragraph 6, the application shall continue to have effect as in subparagraph (1) until the appeal is determined by the Minister.

(3) Where a notice of appeal against the revocation of a certificate is served under the provisions of subparagraph (2) of paragraph 6, the person serving the notice of appeal shall be deemed to 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.

SCHEDULE V**ISSUE, RENEWAL AND REVOCATION OF PERMITS**

1. Any person may apply to the Commission, for the issuance to him or the renewal of a permit, under the provisions of section 30, stating that, in relation to the premises specified therein, he has been approved by the Commission 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 mentioned in subsection (2) of section 29, in respect of which the permit is required.

3. In determining whether to issue or renew a permit on any such application, the Commission 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 to which the application relates.

4. Notwithstanding any other provisions of this Schedule the Commission shall not issue or renew any permit except upon payment by the applicant of the fee payable in respect thereof specified in Schedule II.

5. The Commission, after such enquiry as he may consider necessary, may at any time revoke any such permit if it appears to him 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 specified therein.

6. Where the Commission proposes to revoke any such permit, notice shall be served on the person to whom it relates stating that (subject to any appeal against revocation) the permit is to be revoked as from the end of the period of twenty-one days after the date of service of the notice, and subject to the decision on any such appeal, the revocation shall take effect at the end of that period. Where a permit has been revoked, the Commission shall also serve on the licensee of the premises specified in the permit notice of the revocation of the permit.

7. The provisions of paragraphs 6 and 7 of Schedule IV, relating to appeals against decisions of the Commission in respect of the refusal to issue or renew, or for the revocation of, a certificate of approval, shall apply *mutatis mutandis* to appeals against the like decisions made in respect of permits under this Schedule:

Provided that where an appeal is made against a decision to revoke a permit, the person serving the notice of appeal shall be deemed to be suspended from working in the capacity and on the premises to which the permit relates until the determination of the appeal.

Passed by the House of Representatives this 14th day of August, 2014.

WILLAN THOMPSON
Clerk to the House of Representatives.

Passed by the Senate this 25th day of August, 2014.

WILLAN THOMPSON
Clerk to the Senate.