

*Gaming Control (Amendment) Act***SAINT LUCIA**

No. 18 of 2018

**ARRANGEMENT OF SECTIONS***Section*

1. Short title
2. Interpretation
3. Amendment of section 1
4. Amendment of section 2
5. Amendment of section 4
6. Amendment of section 5
7. Amendment of section 8
8. Amendment of section 11
9. Insertion of new sections 11A to 11C
10. Amendment of section 12
11. Amendment of section 13
12. Amendment of section 14
13. Amendment of section 15
14. Amendment of section 16
15. Insertion of new section 16A
16. Amendment of section 18
17. Amendment of section 19
18. Amendment of section 20
19. Amendment of section 22
20. Amendment of section 24
21. Amendment of section 25
22. Substitution of section 28
23. Insertion of new Part 4A
24. Amendment of section 30
25. Insertion of new sections 30A and 30B
26. Substitution of section 33
27. Amendment of section 34
28. Amendment of section 37
29. Amendment of section 38
30. Amendment of section 39
31. Amendment of section 41
32. Insertion of new sections 44A to 44E
33. Substitution of section 47
34. Insertion of new section 49A
35. Substitution of section 51

*Gaming Control (Amendment) Act*

36. Insertion of new sections 51A and 51B
37. Substitution of section 53
38. Amendment of section 55
39. Amendment of Schedule
40. Insertion of new Schedule 2

*Gaming Control (Amendment) Act*

I ASSENT

[L.S.]

NEVILLE CENAC,  
*Governor-General.*

*December 31, 2018.*

**SAINT LUCIA**

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**No. 18 of 2018**

**AN ACT** to amend the Gaming Control Act, Cap. 13.13.

[ 31st December, 2018 ]

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the Authority of the same, as follows:

### **Short title**

1. This Act may be cited as the Gaming Control (Amendment) Act, 2018.

### **Interpretation**

2. In this Act, “principal Act” means the Gaming Control Act, Cap. 13.13.

### **Amendment of section 1**

3. Section 1 of the principal Act is amended by deleting the words “Gaming Control Act” and by substituting the words “Gaming, Racing and Betting Act”.

### **Amendment of section 2**

4. Section 2 of the principal Act is amended —

(a) by deleting the definition of the word “Authority” and by substituting the following —

“ “Authority” means the Gaming, Racing and Betting Authority established under section 4;”;

(b) by deleting the definition of the word “Board” and by substituting the following —

“ “Board” means the Board of the Authority;”;

(c) by inserting the following definitions in the correct alphabetical sequence —

“ “betting” includes the action, behaviour, conduct or performance of a person who, whether on one or more than one occasion for himself or herself or on behalf of another person —

(a) makes or receives a bet or wager; or

(b) pays, receives, negotiates or settles a bet or wager;  
or

(c) offers, or agrees or otherwise negotiates to bet, wager or to pay, receive or settle, a bet or wager;

*Gaming Control (Amendment) Act*

“betting provider” —

(a) means —

- (i) a person who conducts bookmaking,
- (ii) a person who conducts a betting exchange,
- (iii) a person who conducts a totalisator, or
- (iv) a person who otherwise conducts a wagering business;

(b) includes —

- (i) a person who whether on the person’s own account or as employee or agent of another person carries on the business or vocation of or acts as a betting provider,
- (ii) a person who gains or endeavours to gain a livelihood wholly or partly by betting or making wagers,
- (iii) a person who supplies betting terminals or betting facilities to premises within Saint Lucia;

“betting provider licence” means a licence issued under section 14(1)(f);

“broadcasting arrangement” means a contract, understanding or other arrangement that —

- (a) facilitates a person or body, whether inside or outside Saint Lucia engaging in a race broadcast; or
- (b) authorises or permits a person to engage in a race broadcast;

“broadcast” means the broadcast through a telecommunications medium, including by radio, television or through the use of the internet, subscription television or other online communications system —

*Gaming Control (Amendment) Act*

(a) the visual images or sound or both of a horse race;  
or

(b) the call of a horse race,

and includes the marketing and distribution of a broadcast;

“financial year” means the period of twelve months commencing from the 1st day of April in a year and terminating on the 31st day of March of the following year;

“horse race” means a contest, contingency or event in which two or more horses compete against each other in a test of speed over a designated distance or period, for the purpose of providing a contest, contingency or event on which bets may be made but does not include a contest, event or contingency in which skills other than speed alone are tested, or a trial;

“Panel” means a Racing Appeal Panel appointed under section 29I;

“racecourse operator” means a person who holds a licence under section 14(1)(e);

“racecourse operator licence” means a licence issued under section 14(1)(e);

“race meeting” means a meeting for the purpose of conducting horse races;

“racing” includes a horse race and a race meeting;

“racing information” means information that identifies, or is capable of identifying, the name or number of a horse taking part in an intended race to be held at a race meeting;

“security instrument” includes —

(a) a certificate of deposit;

(b) a Government bond;

(c) an investment certificate;

*Gaming Control (Amendment) Act*

(d) a form of security authorised by the Authority;  
 “trial” means a contest, contingency or event managed by a racecourse operator, for testing or training horses, but is not a contest, contingency or event on which bets may be made, and for which no prize-money, trophy or other reward, gratuity or privilege of more than a nominal value is offered;”;

(b) in the definition of “Secretary” by deleting the full stop and by substituting a semicolon.

**Amendment of section 4**

5. Section 4 of the principal Act is amended —

- (a) in the heading by deleting the word “Board” and by substituting the word “Authority”;
- (b) by deleting the words “Gaming Authority” and by substituting the words “Gaming, Racing and Betting Authority”;
- (c) by inserting immediately after subsection (2) the following new subsections —

“(3)The body corporate constituted as the Gaming Authority continues in existence for the purposes of this Act but shall be known as the Gaming, Racing and Betting Authority.

- (4) The corporate identity and rights of the body corporate are not affected by the change of its name.
- (5) An agreement entered into by or on behalf of, or undertaking given to the Gaming Authority has effect as if the Gaming, Racing and Betting Authority was the original party to it, and a reference in that agreement or undertaking to the Gaming Authority is construed as a reference to the Gaming, Racing and Betting Authority.
- (6) Anything commenced by the Gaming Authority may be carried on and completed by the Gaming, Racing and Betting Authority.

*Gaming Control (Amendment) Act*

- (7) An action, proceedings and any matter commenced or pending by or against the Gaming Authority may be continued as if the Gaming, Racing and Betting Authority was a party to it.
- (8) The debts and liabilities of the Gaming Authority become the debts and liabilities of the Gaming, Racing and Betting Authority.”.

**Amendment of section 5**

6. Section 5 of the principal Act is amended by deleting the heading and by substituting the following heading —

“**Administration of Authority**”.

**Amendment of section 8**

7. Section 8 of the principal Act is amended by deleting subsection (5) and by substituting the following —

“(5) A decision of the Board with regard to a question must be determined by a vote of the majority of the members present at the meeting and, when the votes of the members present in regard to a question are equally divided, the chairperson presiding at the meeting shall have a casting vote in addition to his or her own vote.”.

**Amendment of section 11**

8. Section 11 of the principal Act is amended by deleting subsection (1) and by substituting the following —

“(1) The Authority shall, with the approval of the Minister, appoint an Executive Director at a salary and on terms it determines.”.

**Insertion of new sections 11A to 11C**

9. The principal Act is amended by inserting immediately after section 11 the following new sections 11A to 11C —

“**Inspectors**



*Gaming Control (Amendment) Act*

**11A.**—(1) Without limiting the generality of section 11(6), the Board may appoint inspectors and issue the inspectors with an identification card.

(2) Without limiting the generality of section 11(7), an inspector appointed under subsection (1) may —

- (a) inspect licensed premises;
- (b) monitor the operation and management of activities relating to racing, betting or gaming on licensed premises;
- (c) examine machinery and equipment used and records kept on licensed premises;
- (d) assist in any other manner, where necessary, in the detection of offences committed against this Act or any other Act;
- (e) enter and remain on licensed premises for the purposes of exercising his or her functions as an inspector at any time during usual business hours;
- (f) require a person in possession of, or having control of, machinery, equipment or records relating to an activity regulated under this Act to produce the machinery, equipment or records for inspection and to answer questions or provide information relating to the machinery, equipment or records;
- (g) inspect machinery, equipment or records under paragraph (f) and take copies of, extracts from, or notes relating to, the records;
- (h) if the inspector considers it necessary to do so for the purpose of obtaining evidence of the commission of an offence, seize machinery, equipment or records;
- (i) by written notice require a person associated with the operations or management of the licensed premises —
  - (i) to appear before the inspector at a specified time or place and answer questions, or

*Gaming Control (Amendment) Act*

- (ii) to provide information within a reasonable period specified in the notice, with respect to an activity regulated under this Act;
  - (j) examine and test machinery or equipment under paragraph (f) and require the person in charge of the machinery or equipment to withdraw it from use if it is unsatisfactory for use;
  - (k) require assistance from a police officer if the inspector is obstructed, or believes on reasonable grounds that he or she will be obstructed, in the performance of his or her functions;
  - (l) require a person on the licensed premises to state his or her full name and residential address;
  - (m) any other thing authorised by this Act or the Regulations to be done by an inspector.
- (3) The power of entry may be exercised with the written consent of the occupier of the licensed premises at any time.
  - (4) An inspector who enters a licensed premises shall not remain in the licensed premises if, on the request of the occupier of the licensed premises, the inspector does not show his or her identification card to the occupier.
  - (5) If an inspector seizes anything under this section, it may be retained by the inspector until the completion of any proceedings including proceedings on appeal in which it may be evidence but only if, in the case of a record, the person from whom the record was seized is provided, within a reasonable time after the seizure, with a copy of the record certified by an inspector as a true copy.
  - (6) Subsection (5) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.
  - (7) A copy of a record provided under subsection (5) is, as evidence, of equal validity as a certified copy of the record.

*Gaming Control (Amendment) Act*

- (8) An inspector shall not require a person to state his or her name or address unless the inspector —
- (a) suspects on reasonable grounds that the person has committed an offence; and
  - (b) has informed the person, at the time of stating the requirement, that it is an offence to fail to comply with the requirement.
- (9) A person who fails to comply with a requirement under subsection (8)(b) commits an offence and is liable on summary conviction to a fine not exceeding one hundred and fifty thousand dollars.

**Power to engage consultant, contractor or agent**

**11B.** The Board may engage a consultant, contractor or agent for or in connection with the performance of its functions under this Act.

**Memorandum of Understanding**

**11C.—**(1) The Board may, in the exercise of its functions, enter into a memorandum of understanding with an overseas regulatory authority for the purpose of assisting supervision with the Authority.

(2) A memorandum of understanding under subsection (1) must not require assistance beyond that which is provided for by this Act or relieve the Board of its functions under this Act.”.

**Amendment of section 12**

**10.** Section 12 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(2)A person who contravenes subsection (1) or obtains a benefit directly or indirectly from a contravention by a person residing in his or her household, shall be removed from the Board or dismissed from the office and shall repay the value of the benefit obtained to the Board.”.

*Gaming Control (Amendment) Act***Amendment of section 13**

**11.** Section 13 of the principal Act is amended in subsection (1), by inserting immediately after paragraph (d), the following new paragraphs (e) and (f) —

- “(e) hold a race meeting;
- (f) offer betting on a horse race and other events approved by the Board”.

**Amendment of section 14**

**12.** Section 14 of the principal Act is amended —

- (a) in subsection (1) —
  - (i) by inserting immediately after the word “following” the words “types of”,
  - (ii) in paragraph (b), by inserting immediately after the word “selling”, a comma,
  - (iii) in paragraph (c), by deleting the word “or” appearing immediately after the semicolon,
  - (iv) in paragraph (d) —
    - (A) by deleting immediately after the word “leasing” the words “gaming machine” and by substituting the words “gaming machines”;
    - (B) by deleting the full stop;
- (b) by inserting immediately after paragraph (d) the following new paragraphs —
  - “(e) a racecourse operator licence for the purpose of holding a race meeting; or
  - (f) a betting provider licence for the purpose of offering betting on a horse race or other events approved by the Board.”;
- (c) by deleting subsection (2) and by substituting the following —
  - “(2) Notwithstanding subsection (1), a person who holds

*Gaming Control (Amendment) Act*

a gaming operator licence shall not, at the same time, hold another type of licence under this Act.”;

(d) by inserting immediately after subsection (2), the following new subsection (3) —

“(3) Cabinet may, by Order published in the Gazette, on the recommendation of the Board, exempt a person from subsection (2).”.

**Amendment of section 15**

**13.** Section 15 of the principal Act is amended by deleting subsection (1) and by substituting the following —

“(1) In this section, “finder’s fee” means a payment to a person for arranging or negotiating an extension of credit or an increase of credit facilities for an applicant or a licensee to acquire an interest in a gaming activity, or to finance a gaming activity.”.

**Amendment of section 16**

**14.** Section 16(2) of the principal Act is amended by deleting the words “to the Board”.

**Insertion of new section 16A**

**15.** The principal Act is amended by inserting immediately after section 16 the following new section 16A —

**“Provisional licence**

**16A.—(1)** On receipt of an application for a racecourse operator licence or betting provider licence, the Board shall, with the approval of the Minister immediately issue a provisional licence in respect of a racecourse operator or betting provider.

(2) Within twelve months from the date of issue of a provisional licence, the —

(a) applicant shall comply —

(i) in the case of a racecourse operator, with section 29A, and

*Gaming Control (Amendment) Act*

- (ii) in the case of a betting provider, with section 29U;
- (b) Board shall —
  - (i) cause the facility to be inspected under section 29B; and
  - (ii) issue or refuse to issue a racecourse operator licence or betting provider licence.
- (3) A provisional licence expires when the Board issues or refuses to issue a racecourse operator licence or betting provider licence under subsection (2).”.

**Amendment of section 18****16.** Section 18 of the principal Act is amended —

- (a) by deleting subsection (2) and by substituting the following —
  - “(2)The costs of an investigation under subsection (1) shall be borne by the applicant.”;
- (b) by deleting subsection (3) and by substituting the following —
  - “(3) The Authority may require an applicant to pay a prescribed investigation fee for an investigation carried out under this section.”;
- (c) by inserting immediately after subsection (3) the following new subsections (4) and (5) —
  - “(4) At the end of an investigation, the Authority must certify the cost of the investigation and where the cost exceeds the prescribed investigation fee payable under subsection (3), the balance of that cost may be recovered from the applicant within such period as may be specified in writing by the Authority.
  - (5) The Authority may refuse to consider an application if an applicant fails to pay the prescribed investigation fee under subsection (3) or the balance of the cost under subsection (4).”.

*Gaming Control (Amendment) Act***Amendment of section 19**

**17.** Section 19 of the principal Act is amended —

- (a) in subsection (2), by deleting the word “circulating” and by substituting the words “in general circulation”;
- (b) in subsection (3) —
  - (i) by deleting the words “the following”,
  - (ii) by deleting the full stop in paragraph (e) and by substituting a semi-colon,
  - (iii) by inserting immediately after paragraph (e) the following new paragraph (f) —
    - “(f) in the case of an application for a racecourse operator licence, the suitability of the facility as a racecourse.”.

**Amendment of section 20**

**18.** Section 20 of the principal Act is amended by inserting immediately after subsection (3) the following new subsection (3A) —

- “(3A) Notwithstanding subsection (3)(b), a racecourse operator licence must not be subject to a condition or restriction —
- (a) on the number of race meetings; or
  - (b) on the times and days of a race meeting.”.

**Amendment of section 22**

**19.** Section 22 of the principal Act is amended in subsection (6) by deleting the words “In subsection (3)(b) the expression —” and by substituting the words “In subsection (5)(b) —”.

**Amendment of section 24**

**20.** Section 24(5) of the principal Act is amended by deleting the words “subsection (1)(c), 2(c) or 3(c)” and by substituting the words “subsection (1)(c) or (3)(c)”.

*Gaming Control (Amendment) Act***Amendment of section 25**

**21.** Section 25 of the principal Act is amended, in subsection (1) by inserting immediately after the words “gaming operator licence” the words “under section 16” .

**Substitution of section 28**

**22.** The principal Act is amended by deleting section 28 and by substituting the following —

**“Bond or security instrument**

**28.—(1)** A gaming operator shall execute and file with the Board a bond of a value not less than the amount of three months’ total of the gaming operator’s projected total operating expenses within thirty days of the issuance of the licence.

(2) In lieu of a bond, a gaming operator may deposit with the Authority, a security instrument not less than the amount of three months’ total of the gaming operator’s projected operating expenses within thirty days of the issuance of the licence.

(3) A security instrument given under subsection (2) must —

(a) state that —

(i) the amount cannot be withdrawn except with the approval of the Authority, and

(ii) the interest income is for the benefit of the licensee;

(b) be issued by a credit financial institution licensed in Saint Lucia in favour of the Authority, except in respect of a Government bond.

(4) If the actual operating expenses stated in the audited financial statement submitted at the end of the first year of the gaming operator’s operation grossly exceeds the amount of the projected operating expenses under subsections (1) and (2), the Authority shall increase the amount of the bond or security instrument to the total operating expenses in respect of any three months stated in the audited financial statements.



*Gaming Control (Amendment) Act*

(5) The Authority may apply the bond under subsection (1) or the security instrument under subsection (2) to the payment of an unpaid liability of the gaming operator under this Act.

(6) The bond under subsection (1) or the security instrument under subsection (2) must be maintained for the duration of the gaming operator's licence.

(7) If a gaming operator fails to execute and file the bond under subsection (1) or to deposit the security instrument under subsection (2) within the time stipulated, the gaming operator licence must be revoked.”.

**Insertion of new Part 4A**

**23.** The principal Act is amended by inserting immediately after section 29 the following new Part 4A —

**“PART 4A  
REGULATION OF RACECOURSE OPERATOR  
AND BETTING PROVIDER**

**Regulation of racecourse operator**

**29A.**—(1) An applicant for a racecourse operator licence shall submit, together with the prescribed application form a map or plan showing the racecourse and the length of the racecourse and the Rules of Racing.

(2) A racecourse operator shall not hold a race meeting at a racecourse unless the Board has —

- (a) approved the Rules of Racing; and
- (b) conducted a physical inspection of the racecourse and the facility to be used;
- (c) approved the racecourse and the facility.

(3) The Board may approve, amend or reject the Rules of Racing.

(4) A racecourse operator shall ensure that at all times a copy of the Rules of Racing approved by the Board is posted in a prominent and visible place within the racecourse.

*Gaming Control (Amendment) Act*

(5) A racecourse operator shall place prominently at all entrances to the racecourse signs containing information on the admission policy and other restrictions imposed under this Act.

(6) A racecourse operator shall, at all times, prominently display the racecourse operator licence at the licensed premises.

**Inspection and approval of racecourse**

**29B.**—(1) A facility shall not be used as a racecourse unless it has been approved for use by the Board in writing.

(2) Before approving the facility under subsection (1), the Board may inspect the facility.

**Policy of racecourse operator**

**29C.**—(1) A racecourse operator —

(a) shall issue policies to ensure there is appropriate guidance for persons involved in horse racing and transparent decision-making relating to matters dealt with by the policies; and

(b) may make a policy when it considers it good management to have the policy.

(2) Without limiting the generality of subsection (1), a racecourse operator must make a policy —

(a) for a licensing scheme for horse racing that provides for the matters specified in Schedule 2;

(b) to govern the exercise of its integrity and disciplinary functions that —

(i) deals with the functions that relate to race stewards, drug testing and control, licensing, handicapping and horse racing appeals,

(ii) has regard to the need to minimize conflicts of interest that may arise from a person's —

(A) ownership of horses used by the racecourse operator;

*Gaming Control (Amendment) Act*

- (B) professional involvement in horse racing preparation;
  - (C) professional or commercial dealings with a person who holds a licence issued by a licensee in another jurisdiction,
- (iii) provides for the making of a complaint to a licensee regarding the exercise of functions by a racing official relating to horse racing,
- (iv) provides that the complaint will be investigated with due diligence unless the complaint —
- (A) is frivolous, vexatious or not made in good faith;
  - (B) is trivial; or
  - (C) does not relate to the exercise of functions by a racing official in a corrupt, improper or unethical manner,
- (v) if the complaint is investigated, provides for the racing official to be informed of the substance of the complaint and to be given a reasonable opportunity to respond to it,
- (vi) permits a racing official who is the subject of an investigation to be required by notice in writing, to —
- (A) provide the information specified in the notice and supported by a statutory declaration;
  - (B) produce a record specified in the notice that is considered relevant to the investigation and to permit examination of the record, the taking of extracts from the record and the making of the record;
  - (C) furnish authorisations and consents required for the purpose of obtaining information including financial and other confidential information from other persons concerning the person under investigation;

*Gaming Control (Amendment) Act*

- (vii) provides that a report in writing of the results of an investigation of a complaint must be made to the Board if the complaint relates to the conduct of horse racing or a contravention of a policy.

**Registration and licensing functions**

**29D.**—(1) A racecourse operator shall exercise its registration and licensing functions to ensure that an individual registered or licensed by him or her is a person who, in the opinion of the racecourse operator, is a fit and proper person to be registered or licensed having regard in particular to the need to protect the public interest as it relates to horse racing.

(2) For the purposes of subsection (1), a person is not a fit and proper person if that person has a conviction and the racecourse operator is of the opinion that the circumstances of the offence concerned are such as to make the person unfit to be registered or licensed.

(3) In determining whether a person is unfit to be registered or licensed under subsection (2), a racecourse operator shall consider whether the person has a conviction for an indictable offence, or a summary offence that involves dishonesty, fraud, stealing or unlawful betting, under the law of Saint Lucia or any other jurisdiction.

(4) Subsections (1), (2) and (3) do not restrict the inclusion of other provisions in the Rules of Racing relating to the exercise of the registration and licensing functions of a racecourse operator.

**Duration of race meeting**

**29E.** Unless the Board otherwise directs or approves, a race meeting must commence and finish on the same day and is deemed to commence one hour before the advertised starting time of the first race, and to finish one hour after the actual starting time of the last race, to be conducted at that meeting.

**Date and time for race meeting**

**29F.** Subject to this Part, the date and time for a race meeting is the date and time specified under the Rules of Racing.

*Gaming Control (Amendment) Act***Holding of race meeting or race for betting at licensed premises**

**29G.**—(1) A race meeting or race, conducted for the purposes of betting whether inside or outside Saint Lucia, must not be held unless —

- (a) the race meeting or race is held at a licensed premises; and
- (b) the racecourse operator is managing the race meeting or race.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars or to a term of imprisonment not exceeding five years or both.

**Right of appeal**

**29H.**—(1) A person who is aggrieved by a decision of a racecourse operator under the Rules of Racing has a right of appeal to the Panel.

(2) A decision under subsection (1) includes a decision —

- (a) to refuse an application for a licence;
- (b) to refuse to renew a licence or revoke a licence;
- (c) to impose a condition on, vary or revoke a condition on, or refuse to vary or revoke a condition of a licence.
- (d) to disqualify or warn off a person;
- (e) to disqualify a horse;
- (f) to revoke a licence or registration of a person or suspend for a period a licence or registration; or
- (g) to fine a person.

(3) An appeal of a decision must be made within twenty-eight days after the later of —

- (a) the day on which the decision is made; or

*Gaming Control (Amendment) Act*

(b) if the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed that a statement of reasons will not be given.

(4) An appeal under this section must be initiated by the lodging of a written notice of appeal with the Secretary of the Panel within seven days of the date on which the appellant is notified of the decision appealed against.

(5) A notice of appeal under subsection (1) must —

(a) include the grounds of appeal;

(b) be accompanied by the prescribed fee.

(6) A ground of appeal under subsection (5)(a) includes a decision and a procedural ground.

(7) For the purposes of subsection (6) an appeal of a decision on a procedural ground is a review —

(a) on the ground that a procedure required to be followed by the Rules of Racing in connection with the making of the decision was not properly followed; or

(b) on the ground of denial of procedural fairness in connection with the making of the decision.

**Racing Appeal Panel**

**29I.**—(1) The Board may appoint one or more Racing Appeal Panels.

(2) A Panel comprises of three persons, appointed by instrument in writing to include members possessing knowledge or experience in one or more fields of law, horse racing, human resource and gaming.

(3) A licensee may recommend a person for appointment to a Panel.

(4) A person is disqualified from appointment to a Panel if that person —

(a) owns a horse at the licensed premises;

*Gaming Control (Amendment) Act*

(b) has professional involvement in horse racing preparation; or

(c) has professional or commercial dealings with a person who holds a licence issued by a licensee.

(5) The Chairperson of a Panel must be a legal practitioner of not less than seven years standing.

(6) The Chairperson shall preside at the hearing of an appeal.

(7) A Panel shall appoint a Secretary to the Panel who shall keep a written record of all proceedings of the Panel, which shall be confirmed by the Chairperson.

**Functions of the Panel**

**29J.** A Racing Appeal Panel shall hear and determine an appeal against a decision made by a licensee including a decision made by a person under the Rules of Racing.

**Term of office**

**29K.** Subject to this Act, a person appointed as a member of a Panel holds office for a period, not exceeding three years, as may be specified in the instrument of appointment, but is eligible for re-appointment.

**Remuneration of members of a Panel**

**29L.** The members of the Racing Appeal Panel are entitled to be paid such fees and expenses in connection with the hearing of an appeal as the Board determines.

**Procedure for an appeal**

**29M.—**(1) On receiving a notice of appeal under section 29H, the Secretary to the Panel shall —

(a) forward notice of it to the Panel;

(b) if the appeal is in relation to racing and if the placing of a horse may be affected by the result of the appeal, give a copy of the notice of the appeal to the owner of the horse, if the owner is not the appellant;

*Gaming Control (Amendment) Act*

- (c) if applicable, serve on the appellant a transcript of the evidence taken at the hearing in respect of the decision appealed against or any statement of reasons given in respect of the decision being appealed;
- (d) serve on the respondent —
  - (i) notice of the appeal, and
  - (ii) notice of the grounds of appeal, and
  - (iii) if applicable, a transcript of the evidence taken at the hearing in respect of the decision appealed against or a statement of reasons for the decision appealed against.

(2) A notice of appeal may not be withdrawn except with the leave of the Panel and in granting leave, a Panel may impose such conditions as to the payment of costs or otherwise as it considers fit.

(3) The date, time and place for the hearing of an appeal is to be fixed by a Panel and the Secretary to the Panel shall give at least seven days' written notice of the date, time and place to the appellant and to such other persons as the Panel considers fit.

(4) A Panel must commence the hearing of an appeal as soon as practicable but within twenty-eight days of the lodging of the notice of appeal.

(5) A Panel may extend a period of time specified in this section if in its opinion the circumstances of the case so require.

(6) If a Panel is of the opinion that an appeal should be heard and determined as a matter of urgency, a Panel may, with the consent of the appellant —

- (a) dispense with the requirement for a transcript of the evidence taken at the hearing in respect of the decision appealed against to be served on the appellant and forwarded to the Panel; and
- (b) shorten the period of notice fixed under subsection (3);



*Gaming Control (Amendment) Act*

- (c) rely on evidence available to it concerning the hearing in respect of the decision appealed against; and
- (d) direct that the appellant must lodge a notice of appeal in the manner and within the time specified and limit the appeal to the grounds specified in that notice, except by leave of the Panel.

(7) A Panel may, on written application by an appellant lodged with the Secretary to the Panel, issue a notice to the licensee that the decision appealed against —

- (a) is not to be carried into effect; or
- (b) is to be carried into effect only to the extent specified in the notice,

pending the determination of the appeal.

(8) A notice under subsection (7) has effect for the period specified in the notice.

(9) A Panel may impose conditions in the notice under subsection (7).

(10) A notice under subsection (7) is not in force for the period during which a condition is not complied with.

(11) A notice remains in force until it is revoked by the Panel or the appeal to which it relates is dismissed, determined or withdrawn, whichever happens first.

(12) A Panel may, subject to this Act and the Rules of Racing, determine its own procedure.

**Powers of the Panel**

**29N.**—(1) On an appeal, a Panel —

- (a) may, if the parties to a proceeding have been advised of the date, time and venue of the hearing, conduct the hearing in the presence of the parties or representatives of the parties, or with only some of the parties or representatives of the parties or without any of the parties or representatives of the parties;

*Gaming Control (Amendment) Act*

- (b) may hear evidence by telephone, closed circuit television or video links;
- (c) may allow the evidence of a person to be given on the notes of evidence taken by the person;
- (d) may conduct a proceeding on the case stated by the parties to the proceeding;
- (e) may conduct the re-hearing of a matter by affidavit, statutory declaration or oral evidence;
- (f) is not required to conduct a hearing as a de novo hearing;
- (g) may conduct a proceeding in private if the Board considers that it is in the interests of justice, but must otherwise hold its hearing in public;
- (h) may review a decision being appealed against in full including in circumstances where only part of the decision has been objected to, sought to be reviewed or appealed;
- (i) may make an interim order;
- (j) must give reasons for any decision it makes;
- (k) is bound by the rules of natural justice.

(2) A Panel may dismiss a proceeding without hearing if the Panel is satisfied that the proceeding is frivolous, vexatious, misconceived or lacking substance.

(3) A Panel may seek expert advice in connection with the hearing of an appeal from a person who, in its opinion, has special knowledge of, and experience in, horse racing.

**Evidence on appeal**

**290.**—(1) When hearing an appeal, a Panel is not bound by the rules of, or practice as to, evidence but may inform itself of any matter in such manner as it considers fit.

(2) For the avoidance of doubt, a Panel may decide to allow a new hearing and the giving of fresh evidence, or evidence in addition to or in substitution for the evidence on which the decision appealed against was made.

*Gaming Control (Amendment) Act*

(3) A Panel may require a witness to be examined on oath or affirmation or may require evidence to be supported by a statutory declaration.

**Leave to be represented by an attorney-at-law**

**29P.** A Panel may grant leave to each party to be represented by an attorney-at-law at the hearing.

**Persons required to attend hearings or produce documents**

**29Q.**—(1) A Panel may, by written notice served on a person, require the person to attend at a time, date and place specified in the notice for the purpose of —

- (a) giving evidence relating to an appeal being heard or to be heard by the Panel; or
- (b) producing a document, relating to an appeal, specified in the notice that is in the person's possession or under the person's control.

(2) A person who is served with a notice under this section must not, without reasonable excuse, fail or refuse to comply with the requirements of the notice.

(3) A person who is served with a notice under this section is to be given at the time of service an amount sufficient to cover the travelling and any other expenses likely to be incurred by the person in attending at the time, date and place specified in the notice.

(4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding one hundred and fifty thousand dollars.

**Attendance of interested parties**

**29R.** A person who may be affected whether or not adversely by the decision of a Panel may, with the leave of a Panel —

- (a) appear and make submissions before the Panel in relation to the appeal, and
- (b) adduce evidence.

*Gaming Control (Amendment) Act***False statements**

**29S.**—(1) A person appearing before a Panel in connection with an appeal shall not knowingly make a statement that is false or misleading in a material respect.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars or to a term of imprisonment not exceeding five years.

**Decision of Panel**

**29T.**—(1) In respect of an appeal, a Panel may make a decision to —

- (a) dismiss an appeal;
- (b) confirm the decision appealed against or vary the decision appealed against by substituting a decision that could have been made by the licensee;
- (c) refer a matter relating to the decision appealed against to the licensee for rehearing in accordance with directions given by the Panel;
- (d) direct that the fee or part of the fee is to be repaid to the appellant;
- (e) make such orders as it thinks fit as to the payment of costs; or
- (f) make such other order in relation to the disposal of the appeal as the Panel considers fit.

(2) The decision of a Panel is by a majority of votes of the members and in addition to an original vote, the Chairperson has a second or casting vote in any case in which the voting is equal.

(3) The decision of a Panel must be authenticated by the signature of the Chairperson of the Panel and the Secretary of the Panel.

(4) The decision of a Panel must be conveyed to the Board and the appellant in writing.

*Gaming Control (Amendment) Act*

- (5) On service on a party to an appeal of an order for the payment of costs, the amount of costs specified in the order —
- (a) is payable by the party to the person specified in the order as the person to whom the costs are to be paid; and
  - (b) may be recovered as a debt in a court of competent jurisdiction.

**Regulation of betting provider**

**29U.**—(1) An applicant for a betting provider licence shall submit, together with the prescribed application form a racecourse operator licence.

(2) A betting provider shall not conduct betting at a racecourse unless the Board has approved the Rules of Betting and the type of betting to be provided.

(3) The Board may approve, amend or reject the Rules of Betting.”.

**Amendment of section 30**

**24.** Section 30 of the principal Act is amended, in subsection (3), by inserting a comma immediately after the words “gross revenue”.

**Insertion of new sections 30A and 30B**

**25.** The principal Act is amended by inserting immediately after section 31 the following new sections 30A and 30B —

**“Betting provider fee**

**30A.**—(1) A betting provider shall pay to the Accountant General, a monthly fee at the prescribed rate.

(2) The fee under subsection (1) must be paid on or before the fifteenth day of the month following the month for which the fee is due.

**Regulatory fee**

**30B.** A racecourse operator shall pay a regulatory fee at the prescribed rate to the Accountant General, in respect of payments received from a broadcasting arrangement, or the

*Gaming Control (Amendment) Act*

use of racing information, whether inside or outside Saint Lucia, within twenty-eight days of receipt of payment.”.

**Substitution of section 33**

**26.** The principal Act is amended by deleting section 33 and by substituting the following —

**“Accounts and reporting**

**33.** The Board shall —

- (a) keep proper books of accounts in which must be recorded all its transactions, to the satisfaction of the Minister;
- (b) prepare and retain financial statements in respect of each financial year;
- (c) furnish the Minister with returns, accounts and other information as the Minister requires with respect to the activities and property of the Board;
- (d) make facilities available to the Minister for verifying the information under paragraph (c) in the manner and at the times the Minister reasonably requires.”.

**Amendment of section 34**

**27.** Section 34 of the principal Act is amended by deleting subsection (3) and by substituting the following —

“(3) A person who fails to comply with a request made under subsection (2) commits an offence and, on summary conviction, is liable to a fine not exceeding one hundred thousand dollars or to imprisonment for three years.”.

**Amendment of section 37**

**28.** Section 37 of the principal Act is amended —

- (a) by deleting the heading and by substituting the following —  
**“Prohibition of persons on list”**;
- (b) by inserting immediately after the words “permitted to” the word “enter,” ;

*Gaming Control (Amendment) Act*

- (c) by inserting immediately after the words “approved by” the word “the”.

**Amendment of section 38**

**29.** Section 38 of the principal Act is amended, in subsection (1) by deleting paragraph (a) and by substituting the following —

“(a) to harm public health, safety, morals, order or the general welfare of the public;”.

**Amendment of section 39**

**30.** Section 39 of the principal Act is amended by deleting the words “the Schedule” wherever it appears and by substituting the words “Schedule 1”.

**Amendment of section 41**

**31.** Section 41 of the principal Act is amended in subsection (1) —

- (a) by deleting paragraph (a) and by substituting the following —

“(a) have, in his or her possession or in a place under his or her control, a gaming device or associated equipment;”;

- (b) by inserting in paragraph (b), immediately after the words “for purchase of” the word “a”.

**Insertion of new sections 44A to 44E**

**32.** The principal Act is amended by inserting immediately after section 44 the following new sections 44A to 44E —

**“Forgery and uttering documents**

**44A.**—(1) A person shall not —

- (a) forge a document;
- (b) knowingly utter a document that is forged;
- (c) pretend to be a person named in a document, whether or not the person is referred to in the document.

*Gaming Control (Amendment) Act*

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars or to a term of imprisonment not exceeding five years or both.

**Broadcasting arrangement**

**44B.**—(1) A person shall not broadcast a horse race unless a licensee has given prior approval in writing to the broadcasting arrangement.

(2) A licensee may authorise and appoint another person to negotiate and enter into a broadcasting arrangement on its behalf.

(3) For the avoidance of doubt, this section has no effect on ownership of broadcasting rights.

(4) A person who contravenes subsection (1) commits an offence and on summary conviction is liable to a fine not exceeding five hundred thousand dollars or to a term of imprisonment not exceeding seven years or both.

**Use of racing information**

**44C.**—(1) A betting provider shall not, whether inside or outside Saint Lucia, use racing information for the conduct of the provider's business, unless the provider is authorised to do so in writing by the Authority.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand dollars or to a term of imprisonment not exceeding seven years or both.

**Interference with licensee and Rules of Racing**

**44D.**—(1) A person shall not interfere with a licensee in relation to the performance of an activity under a licence issued under this Act.

(2) A person shall not interfere with an official of a licensee performing a function or exercising a power under the licensee's Rules of Racing.



*Gaming Control (Amendment) Act*

(3) In this section, “interfere with”, in relation to a licensee, means —

- (a) inflict injury on or cause injury to the licensee; or
- (b) threaten to inflict injury on or cause injury to the licensee; or
- (c) otherwise affect in a detrimental way the behaviour, performance or physical condition of the licensee.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars or to a term of imprisonment not exceeding five years or both.

**Interfering with particular things at licensed racecourse or places for holding horse races or trials**

**44E.**—(1) A person shall not interfere with a lighting, power or control system, or other plant or equipment used in connection with holding a race or trial at a racecourse or a racecourse prepared or laid out for holding a race meeting without permission from the licensee.

(2) In this section, “interfere with”, in relation to the operation of plant or equipment or to a racecourse, includes altering, damaging, destroying or removing the plant, equipment or racecourse, or a part of the plant, equipment or racecourse.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand dollars or to a term of imprisonment not exceeding seven years or both.”.

**Substitution of section 47**

**33.** The principal Act is amended by deleting section 47 and by substituting the following —

**“Secretary to keep register**

**47.** The Secretary shall keep a register in the prescribed form, with respect to the grant or revocation of a licence under this Act, and to the premises that are the subject of a licence.”.

*Gaming Control (Amendment) Act***Insertion of new section 49A**

**34.** The principal Act is amended by inserting immediately after section 49 the following new section 49A —

**“Exclusion of persons from racecourse**

**49A.**—(1) Where the Commissioner of Police, acting on information received, determines that the presence of a person within a racecourse threatens the orderly conduct of a race meeting, horse race or betting, he or she may place the person’s name on a list.

(2) A racecourse operator or betting provider shall not permit a person who is named in the list under subsection (1) to enter or, having entered, to remain within the racecourse.”.

**Substitution of section 51**

**35.** The principal Act is amended by deleting section 51 and by substituting the following —

**“Minister to give policy directions**

**51.** The Minister may, after consultation with the Chairperson, give to the Board policy directions of a general character to be followed by the Board in the performance of its functions as appear to the Minister to be necessary or desirable in the public interest, and the Board shall give effect to the policy directions.”.

**Insertion of new sections 51A and 51B**

**36.** The principal Act is amended by inserting immediately after section 51 the following new sections 51A and 51B —

**“Inquiry by the Minister**

**51A.**—(1) The Minister may at any time appoint a suitably qualified person to conduct an inquiry into a complaint relating to the administration of horse racing.

(2) Without limiting the scope of terms of reference, an inquiry may be conducted into —

- (a) the integrity processes and systems, in whole or in part, of a licensee;

*Gaming Control (Amendment) Act*

- (b) the internal animal welfare processes and systems of a licensee to the extent that it relates to integrity in racing;
  - (c) allegations of serious criminal matters, or corrupt conduct associated with the conduct of horse racing;
  - (d) alleged or apparent contravention of the Rules of Racing;
  - (e) breaches of the Rules of Betting.
- (3) The Minister may at any time initiate an inquiry that does not relate to any specific complaint and may include an investigation into systemic issues in racing, where the Minister considers it to be in the public interest.

**Issue of directions to racecourse operator**

**51B.**—(1) The Minister may, by notice given to a racecourse operator, direct the racecourse operator to —

- (a) make a new policy;
- (b) review an existing policy;
- (c) make Rules of Racing;
- (d) review existing Rules of Racing.

(2) A notice under subsection (1) must state a date by which the direction must be complied with.

(3) The date stated under subsection (2) must be reasonable having regard to the nature of the matters to be done under the direction.”

**Substitution of section 53**

**37.** The principal Act is amended by deleting section 53 and by substituting the following —

**“Service of documents**

**53.** A document to be served on a person under this Act may be served —

- (a) personally; or

*Gaming Control (Amendment) Act*

- (b) by leaving it, at the place of residence or business of the person last known to the person serving the document, with some other person over the age of sixteen years; or
- (c) by post addressed to the person at the place of residence or business of the person last known to the person serving the document.”.

**Amendment of section 55**

**38.** Section 55 of the principal Act is amended —

- (a) by deleting the words “The Minister after consultation with the Board may make regulations” and by substituting the words “The Minister may, after consultation with the Board, make Regulations”;
- (b) by deleting the word “board” wherever it appears in that section and by substituting the word “Board”;
- (c) in paragraph (g), by deleting the word “device” and by substituting the word “devices”; and
- (d) by deleting paragraph (h) and by substituting the following —  
“(h) prescribing the conditions under which the non-payment of winnings is a ground for suspension or revocation of a gaming operator licence;
- (e) by deleting paragraph (r) and by substituting the following —  
“(r) prescribing activities which may or may not be conducted within the boundaries of a racecourse;
- (s) for any other purposes to give effect to this Act.”.

**Amendment of Schedule**

**39.** The Schedule to the principal Act is amended by deleting the word “Schedule” and by substituting the words “Schedule 1”.

**Insertion of new Schedule 2**

**40.** The principal Act is amended by inserting immediately after Schedule 1 the following new Schedule 2 —

*Gaming Control (Amendment) Act***“SCHEDULE 2**

(Section 29C(2)(a))

**MATTERS FOR POLICY ON LICENSING SCHEME**

1. The licence the racecourse operator may issue, having regard to the activities for which a licence is required including for occupational horse racing.
2. The application process.
3. The criteria for each type of licence including appropriate qualifications for, and disqualifications from, obtaining the licence, including training courses to be completed, or experience obtained, by the person applying for the licence.
4. The way the racecourse operator will deal with an application for a licence, including the person’s right to make further representations relating to the application.
5. The grant, issue and form of a licence, including whether the licence is to include a photograph of the person granted the licence.
6. The giving of an information notice for a decision relating to an application.
7. The grounds for taking disciplinary action relating to a licence in relation to matters dealt with in the race course operator’s Rules of Racing, including appeal processes.
8. When and how a licence may be immediately suspended in order to protect the safety of a person.
9. How disciplinary action relating to a licence, other than immediate suspension, must be taken including the following —
  - (a) the procedure for giving a licence holder notice of the grounds for taking the disciplinary action;
  - (b) the proposed action;
  - (c) how the licence holder may make representations about the proposed action.

*Gaming Control (Amendment) Act*

10. The keeping a register of licences and correcting the register.
11. The exhibition and production of a licence.
12. The replacement of a lost licence.
13. The requirement for a licence holder to give the racecourse operator notice of —
  - (a) a change of address;
  - (b) if the licence holder is a corporation, a change to the corporation's executive officers.
14. The appointment of officials, and their functions and powers.
15. The service of notices on licence holders.
16. Whether there should be provision for provisional or temporary licences.
17. Attaching conditions to the grant of a licence, including that the licence may allow access to the licence holder's place of business.
18. The requirement for a police certificate or criminal history check from any jurisdiction.”.

Passed in the House of Assembly this 12th day of December, 2018.

ANDY G. DANIEL,  
*Speaker of the House of Assembly*

Passed in the Senate this 20th day of December, 2018.

JEANNINE GIRAUDY-MCINTYRE,  
*President of the Senate.*