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I Assent

[L.S.]

NEVILLE CENAC,
Governor-General.

September 3, 2019.

SAINT LUCIA

No. 24 of 2019

AN ACT to amend the Gaming, Racing and Betting Act, Cap. 13.13.

[16th September, 2019]

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, Racing and Betting (Amendment) Act, 2019.

Interpretation

2. In this Act, “principal Act” means the Gaming, Racing and Betting Act, Cap. 13.13.

Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) in the definition of the words “associated equipment”, by inserting immediately after the words “gaming device” the words “and does not include a betting machine and the contrivances, components and devices that do not have a material impact on the outcome of a game”;

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

“ “betting” —

(a) means making or accepting a bet on, or placing any consideration on —

(i) the outcome of an event including a race, competition, sporting event, sporting bet or other event or process,

(ii) the likelihood of anything occurring or not occurring, or

(iii) whether anything is or is not true; and

(b) includes —

(i) live betting,

(ii) the non-remote or remote 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 —

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- (A) makes or receives a bet or wager;
- (B) pays, receives, negotiates or settles a bet or wager;
- (C) offers, agrees or otherwise negotiates to bet, wager or to pay, receive or settle, a bet or wager;

(c) does not include gaming;”;

(c) by deleting the definition of the words “betting provider” and substituting the following —

“ “betting provider” —

(a) means —

- (i) a person who conducts live betting,
- (ii) a person who conducts non-remote or remote bookmaking,
- (iii) a person who conducts a non-remote or remote betting exchange,
- (iv) a person who conducts a non-remote or remote totalisator,
- (v) a person who otherwise conducts a non-remote or remote 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 imports or supplies betting machines to premises within Saint Lucia and that person is the single holder of the betting provider licence;”;

(d) by deleting the definition of the word “Director”;

(e) by deleting the definition of the word “game” and substituting the following —

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“ “game” —

- (a) includes table games, slot machines, on-site gaming and online gaming;
- (b) does not include a game played in a private residence where no betting takes place;”;
- (f) in the definition of the words “gaming device”, by deleting the words “that can be converted into a slot machine” and substituting the words “used in connection with”;
- (g) in the definition of the words “gaming employee”, by deleting the words “duty is to operate gaming machine” and substituting the words “duty affects the outcome of a game but who is not a key employee”;
- (h) in the definition of the words “gaming machine”, by inserting immediately after the word “game” the words “but does not include a betting machine”;
- (i) by deleting the definition of the words “key employee” and substituting the following —
 - “ “key employee” means an individual who by reason of employment or association with a gaming operator or the holding or intermediary company of a gaming operator in a supervisory capacity or empowered to make discretionary decisions which regulate gaming, including an officer, director, pit boss, shift boss, supervisor of a gaming cage operation, security activities, information technology and surveillance;”;
- (j) in the definition of the words “licenced premises”, by inserting —
 - (i) immediately after the word “building” the words “or part of a building”,
 - (ii) immediately after the word “gaming” the words “or betting”;
- (k) in the definition of the word “person”, by inserting immediately after the word “means” the words “an individual, ”;

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(l) by inserting in the proper alphabetical sequence the following new definitions —

“ “betting machine” means a machine used in the conduct of a bet including betting equipment, a device or terminal;

“Chief Executive Officer” means a person who is responsible for making major corporate and operational decisions and communicates directly to the Board;

“Chief Financial Officer” means a person who is responsible for the management of finance and accounting and overseeing the preparation of financial reporting;

“Chief Operating Officer” means a person who is responsible for overseeing the operations of the Authority and the supervision of the staff of the Authority;

“immediate family” means a person’s spouse, child, sibling or in-law;

“live betting” means the placement of any consideration on the outcome of an event, including a race, competition, sporting event, sporting bet or other event or process when that event is taking place outside of the establishment within which the placement of consideration is made, and which event is occurring on a date subsequent or during the placement of the consideration;

“non-remote betting” means onsite betting through a betting machine at a racecourse or other location;

“remote”, in relation to communication or an action in Saint Lucia, outside Saint Lucia or partly in or outside Saint Lucia, means the internet, telephone, television, radio or another kind of electronic or other technology for facilitating communication;

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“remote betting” means betting in which persons participate by the use of remote communication;

“remote gaming” means gaming in which persons participate by use of remote communication;

“slot machine” —

(a) means a mechanical, electrical or other device, contrivance or machine for gaming or betting which on insertion of a coin, token or similar object or on payment of consideration is available to play or operate, the play or operation of which, whether by skill of the operator or application of the element of chance or both, delivers or entitles the person playing or operating the machine to receive cash or tokens to be exchanged for cash, or to receive merchandise or anything of value;

(b) does not include a video lottery terminal;

“sub-licensee” means permission provided by —

(a) a gaming operator licensee to a third party to conduct gaming; or

(b) a betting provider licensee to a third party to conduct betting.

“video lottery terminal” means one of a series of mechanical, electrical or other devices, contrivances or machines that are connected to a central system on which multiple players compete for a chance to win a randomly drawn prize;”.

Amendment of section 3

4. Section 3(1) of the principal Act is amended by inserting immediately after the word “gaming” the words “and betting”.

Amendment of heading of Part 2

5. The heading of Part 2 of the principal Act is amended by inserting immediately after the word “Gaming” the words “and Betting”.

Amendment of section 5**6.** Section 5 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by deleting the words “who are citizens of Saint Lucia”,
 - (ii) in paragraph (a), by inserting immediately after the word “administration” the words “and no criminal record”;
- (b) by inserting immediately after subsection (4) the following new subsection (4A) —

“(4A) A member whose term has expired continues to serve as a member until Cabinet appoints a person to replace that member.”;
- (c) in subsection (7), by deleting the words “if it considers it expedient to do so” and substituting the words “based on just cause”.

Amendment of section 6**7.** Section 6 of the principal Act is amended, in subsection (1) —

- (a) by deleting the full stop appearing in paragraph (c) and substituting a semi-colon;
- (b) by inserting immediately after paragraph (c) the following new paragraph (d) —

“(d) be an immediate family of a member of Parliament.”.

Amendment of section 7**8.** Section 7 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by deleting paragraphs (g) and (h) and substituting the following —

“(g) to grant a provisional betting provider licence;

- (h) to make recommendations to the Minister on the making of Regulations for the integrity of gaming and the need for sufficient business discretion on the part of the gaming operator to enable efficiency and profitability;”,
- (ii) by inserting immediately after paragraph (h) the following new paragraphs (i) and (j) —
 - “(i) to enforce this Act;
 - (j) to perform other duties as are assigned to it by the Minister.”.

Insertion of new sections 10A and 10B

9. The principal Act is amended by inserting immediately after section 10 the following new sections 10A and 10B —

“Racing and Betting Committee

10A.—(1) Without limiting the generality of section 10, the Board shall appoint a Racing and Betting Committee.

(2) The functions of the Racing and Betting Committee includes —

- (a) to consider an application for a betting provider licence;
- (b) to consider the Rules of Betting;
- (c) to take disciplinary action against a person who violates this Act or the Rules of Betting;
- (d) to approve or reject the types of betting;
- (e) to approve or reject the use of a betting machine;
- (f) to approve or reject betting locations;
- (g) to verify or cause to be verified the background, character and reputation of an applicant for a betting provider licence;
- (h) to keep under review the extent, character and location of betting activities licensed under this Act;

- (i) to recommend to the Minister the methods of utilizing sums collected from the betting provider fee under this Act;
 - (j) to advise the Government on the national policy and Regulations relating to betting;
 - (k) to provide oversight to the Minister on the effectiveness of legislation; and
 - (l) to perform other duties assigned by the Board.
- (3) The Betting Committee must consist of three members, one member from the Board and two members possessing knowledge or experience in one or more fields of horse racing, betting, gaming and anti-money laundering policies, procedures and compliance.

Gaming Committee

10B.—(1) Without limiting the generality of section 10, the Board may appoint a Gaming Committee.

- (2) The functions of the Gaming Committee includes —
- (a) to consider an application for a gaming licence;
 - (b) to consider the Rules of Gaming;
 - (c) to ensure the good character, honesty and integrity of the persons involved in gaming, such as, supervisors of gaming security, surveillance, finance and other persons with an impact on the operation of the gaming establishment as the Committee considers necessary;
 - (d) to take disciplinary action against a person who violates this Act or the Rules of Gaming;
 - (e) to approve or reject the types of gaming;
 - (f) to approve or reject the use of gaming equipment, devices, machines or terminals;
 - (g) to approve or reject the gaming locations;
 - (h) to verify or cause to be verified the background, character and reputation of an applicant for a gaming licence;

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- (i) to keep under review the extent, character and location of gaming under this Act;
- (j) to recommend to the Minister the methods of utilizing sums collected from gaming under this Act;
- (k) to advise the Government on national policy and Regulations relating to the gaming industry;
- (l) to provide oversight to the Minister on the effectiveness of legislation; and
- (m) to perform other duties assigned by the Board.”.

Amendment of section 11**10.** Section 11 of the principal Act is amended —

- (a) in the heading, by deleting the words “Executive Director” and substituting the words “Chief Executive Officer, Chief Financial Officer, Chief Operating Officer”;
- (b) by deleting subsection (1) and substituting the following —
“(1) The Board shall, with the approval of the Minister, appoint a Chief Executive Officer, Chief Financial Officer and Chief Operating Officer each of whom must have knowledge or experience in one or more fields of horse racing, betting, gaming and anti-money laundering policies, procedures and compliance.”;
- (c) by deleting subsection (2);
- (d) in subsection (3), by deleting the word “Director” where it appears and substituting the words “Chief Executive Officer, Chief Financial Officer and Chief Operating Officer”;
- (e) in subsection (5), by deleting the word “Director” where it appears and substituting the words “Chief Executive Officer”;
- (f) in subsection (7), by deleting the word “Director” where it appears and substituting the words “Chief Executive Officer”.

Amendment of section 11A

11. Section 11A(2) of the principal Act is amended —

- (a) in paragraph (i), by deleting the words “by written notice”;
- (b) in subparagraph (ii), by deleting the words “specified in the notice”.

Insertion of new sections 12A and 12B

12. The principal Act is amended by inserting immediately after section 12 the following new sections 12A and 12B —

“Validity of acts of the Board

12A. The validity of an act done or proceedings taken under this Act shall not be questioned on the ground of —

- (a) the existence of a vacancy in membership of, or a defect in the constitution of the Board;
- (b) the contravention by a member of section 9; or
- (c) an omission, a defect or an irregularity not affecting the merits of the case.

Protection of members

12B. Personal liability does not attach to a member in respect of anything done or suffered in good faith under this Act, and sums of money, damages or costs which may be recovered against a member in respect of an act or thing done in good faith for the purpose of carrying this Act into effect must be paid out of the revenue of the Authority.”.

Amendment of heading of Part 3

13. The heading of Part 3 of the principal Act is amended by inserting immediately after the word “Gaming” the words “and Betting”.

Amendment of section 13

14. Section 13 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) in paragraph (b), by deleting the words “or modify” and substituting the words “or, in the case of gaming, modify”,

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(ii) by deleting paragraphs (e) and (f) and substituting the following new paragraph (e) —

“(e) offer live betting, non-remote or remote betting and other activities approved by the Board.”;

(b) in subsection (3), by inserting immediately after the word “Act” the words “for a period of five years from the date of the offence and the Board may, after the five year period, on the application of the person convicted, grant permission to the person convicted to apply for a licence under this Act”.

Amendment of section 14

15. Section 14(1) of the principal Act is amended —

(a) by deleting the words “section 21” and substituting the words “this Act”;

(b) by deleting paragraph (f) and substituting the following —

“(f) a betting provider licence for the purpose of offering live betting, non-remote betting or remote betting or other activities approved by the Board.”.

Amendment of section 16

16. Section 16 of the principal Act is amended —

(a) by deleting subsection (2) and substituting the following —

“(2) An application for a licence under section 14(1) shall be made to the Secretary to the Board.”;

(b) by inserting immediately after subsection (2) the following new subsection (2A) —

“(2A) An application under this section must —

(a) be in the prescribed form;

(b) be accompanied by the prescribed fee and prescribed documents.”;

(c) in subsection (3), by inserting immediately after the word “verification” the words “and investigation if requested by the Board”.

Amendment of section 19

17. Section 19 of the principal Act is amended —

- (a) in subsection (3), by deleting paragraph (f);
- (b) by deleting the designation (4) appearing immediately after subsection (6) and substituting the designation (7).

Amendment of section 20

18. Section 20 of the principal Act is amended —

- (a) by deleting subsection (3A);
- (b) by inserting immediately after subsection (6) the following new subsection (6A) —
 - “(6A) Subsection (6)(a), (b) and (c) apply if the denial, issuance, suspension or limiting action occurred five years prior to the application and the applicant demonstrates by clear and convincing evidence of his or her rehabilitation.”.

Amendment of section 22

19. Section 22 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by inserting immediately before the words “limited liability company” the word “corporation,”,
 - (ii) by inserting immediately after the words “limited liability company” the words “, external company or partnership”,
 - (iii) in paragraph (a) —
 - (A) by deleting the word “company” and substituting the words “corporation, limited liability company, external company or partnership”;
 - (B) by inserting immediately after the words “Saint Lucia” the words “and the corporation, limited liability company, external company or partnership that is otherwise qualified to hold a licence under this Act that applies for registration must not be denied registration”,

- (iv) in paragraph (b), by deleting the word “company” and substituting the words “corporation, limited liability company, external company or partnership and in the case of a publicly traded company, an owner of over five per cent of the issued and outstanding shares”;
- (b) in subsections (2) and (3), by deleting the word “company” and substituting the words “corporation, limited liability company, external company or partnership”;
- (c) in subsection (6), in the definition of the words “serious offence”, by inserting immediately after the word “counterfeiting” the words “, gaming, betting”;
- (d) in subsection (7), by inserting immediately after the words “sell gaming devices or associated equipment to a person who does not have a licence” the words “or import gaming devices or associated equipment for a person who does not have a licence”.

Insertion of new section 23A

20. The principal Act is amended by inserting immediately after section 23 the following new section 23A —

“Revocation of gaming operator licence: Appointment of trustee

23A. Where Cabinet revokes a gaming operator licence, a gaming operator may transfer the gaming establishment if the Board, with the approval of the Minister, appoints a trustee to assume the management of the gaming establishment until the gaming establishment is sold or a gaming operator licence is issued to another person.”.

Amendment of section 25

21. Section 25 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) in paragraph (f), by deleting the word “and”,
 - (ii) in paragraph (g), by deleting the full stop and substituting a semi-colon and the word “and”,

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(iii) by inserting immediately after paragraph (g) the following new paragraph (h) —

“(h) a surveillance plan.”;

- (b) in subsection (2), by inserting immediately before the word “approval” the word “prior”;
- (c) in subsection (7), by deleting the words “proper guarantee” and substituting the words “fair opportunity”.

Amendment of section 28

22. Section 28(4) of the principal Act is amended by—

- (a) deleting the word “grossly”;
- (b) inserting immediately after the words “subsections (1) and (2)” the words “by ten per cent or more”.

Amendment of section 29

23. Section 29 of the principal Act is amended —

- (a) in subsection (1), by deleting the words “approved by the Board in writing” and substituting the words “registered by the Board”;
- (b) by inserting immediately after subsection (2) the following new subsection (3) —

“(3) An employee of the gaming establishment must be issued with an identification badge that includes the name, position and registration number of the employee.”.

Amendment of Part 4A

24. Part 4A of the principal Act is amended —

- (a) in section 29I —
 - (i) in subsection (1), by deleting the words “one or more Racing Appeal Panels” and substituting the words “a Racing Appeal Panel”,
 - (ii) in subsection (4) —

- (A) in paragraph (a), by inserting immediately after the word “the” the words “racecourse or”;
- (B) in paragraph (b), by inserting immediately after the word “preparation” the words “at the racecourse or licensed premises”;
- (C) in paragraph (c), by deleting the word “licensee” and substituting the words “racecourse operator”,
- (iii) in subsection (5), by inserting immediately after the word “standing” the words “or a person with no less than seven years of horse racing experience, or both”;
- (b) in section 29J, by deleting the words “by a licensee including a decision made by a person”;
- (c) in section 29T, by inserting immediately after subsection (5) the following new subsection (6) —
 - “(6) The decision of the Panel is final.”;
- (d) by deleting section 29U and substituting the following —

“Regulation of betting provider

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

- (a) a service agreement with a racecourse operator in Saint Lucia operating a racecourse of a minimum inner circumference of one thousand six hundred meters; and
 - (b) the Rules of Betting.
- (2) A betting provider shall not conduct betting at a racecourse or other location unless the Board has approved the —
- (a) Rules of Betting;
 - (b) types of betting;
 - (c) betting machine that materially affects the outcome of a bet to be provided; and
 - (d) betting locations.

(3) The Board may approve, amend or reject the —

- (a) Rules of Betting;
- (b) types of betting;
- (c) betting machine to be provided; and
- (d) betting locations.

(4) A betting provider may amend the Rules of Betting with the approval of the Board.”;

(e) by inserting immediately after section 29U the following new section 29V —

“Non-application of sections to racing and betting

29V. Sections 14(2), 15, 17, 18(2) to (5), 19, 20(3) to (8), 22(1)(b) and (c), 22(2) to (14), 23 to 29, 30, 36, 39 to 46, 49 and 50 do not apply to a provision relating to a racecourse operator or betting provider under this Act.”.

Amendment of section 30

25. Section 30 of the principal Act is amended by deleting subsection (3).

Repeal of section 30B

26. Section 30B of the principal Act is repealed.

Amendment of section 31

27. Section 31(1) of the principal Act is amended —

- (a) in paragraph (b), by deleting the word “and”;
- (b) by deleting paragraph (c) and substituting the following —
 - “(c) funds arising from the sale, lease or other disposition of property vested in the Authority;”;
- (c) by inserting immediately after paragraph (c) the following new paragraph (d) —
 - “(d)all other sums that may become payable or vested in the Board in respect of any matter incidental to its powers and duties.”.

Insertion of new section 36A

28. The principal Act is amended by inserting immediately after section 36 the following new section 36A —

“Prohibition on minor from betting

36A.—(1) A person who has not attained the age of eighteen years shall not be permitted to bet or collect winnings from or through an agent on a bet approved by the Board.

(2) Subject to subsection (1), a person who has not attained the age of eighteen years may be allowed to enter a racecourse, in an area away from the betting area, for recreational purposes.

(3) A betting provider shall institute measures to ensure that subsection (1) is complied with and the Board may require the betting provider to provide details of the measures to the Board.

(4) A betting provider who fails to prevent a person under the age of eighteen years from betting or collect winnings in the betting establishment commits an offence and on summary conviction is liable to a fine not exceeding fifty thousand dollars.”.

Substitution of section 37

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

“Prohibition of persons on list

37.—(1) A person who is on the list of persons to be excluded issued by the Authority under section 7 shall not be permitted to enter a gaming establishment, play, place wagers or collect winnings approved by the Board.

(2) A gaming operator who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.”.

Amendment of section 40

30. Section 40(1) of the principal Act is amended by inserting immediately before the word “inaccurate” the word “materially”.

Substitution of section 44B

31. The principal Act is amended by deleting section 44B and substituting the following —

“Broadcasting arrangement

44B.—(1) A racecourse operator or betting provider may broadcast a horse race, sport or other activities or enter into broadcasting arrangements or commercial arrangements.

(2) A person shall not broadcast a horse race unless a racecourse operator has given prior approval in writing to the broadcasting arrangement.

(3) A racecourse operator or a betting provider may authorize and appoint another person to negotiate and enter into a broadcasting arrangement on its behalf.

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

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

Amendment of section 44C

32. Section 44C(1) of the principal Act is amended by deleting the word “Authority” and substituting the words “racecourse operator”.

Substitution of section 44D

33. The principal Act is amended by deleting section 44D and substituting the following —

“Interference and Rules

44D.—(1) A person shall not interfere with —

- (a) a racecourse operator or a betting provider in relation to the performance of an activity under this Act;

- (b) an official performing a function or exercising a power under the Rules of Racing or the Rules of Betting.

(2) In this section, “interfere”, in relation to a racecourse operator, means —

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

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one hundred and twenty-five thousand dollars.”.

Amendment of section 44E

34. Section 44E(1) of the principal Act is amended by inserting immediately after the designation (1) the words “Unless otherwise authorized under this Act,”.

Insertion of new section 45A

35. The principal Act is amended by inserting immediately after section 45 the following new section 45A —

“Swindling and cheating

45A.—(1) A person shall not intentionally, by a trick or sleight of hands performance or by fraud or a fraudulent scheme of cards, dice or device for himself or herself or for another person, win or attempt to win money or property or reduce a losing wager or attempt to reduce a losing wager.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or the amount of an illegally obtained fund, whichever is greater, or to a term of imprisonment not exceeding five years or to both.”.

Amendment of section 49A

36. Section 49A(2) of the principal Act is amended by inserting immediately after the word “not” the word “intentionally”.

Insertion of new section 50A

37. The principal Act is amended by inserting immediately after section 50 the following new section 50A —

“Issue of sub-licence

50A. A licensee may issue a sub-licence to conduct gaming or betting in multiple locations in Saint Lucia approved by the Board.”.

Amendment of section 53

38. Section 53 of the principal Act is amended by deleting paragraph (b).

Amendment of section 55

39. Section 55 of the principal Act is amended —

- (a) in paragraph (j), by inserting immediately after the word “security” the word “surveillance,”;
- (b) by deleting paragraph (s) and substituting the following —
 - “(s) prescribing the methods to prevent money laundering and other improper currency transactions, including appropriate implementation of the requirements under the Money Laundering (Prevention) Act, Cap. 12.20;”;
- (c) by inserting immediately after paragraph (s) the following new paragraphs (t) to (v) —
 - “(t) prescribing any other matter or anything which may be, or is required by this Act to be prescribed;
 - (u) for the control and discipline of staff employed under this Act;
 - (v) for any other purpose to give effect to this Act.”.

No. 24] *Gaming, Racing and Betting (Amendment) Act* [2019

Passed in the House of Assembly this 20th day of August, 2019.

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

Passed in the Senate this 22nd day of August, 2019.

JEANNINE GIRAUDY-MCINTYRE,
President of the Senate.