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I assent,

SAMUEL WEYMOUTH TAPLEY SEATON

*Governor-General.*

26<sup>th</sup> March, 2021.

## SAINT CHRISTOPHER AND NEVIS

### No. 11 of 2021

AN ACT to provide for the effective and comprehensive regulation of the Gaming Industry within Saint Christopher and Nevis and for other incidental matters.

*[Published 26<sup>th</sup> March 2021, Extra-Ordinary Gazette No. 15 of 2021.]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

#### PART I – PRELIMINARY

##### 1. **Short Title.**

This Act may be cited as the Gaming (Control) Act, 2021.

##### 2. **Interpretation.**

(1) In this Act, unless the context otherwise requires:

“applicant” means a person who has applied to the Commission for a licence to engage in activity regulated under this Act;

“bet” means to risk a sum of money or other item of value on the outcome of a future event;

“Commission” means the Gaming Commission established under section 3;

“casino” means physical premises from or on which gaming activity is carried on as follows

- (a) the offering of betting on any event or wagering as authorised by a gaming licence;
- (b) the playing of or the offering for play of gambling games including table games, slot machines and poker, as authorised by a gaming licence;

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- “casino hotel” means a building, structure or group of buildings being a hotel or part of a hotel licensed in accordance with the provisions of the Licences on Businesses Occupations Act, Cap. 18.20, in which a casino is operated;
- “conservator” means a fiduciary appointed pursuant to this Act to temporarily manage and control a casino, slot parlour or racetrack upon revocation of a gaming licence or failure to renew a gaming licence;
- “Financial Services Regulatory Commission” means the Financial Services Regulatory Commission established pursuant to section 3 of the Financial Services Regulatory Commission Act, Cap. 21.10;
- “gaming” means the playing of a game for winnings, prize money or money’s worth, including lotteries, the conduct of casino and slot parlour operations, internet gaming, sports betting as well as any wagering activity based on the racing of dogs, horses, cars and other forms of racing but does not include social gaming for the purposes of this Act;
- “gaming activity” means an activity, not being social gaming, that involves gaming by
- (a) placing or accepting a bet or wager under subsection (2);
  - (b) making available for play or playing a gambling game as referred to in subsection (3);
- “gaming employee” means any natural person who is not a key gaming employee and who is employed in the operation of a casino, slot parlour or racetrack, including the following
- (a) dealers,
  - (b) pit bosses;
  - (c) floor persons;
  - (d) slot machine, casino and racetrack security and surveillance personnel;
  - (e) cage personnel, count room personnel, data processing personnel;
  - (f) other personnel whose employment duties predominantly involve the maintenance and operation of gaming or racing activity or equipment and assets or who work in a restricted casino or slot parlour area;
- “gaming entity” means an entity conducting gaming or a gaming activity;
- “gaming licence” means a licence issued by the Commission that permits the licensee to carry on a gaming activity including the owning, managing or operating of a casino, a lottery, internet gaming, or a slot parlour;
- “gaming licensee” means a person who holds a gaming licence under this Act;
- “supplier” means a person who manufactures, sells, tests or repairs slot machines and other gaming equipment;

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“holding company” means a corporation, association, firm, partnership, trust or other form of business organization, other than a natural person, which in respect of a gaming or supplier licence

- (a) directly or indirectly owns the licence;
- (b) has the power or right to control the licence;
- (c) has the power to vote any significant part of the outstanding voting securities of a corporation or any other form of business organization which holds or applies for a gaming licence or supplier licence;

“internet gaming” means a gaming activity in which the offering for play and playing by a person of a gambling game is made available through communications technology or electronic means and accessed over the internet or other relevant communications network;

“institutional investor” means

- (a) an entity having an ownership interest in a gaming licence, supplier’s licence or a holding company thereof;
- (b) an applicant for a gaming licence, a supplier’s licence or a holding company thereof including
  - (i) a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees’ profit-sharing trust or fund,
  - (ii) an association engaged, as a substantial part of its business or operation, in purchasing or holding securities; and
  - (iii) such other persons designated by the Commission

as an institutional investor under this Act;

“junket” means an arrangement intended to induce a person or group of persons to come to a particular casino or slot parlour to gamble, whereby the person or group of persons is selected by a junket representative for participation on the basis of the person’s pre-qualification and willingness to gamble at a certain level in the casino or slot parlour;

“junket operator” means a person that provides junket services;

“junket representative” means a natural person who negotiates the terms of a junket, or engages in the referral, procurement or selection of persons who may participate in a junket;

“key gaming employee” means a natural person including a Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Controller, Slot Supervisor, or Table Games Supervisor; or such other qualifying persons as may be designated by the Commission who are employed by a gaming or racing operator licensee or applicant in a supervisory capacity or who are otherwise empowered to make decisions which would impact gaming or racing operations;

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“lottery” includes

- (a) a sweepstake;
- (b) a game where lots are drawn; or
- (c) a means of raising money by selling numbered tickets drawn at random whereby prizes, in the form of money or any other thing of value, are distributed or allotted in any manner depending upon or determined by chance or lot, held, drawn, exercised or managed in Saint Christopher and Nevis or the outcome of which is dependent on an event occurring in Saint Christopher and Nevis;

“lottery agent” means an establishment selling a lottery ticket or lottery game for or on behalf of a lottery licensee;

“Minister” means the Minister responsible for Finance;

“person” includes an individual, corporation, limited liability company, association, joint venture, firm, partnership, trust or other form of business association;

“racing operator licence” means a licence issued by the Commission that permits a person to own, manage or operate a racetrack, for horse racing, car racing, or other forms of racing;

“slot machine” means any mechanical, electrical, video, electronic or other device, contrivance or machine used in connection with a gambling game which, upon insertion of money, a token or a similar object therein, or upon payment, whether directly or indirectly, by or on behalf of a player of any consideration whatsoever that is required, is available to be played or operated and the playing or operation of which, whether by reason of the skill of the player or operator or the application of the element of chance or both, may deliver to the person playing or operating the machine, cash, tickets, receipts or tokens to be exchanged for cash or merchandise or anything of value whatsoever, other than unredeemable free games, or may entitle such person to receive such cash, tokens, merchandise or thing of value, whether the payoff is made automatically from the machine or in any other manner whatsoever; provided that notwithstanding the above, for the purposes of any offence created by this Act, a “slot machine” shall include any machine, apparatus or device which

- (a) has the capacity to provide as a prize, reward or consideration for successfully playing the game concerned, more than one coin, token or other consideration sufficient in value to enable the player, by inserting or in any manner procuring the insertion into such machine or the registration thereby of such coins, tokens or other consideration, to play more than one further game, or the opportunity to play more than ten further games immediately without the insertion of another coin, token or other consideration;

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- (b) offers a game, the outcome of which is determined or displayed by way of reels, whether mechanical or video generated, or is operated on any similar principle;
- (c) is an incomplete machine, device or apparatus which was previously a slot machine, but has been subsequently modified, or which is, or was intended to be made into a slot machine, including but not limited to any such machine, device or apparatus to which there is affixed an identification plate bearing the manufacturer's serial number;
- (d) has been declared by the Minister by notice in the *Gazette*, to be a slot machine; or
- (e) is an electronic version of a table game;

“slot operator” means a person operating or managing a physical location where a set number of slot machines are in operation, as prescribed in the Sixth Schedule;

“slot parlour” means a physical location licensed by the Commission for the operation of a set number of slot machines as prescribed in the Sixth Schedule;

“social gaming” means any form of gaming, other than gaming involving or requiring the use of any gaming device, excluding cards, dominoes or dice, which takes place

- (a) on a domestic occasion in a private dwelling or in the yard or elsewhere on the premises of a private dwelling;
- (b) in a public place but which is not carried on for the purposes of any profit, reward, trade or business other than participating as a player;
- (c) in an establishment where the players consist exclusively or mainly of persons who are employees, residents or inmates of that establishment;  
or
- (d) on premises which belong to a college or other educational institution for persons over compulsory school age, which are provided exclusively or mainly for persons who are fellows or members of, or tutors or students at, that institution and the players consist exclusively or mainly of such persons,

provided that no person directly or indirectly receives any fee, percentage of winnings, or additional payment for conducting the gaming activity, other than participating as a player;

“slot parlour operator” means a person who is in charge of a slot parlour;

“wager” means the betting or risking of money on the outcome of an unpredictable event;

“winnings” means any money, payout, prize or other thing of value accruing to a player as a result of having successfully played a gambling game or having correctly predicted the result of the event in respect of which a bet was placed.

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(2) For the purposes of subsection (1), a person places or accepts a bet or wager when that person

- (a) being a player, stakes money or anything of value with the holder of a gaming licence on any event; or
- (b) being the holder of a gaming licence
  - (i) accepts a stake of money or anything of value on any event from a player; or
  - (ii) accepts a stake of money or anything of value on a bet on any event with another holder of a gaming licence or any other person licensed by any other jurisdiction to engage in betting;
- (c) stakes or accepts a stake of money or anything of value on any event with one or more other persons; or
- (d) expressly or implicitly undertakes, promises or agrees to do anything referred to in paragraphs (a), (b) or (c).

(3) For the purposes of subsection (1), social gaming includes a religious or other charitable event where the maximum reward does not exceed a threshold prescribed by the Minister;

(4) A game is a gambling game if

- (a) it meets the following criteria
  - (i) it is played upon payment of any consideration, with the chance that the person playing the game might become entitled to, or receive a pay-out; and
  - (ii) the result of the game might be determined by the skill of the player, the element of chance, or both; or
- (b) it is a bet or wager under subsection (2), that is placed in relation to an activity meeting the criteria in paragraph (a).

## **PART II – ADMINISTRATION**

### **3. Establishment of a Gaming Commission.**

(1) There is established a Gaming Commission for Saint Christopher and Nevis.

(2) The Financial Services Regulatory Commission shall function as the Gaming Commission for Saint Christopher and Nevis and shall have the authority to exercise the powers conferred upon it by the Financial Services Regulatory Commission Act.

(3) The Gaming Commission shall have jurisdiction and oversight for the regulation of all forms and types of licensed gaming activities in Saint Christopher and Nevis with the objective of achieving the following

- (a) to ensure that gaming activities are subject to and operated in accordance with adequate standards in accordance with the provisions of this Act, other related laws and any pertinent rules and regulations;

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- (b) to protect the gaming industry from the exploitation of criminals;
- (c) to safeguard and strengthen the gaming industry from money laundering, terrorist financing, proliferation of the financing of weapons of mass destruction and related activities.

(4) Pursuant to the exercise of its powers in subsection (3), the Commission shall conduct examinations of the operations of gaming licensees.

(5) The powers conferred on the Commission pursuant to this Act are in addition to any other powers conferred on the Commission pursuant to any other enactment.

#### **4. Duties and Functions of the Gaming Commission.**

The Commission shall have authority for the implementation and enforcement of this Act, with jurisdiction over all persons and entities participating in gaming operations, including, responsibility for:

- (a) controlling and regulating all forms of gaming;
- (b) granting or denying any application for a licence or registration required under this Act;
- (c) registering racehorses, dogs, racing cars and the respective owners thereof;
- (d) restricting, suspending or revoking any licence or registration issued under this Act;
- (e) investigating the suitability of all applicants for any licence required under the Act;
- (f) determining the qualifications for applicants for licences under this Act;
- (g) reviewing all licence applications;
- (h) monitoring of compliance to determine whether there are any breaches of this Act or the regulations promulgated hereunder;
- (i) imposing administrative penalties on
  - (i) gaming operations and their executives and employees; and
  - (ii) suppliers and their executives for violations of the Act;
- (j) collecting all licence and application fees and monetary penalties imposed by the Act;
- (k) monitor compliance of gaming licensees in respect of policies designed to deter compulsive gambling and to prevent underage gambling;
- (l) adopting rules and regulations as deemed necessary to fulfill the policies of the Act;
- (m) hearing all disputes arising out of the racing rules set forth pursuant to this Act;
- (n) setting minimum standards of competence for trainers and jockeys;

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- (o) establishing regulatory procedures pertaining to local residents seeking to participate in legalized gaming operations;
- (p) examining the books, records and accounts of gaming and racing operator licensees;
- (q) ensuring the compliance by licensed entities with internal controls, including anti-money laundering, countering the financing of terrorism and countering the proliferation of the financing of weapons of mass destruction, provisions pursuant to the provisions of the Proceeds of Crime Act, Cap. 4.28 the Anti-Terrorism Act, Cap. 4.02 the Financial Intelligence Unit Act, Cap. 21.09 the Anti-Proliferation (Financing of Weapons of Mass Destruction) Act, No. 10 of 2020 and all regulations made pursuant to these Acts;
- (r) authorising inspectors for gaming establishments and racetracks;
- (s) adopting rules for the appointment of a conservator to temporarily manage and control the gaming establishment in the event of a revocation of a gaming or racing operator licence or the failure to renew said licence;
- (t) establishing regulatory procedures for the issuance of credit;
- (u) establishing regulatory procedures for security arrangements within a racetrack, including security of persons, horses, dogs and vehicles; and
- (v) maintaining a Master List of all authorized slot machines by licensee and location.

**5. Confidentiality.**

The matters of the Commission shall be kept confidential by all members and staff of the Financial Services Regulatory Commission.

**6. Collaboration with Other Agencies.**

Notwithstanding section 5, the Commission may liaise with other agencies and shall conduct joint examinations and inspections where the need arises with any of the following:

- (a) Ministry of Finance;
- (b) Inland Revenue Department;
- (c) Customs and Excise Department;
- (d) Financial Intelligence Unit;
- (e) White Collar Crime Unit;
- (f) Royal Saint Christopher and Nevis Police Force;
- (g) Bureau of Standards; or
- (h) any other Government ministry, department or agency authorised by the Minister of Finance;

**7. Appointment of Committees.**

(1) The Commission may appoint from amongst its own members or from other persons who are not members, such number of committees as it thinks fit for purposes which, in the

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opinion of the Commission, would be better regulated and managed by means of such committees.

(2) The Commission may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee appointed under subsection (1) or to the Chairman or Chief Executive Officer or to any other member, officer or employee of the Commission, any of the functions or powers of the Commission under this Act except the power of delegation conferred by this section; and the power to make any codes or issue any guidance.

(3) Any function or power delegated under subsection (2) to any committee or person may be performed or exercised by the committee or person to whom it has been delegated in the name and on behalf of the Commission.

(4) No delegation under this section shall prevent the performance or exercise of any function or power by the Commission.

#### **8. Retention of Experts, Agents and Consultants.**

The Commission may contract directly for the services of experts, agents and consultants to assist the Commission in carrying out its duties and responsibilities under the Act.

#### **9. Delegation of Authority.**

(1) The Commission may delegate specific matters for resolution to its staff, except that all decisions relating to the issuance of licences and the imposition of penalties shall not be delegable under this section.

(2) Any person aggrieved by a decision made pursuant to delegated authority shall have the right to appeal said decision to the Commission for its review, with the procedures for said appeal to be set through regulations.

### **PART III – LICENCES**

#### **10. Types of Gaming Licences.**

(1) There shall be several classifications of gaming licences as follows, which may be applied for and granted subject to the provisions of this Act:

- (a) a licence for a casino shall permit the holder to establish a gaming facility at a physical location approved by the Commission where gaming activity may be permitted to be carried on including any or all of the following:
  - (i) table games;
  - (ii) slot machines;
  - (iii) poker;
- (b) a licence for internet gaming shall permit the holder to establish the means by which gaming activity may be carried on through a telecommunications network or the internet;

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- (c) a licence for racing which shall permit the holder to own, manage or operate a racetrack, for horse racing, dog racing, car racing, or other forms of authorised racing;
- (d) a lottery licence which shall permit the holder to own, manage or operate a lottery
  - (i) as a means of raising money by selling numbered tickets and giving prizes to the holders of numbers drawn at random;
  - (ii) where an event is held whose outcome is determined by chance.
- (e) a slot parlour licence means a physical location authorized by the Commission solely for the legal use of slot machines for gaming activity.
- (f) a sports betting licence which shall permit the holder to conduct a sport betting activity;

(2) The several classes of gaming licences issued under this Act shall authorise the holders, for the period specified in the licence, to carry on a gaming activity subject to the terms and conditions of that licence.

(3) A natural person who operates a casino, internet gaming business, lottery, a racing business, slot parlour or sport betting activity without a licence issued pursuant to the provisions of this Act, commits an offence and shall be liable on summary conviction to a penalty not exceeding fifty thousand dollars or to a term of imprisonment not exceeding two years.

(4) Where the person referred to in subsection 3, is a corporation, that corporation commits an offence if it operates or allows to be operated, any of the businesses referred to in subsection (1) and is liable on summary conviction to a fine not exceeding one hundred and fifty thousand dollars.

(5) Subsections (3) and (4) are subject to the provisions of section 45.

## 11. **Licence Applications.**

- (1) Where a person is desirous of obtaining
  - (a) a casino licence, he or she shall apply on the form set out as Form 1 in the First Schedule;
  - (b) an internet gaming licence, he or she shall apply on the form set out as Form 1 in the Second Schedule;
  - (c) a licence for racing, he or she shall apply on the form set out as Form 1 in the First Schedule;
  - (d) a lottery licence, he or she shall apply on the form set out as Form 1 in the First Schedule;
  - (e) a slot parlour licence, he or she shall apply on the form set out as Form 1 in the First Schedule;

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- (f) a licence for conducting a sport betting activity he or she shall apply on the form set out as Form 1 in the First Schedule.
- (3) The Minister may by Order published in the Gazette amend the First Schedule to add to, vary or remove the classes of licences.
- (4) All licence applications shall be submitted in accordance with the requirements set out in the Second Schedule.
- (5) A lottery licence may entitle the holder to enter into agreements with lottery agents to sell lottery tickets or to play lottery games on such terms as the parties may agree.
- (6) A person who is desirous of becoming a lottery agent shall apply to the Commission for registration on a form to be prescribed and shall be subject to submission of the following
  - (a) the prescribed fee;
  - (b) a valid business licence;
  - (c) the names and addresses of senior management or supervisors; and
  - (d) such other requirements as may be prescribed by the Commission.

**12. Supplier's and Distributor's Registration.**

- (1) A person who is desirous of offering services to manufacture, sell, test or repair slot machines or other gaming devices or equipment shall apply to the Commission for a supplier's registration certificate.
- (2) The application for a supplier's registration shall be made on Form 2 as set out in the First Schedule and shall be subject to submission of the following:
  - (a) the prescribed documents as are set out in the Second Schedule Part B; and
  - (b) the prescribed fees as set out in the Fourth Schedule.
- (3) Subject to subsections (1) and (7), no person shall manufacture, sell, lease, distribute, test or repair gaming equipment for use by a gaming licensee or applicant without first having obtained a valid and current gaming certificate.
- (4) Where a person acts in a manner contrary to subsections (1) or (7), he or she commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars.
- (5) Where the provisions of subsection (1) or (7) are contravened by a corporate person, that corporation commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand dollars.
- (6) Subsections (4) and (5) are subject to the provisions of section 45.
- (7) A person who is desirous of offering services to lease or distribute slot machines or other gaming devices or equipment shall apply to the Commission for a distributor's registration certificate.

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(8) The application for a distributor's registration shall be made on Form 2 as set out in the First Schedule and shall be subject to submission of the following:

- (a) the prescribed documents as are set out in Part B of the Second Schedule; and
- (b) the prescribed fees as set out in the Fourth Schedule.

**13. Further Licence Information.**

(1) The information provided by applicants in the application forms is to be considered as confidential and shall not be disclosed, in whole or in part, unless considered necessary to carry out the policies of this Act.

(2) The application of a natural person shall be subject to the requirements set out in the Second and Third Schedules.

(3) Where two or more natural persons apply jointly for a licence, the licence shall attract a higher licence fee on such terms as shall be prescribed by the Minister in the Fourth Schedule.

**14. Application fees.**

All application fees are payable at the time of the filing of the application for the relevant licence and are non-refundable.

**15. Obligations to Cooperate and Supply Information.**

(1) The Commission may require an applicant, licensee or registrant to provide further information or documentation as the Commission may reasonably request in giving proper consideration to an application.

(2) All applicants, licensees or registrants shall have a continuing duty to provide all information and documents requested by the Commission, and its agents, consultants and employees and to cooperate in any investigation or hearing conducted by the Commission, and its agents, consultants and employees.

(3) Subject to sections 38 and 45, where the Commission determines that an applicant, licensee or registrant has knowingly withheld information, knowingly failed to provide information or documents requested by the Commission, or its agents, consultants and employees, or knowingly failed to cooperate with any investigation or hearing conducted by the Commission, or its agents, consultants and employees, the Commission may, with respect to such person:

- (a) find that person ineligible to hold a licence or registration in connection with a licence;
- (b) restrict the relevant licence or registration or qualification;
- (c) suspend the relevant licence or registration; or
- (d) revoke the relevant licence, registration or qualification;

**16. Obligation to provide truthful information.**

(1) No applicant, licensee or registrant shall knowingly provide materially false or misleading information to the Commission, or its agents, consultants and employees.

(2) If the Commission determines that an applicant, licensee or registrant has knowingly provided materially false or misleading information to the Commission, or its agents, consultants and employees, the Commission shall, with respect to such person:

- (a) find that person ineligible to hold a licence or registration or to be qualified in connection with a licence and deny the application;
- (b) restrict, suspend, or revoke the relevant licence, registration or qualification.

**17. Investigations.**

(1) In considering an application for a licence, the Commission shall conduct such investigation as it may deem necessary at the expense of the applicant, to ascertain:

- (a) the validity of the documents submitted in accordance with the Second Schedule;
- (b) the financial condition and history of the applicant;
- (c) the nature of the business of the applicant;
- (d) the experience of the persons who are to constitute its management;
- (e) the source of initial capital; and
- (f) the convenience and needs of the community to be served by the granting of the licence.

(2) In considering an application for a gaming licence, the Commission shall, in addition to the matters specified in subsection (1), take into consideration

- (a) the adequacy of capital structure; and
- (b) the earning prospects of the applicant.

(3) Within a reasonable time of its receipt of the application for a licence the Commission shall:

- (a) if it is satisfied that an application under subsection (1) is in order and that the applicant is a fit and proper person to be licensed to conduct a gaming activity and that it can fulfill the obligations of a licensee under this Act:
  - (i) approve the application; and
  - (ii) issue a licence to the applicant in the form set out in the First Schedule, subject to the applicant paying the prescribed licence fee set out in the Fourth Schedule and subject to such other terms, conditions and restrictions it considers necessary; or
- (b) if it is of the opinion that it would be undesirable in the public interest to grant the licence or that the applicant is not a fit and proper person to be licensed to

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conduct gaming activity, it may refuse to grant the same and shall inform the applicant that it has refused to grant the licence.

(4) In considering whether an applicant is a fit and proper person to be licensed, the Commission:

- (a) shall have regard to, in respect of each of its significant shareholders, directors, executive management, agents and officers:
  - (i) his or her financial status;
  - (ii) the educational or other qualifications or experience of the applicant having regard to the nature of the application;
  - (iii) his or her ability to perform the proposed function efficiently, honestly and fairly; and
  - (iv) his or her reputation, character, financial integrity and reliability; and
- (b) may take into account any matter relating to:
  - (i) any person who is or is to be employed by, or associated with, the applicant for the purposes of the business to which the application relates;
  - (ii) any person who will be acting as a principal or representative in relation to such business; and
  - (iii) any significant shareholder, director or officer of the applicant, any other company or firm in the same group of companies or to any director or officer of any such company or firm.

(5) For the purposes of this section, the Commission may have regard to any information in its possession whether furnished by the applicant or not.

(6) The Commission may at any time vary or repeal the conditions or restrictions it imposed pursuant to subsection (4).

(7) The Minister may amend or replace the Schedules by Order and the amendment or replacement shall be published in the *Gazette*.

#### 18. **Licence terms.**

(1) A gaming licence shall be valid for one year from the date of its issue until the 31<sup>st</sup> December of that year and is renewable each year on payment of the prescribed annual fee on or before the 31<sup>st</sup> day of January.

(2) Where a licensee is desirous of renewing the licence, the licensee shall:

- (a) submit to the Commission, a completed licence renewal application form;
- (b) pay all required licence renewal application fees;
- (c) submit due diligence information including identifying particulars for any change made to Directors, shareholders or any key gaming employees”.

(3) Where a licensee fails to comply with the requirements set out in subsection (2), the licence shall not be renewed by the Commission.

**19. Licence Fees.**

(1) Upon receipt of a gaming licence to own, manage or operate a casino, as a condition of being permitted to commence and maintain gaming operations, the licensee shall pay an annual licence fee for each year of the licence period on terms as set out in the Fourth Schedule.

(2) Upon receipt of a gaming licence to own, manage or operate a slot parlour and prior to and as a condition of being permitted to commence and maintain operations, the gaming licensee shall pay an annual licence fee for each year of the licence period on terms as set out in the Fourth Schedule.

(3) Upon receipt of a gaming licence to own, manage or operate a racetrack, and prior to and as a condition of being permitted to commence and maintain gaming operations, the racing operator licensee shall pay an annual licence fee for each year of the licence period on terms as set out in the Fourth Schedule.

(4) Upon receipt of a gaming licence to own, manage or operate a lottery, and prior to and as a condition of being permitted to commence and maintain lottery operations, the licensee shall pay an annual licence fee for each year of the licence period on terms as set out in the Fourth Schedule.

**20. Licence requirements for gaming licensees.**

(1) Where a person applies for a gaming licence for a casino, the applicant shall provide the following

- (a) evidence that the applicant owns, manages or operates a hotel of not less than 200 rooms;
- (b) an accounting of all slot machines and a certification from an independent testing laboratory approved by the Commission that it has verified the accuracy and operations of the slot machines and other relevant gaming equipment pursuant to procedures provided in regulations.

(2) Where a person applies for a gaming licence to own, manage or operate a slot parlour, the applicant shall provide an accounting of all slot machines and a certificate from an independent testing laboratory approved by the Commission that it has verified the accuracy and operations of the slot machines pursuant to procedures set forth in regulations.

(3) Where a person applies for a gaming licence to

- (a) own, manage or operate a racetrack;
- (b) own, manage or operate a lottery; or
- (c) conduct a sports betting activity

the applicant shall establish by clear and convincing evidence the qualifications of all persons required to be qualified pursuant to section 17.

(4) Where a person applies for a gaming licence to own, manage or operate an internet gaming business or activity, the applicant shall, in addition to satisfying the requirements

of section 17, provide for appropriate measures to safeguard the identity and information of persons who would be participating in the internet gaming activity.

#### **21. Registration requirements for slot operators.**

(1) A slot operator shall be required to register annually with the Commission, listing all beneficial owners, and paying an annual slot operator registration fee as prescribed in the Fourth Schedule.

(2) A slot operator shall be required on an annual basis to provide an account of all slot machines, with the reporting of annual revenues generated from their operations.

(3) A slot operator shall be required to provide a certification from an independent testing laboratory approved by the Commission that it has verified the accuracy and operations of the slot machines pursuant to procedures set forth in regulations.

(4) No person shall

(a) operate a slot machine without being registered as a slot operator;

(b) possess a slot machine without having first registered the slot machine or without being registered as a supplier or distributor under this Act.

(5) Subject to section 45, where the Commission discovers that any person is in breach of this section, that person commits an offence and shall be liable on conviction to

(a) a fine not exceeding twenty-five thousand dollars in the case of a natural person or to imprisonment for a period not exceeding one year;

(b) a fine not exceeding fifty thousand dollars in the case of a corporation.

#### **22. Fit and proper requirements.**

Applicants for a gaming licence shall be required to satisfy fit and proper requirements as set out in the Third Schedule.

#### **23. Authorisation of location and approval of new business premises.**

(1) A licence granted under this Act authorises the licensee to carry on gaming activity in Saint Christopher and Nevis at the place of business designated in the licence.

(2) Where different places of business are kept in the name of the same person, a separate licence shall be taken out for each such place of business.

(3) No licensee shall open a new place of business or change the location of an existing place of business in Saint Christopher and Nevis without the prior approval of the Commission and no licensee shall close an existing place of business in Saint Christopher and Nevis without having given thirty days prior written notification to the Commission.

(4) A licensee which is formed under the laws of Saint Christopher and Nevis shall not open a place of business elsewhere than in Saint Christopher and Nevis without the prior written approval of the Commission.

(5) A licensee which is formed under the laws of Saint Christopher and Nevis shall not close a place of business outside of Saint Christopher and Nevis without having given twenty-one days prior written notification to the Commission.

**24. Display of licence certificate.**

A licensee shall display or cause to be displayed and shall keep displayed a copy of the certificate of its licence granted under this Act in a conspicuous place in the public part of any place of business of the licensee.

**25. Restrictions of names likely to mislead.**

- (1) No licensee shall be granted or continue to hold a licence under a name which:
  - (a) is identical to that of any company, firm or business house, that so nearly resembles that name as to be misleading;
  - (b) falsely suggests, the patronage of or connection with some person or Minister.

(2) The Commission may refuse to grant a licence to or revoke the licence of a person who contravenes subsection (1).

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

**26. Registration requirements for junket operators.**

- (1) A person who is desirous of operating
  - (a) as a junket operator;
  - (b) as a junket representative employed by a junket operator shall, subject to subsections (2) and (3), apply to the Commission to be so registered.

(2) The annual registration fee for junket operators and junket representatives is set out in the Fourth Schedule.

(3) Where a junket operator is operating without having been registered in Saint Christopher and Nevis the casino licensee shall be liable to a fine not exceeding fifty thousand dollars.

**27. Registration Requirements for key gaming employees.**

(1) Subject to the provisions of Part B of the Second Schedule, all key gaming employees shall be required to apply for and obtain a gaming employee registration from the Commission before assuming their duties with the gaming entity.

(2) No person shall be employed by a gaming licensee in the position of a key gaming employee, as defined in section 2 of this Act, unless that person has first been registered with the Commission and obtained a valid key gaming employee certificate.

(3) In addition to any requirements imposed in section 25, an applicant for a key gaming employee licence shall provide evidence of his or her financial stability, integrity and responsibility.

(4) The registration fee for a key gaming employee shall be set out in the Fourth Schedule.

(5) Procedures governing the registration process for key gaming employees may be prescribed by the Minister in regulations.

**28. Violations for employing persons without registration.**

Where a gaming licensee employs a person who is not duly registered pursuant to this Act, the licensee shall be liable to a fine of five thousand dollars and to a fine of one hundred dollars for each day that the breach continues.

**29. Licence criteria.**

Subject to section 17, a gaming licensee shall ensure that all of its key gaming employees are subject to fitness and propriety tests as are set out in the Second Schedule before they are employed by the licensee.

**30. Due diligence.**

(1) All licence applicants and applicants for registration shall be subject to a thorough due diligence check by the Commission to determine suitability for licensure or qualification.

(2) The Commission may contract for the services of agents or consultants to conduct the due diligence checks on the applicants.

(3) A written investigative report shall be submitted for consideration by the Commission for review of the application.

(4) All costs and expenses incurred as a result of the undertaking of a due diligence check for a gaming licence or racing operator licence application shall be paid entirely by the gaming licence applicant or racing operator licence applicant to the Commission, in a manner prescribed by the Commission.

**31. Underage gambling.**

(1) No person who is under the age of twenty-one years, shall be permitted to

- (a) play games or wager at a casino or slot parlour or a racetrack;
- (b) receive any winnings from unauthorised gaming or wagering;
- (c) collect any losses incurred from unauthorised gaming or wagering.

(2) Where a gaming licensee permits a person under the age of twenty-one years to participate in gaming or wagering contrary to the provisions of subsection (1), the gaming licensee commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand dollars.

**32. Self-Exclusion List.**

(1) A gaming licensee shall maintain a self-exclusion list for any person voluntarily requesting to have his or her name placed on the list.

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(2) It shall be a contravention of this Act for any licensee to knowingly permit a person on the self-exclusion list to engage in any gaming or racing wagering activity.

(3) No person whose name is listed on the self-exclusion list shall be permitted to engage in any gaming or wagering activity, and that person shall not be eligible to collect any winnings or recover any losses from such gaming or wagering activity.

(4) Where a gaming licensee acts in contravention of subsection (3), the licensee shall be liable to a fine not exceeding \$5000.00 to be paid to the Commission.

(5) Procedures for the placement of names on the self-exclusion list and the maintaining of the list shall be on such terms as prescribed by the Minister in regulations.

(6) The self-exclusion list shall be maintained by the licensee as confidential and shall not be released in any form to members of the public or to the media.

### **33. Exclusion list.**

(1) A gaming licensee shall maintain a list of natural persons to be excluded from gaming or racing premises, including the following:

- (a) career offenders;
- (b) persons who have committed crimes in casinos, slot parlours or racing premises;
- (c) persons involved in or who are associated with organised crime;
- (d) persons suspected of being involved in money laundering, terrorist financing, proliferation of financing of weapons of mass destruction and any related crimes;
- (e) persons included on the self-exclusion list referred to in section 32; or
- (f) such other persons as it may deem necessary.

(2) Removal from the exclusion list by any person may be requested upon satisfactory proof provided by that person to the gaming licensee.

(3) A gaming licensee shall ensure that no natural person who is on the exclusion list is permitted to engage in any gaming or wagering activity on its gaming premises.

(4) Where a gaming licensee acts in contravention of subsection (3), the licensee shall be liable to a fine not exceeding \$5000.00 to be paid to the Commission.

### **34. Persons authorized to participate in gaming activity.**

Any person, including natural persons domiciled in Saint Christopher and Nevis, may be permitted to engage in a gaming or wagering activity under this Act, provided that he or she satisfies the minimum age requirement and is not on the exclusion or self-exclusion lists of a licensee.

**35. Registration fees for slot machines.**

(1) In addition to any registration fee imposed under this Act, a gaming licensee shall pay the prescribed annual registration fee set out in the Fourth Schedule upon every slot machine in use in any slot parlour or licensed gaming establishment.

(2) The registration fees for slot machines shall be collected by the Commission on January 1 of each year based on the number of slot machines in use as of that date.

(3) A casino licence shall entitle the holder, as part of its licensed operations, to have in use, the prescribed number of slot machines as set out in the Sixth Schedule.

(4) A slot parlour licence shall entitle the holder, as part of its licensed operations, to have in use, the prescribed number of slot machines as set out in the Sixth Schedule.

(5) Where a casino licensee or slot parlour licensee exceeds the prescribed number of slot machines in use, the relevant licensee shall be subject to the payment of the registration fee per slot machine as set out in the Fourth Schedule.

**PART IV – FINANCE AND RECORD KEEPING****36. Maintenance of records.**

(1) A gaming licensee shall keep and maintain a daily record of the amount collected from gaming operations, including casinos, slot parlour, sports betting, internet gambling, and racing, as well as a list of junket representatives and shall make such records available for examination and verification by the Commission and the Comptroller of Inland Revenue.

(2) The Commission and Comptroller of Inland Revenue shall have the authority to enter, without notice, the premises of a licensed gaming establishment, and to require the production of records of a gaming licensee, as may be reasonably required.

(3) The daily record referred to in subsection (1), shall be retained for a period of at least five years.

**37. Internal controls.**

(1) Every gaming licensee shall be required to obtain the approval of the Commission of its internal controls system and procedures for gaming operations before commencement of gaming operations, with the specific requirements for said submissions and internal controls to be prescribed by the Minister in regulations.

(2) Internal controls systems submissions shall include at a minimum, the following, if applicable:

- (a) procedures for the conduct of the games;
- (b) procedures for conducting sports betting and internet gambling;
- (c) procedures and security for the counting and recording of revenue;
- (d) accounting and auditing systems and procedures;
- (e) administrative systems and procedures;

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- (f) computer software controls;
- (g) security and surveillance procedures;
- (h) procedures and standards for the opening and security of slot machines;
- (i) procedures for the collection of money at the gaming tables;
- (j) procedures for the maintenance, inventory, security, storage, transportation and control of gaming equipment;
- (k) procedures for control of electronic data systems;
- (l) procedures for recording and payment of prizes and jackpots won in games;
- (m) procedures for enforcement of exclusion list;
- (n) procedures for ensuring that underage persons are prohibited from gaming activity;
- (o) procedures of the issuance and recording for credit transactions;
- (p) procedures for the conducting of risk assessments for money laundering, terrorist financing and proliferation of the financing of the weapons of mass destruction;
- (q) procedures designed to prevent money laundering activity, financing of terrorism including submission of suspicious activity reports and reports for all transactions exceeding ten thousand dollars.
- (r) procedures for the implementation of an internal audit function.

(3) The Commission shall monitor and supervise the operations of casinos and other gaming licensees in respect of the implementation of the internal controls procedures referred to in subsection (2).

**38. Breach of Internal controls.**

(1) Where a gaming licensee is suspected of being in breach of the provisions of this Act or of its approved internal controls systems, the Commission shall be authorised to conduct any investigation it considers necessary in relation to the gaming licensee or the director, an officer, key gaming employee or an employee of the licensee and may perform any of the following in the course of such investigation:

- (a) compel the production of documents, records or information in the custody or control of the gaming licensee;
- (b) compel the appearance of a director, an officer or an employee of a gaming licensee or any other person for the purpose of ascertaining compliance with this Act and any regulations made pursuant thereto;
- (c) inspect, examine or make copies of any document or record in the possession of the gaming licensee relevant to the licence held by the gaming licensee;
- (d) require verification of source and amount of income of the gaming licensee and all other matters to the licence;

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- (e) enter or inspect any premises for the purpose of ascertaining compliance with this Act, any Regulations or the licence; and
- (f) seize or remove any document or records relating to the licence or the gaming licensee for the purpose of examination and inspection;
- (g) hire a third-party to conduct an investigation of which the expense may be charged to the gaming licensee upon which the investigation is being conducted.

(2) For the purpose of discharging its functions and duties under this Act, the Commission shall, as it reasonably requires, be entitled to request any information, matter or thing from any person the Commission has reasonable grounds to believe is providing a regulated service without a licence.

(3) Where the Commission finds evidence of breach of the provisions of this Act, the Commission shall

- (a) give notice to the gaming licensee of its findings;
- (b) give the gaming licensee an opportunity to be heard in response to its findings.

(4) The gaming licensee, shall respond to the notice within fourteen days of its receipt from the Commission.

(5) Where after hearing from the gaming licensee, the Commission finds that the licensee is in breach of this Act, the Commission may take one or more of the following actions:

- (a) impose a fixed penalty on such terms as are set out in section 45;
- (b) restrict or vary the operation of the gaming licence;
- (c) suspend or revoke the relevant licence of the gaming licensee.

### **39. Audited Financial Statements.**

A gaming licensee shall, cause its books, records, accounts and financial statements to be audited by an independent auditor at the end of its financial year.

### **40. Submission of Audited Financial Statements.**

(1) Pursuant to section 39, a gaming licensee shall, within four months of the end of each financial year or within an extended period not exceeding two months as the Commission may allow, submit to the Commission audited financial statements, which shall include at a minimum,

- (a) a statement of its financial position;
- (b) a statement of its income;
- (c) a statement of its cash flows;
- (d) a statement of equity; and
- (e) the notes to its financial statements.

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- (f) a certified copy of the audited financial statements and accounts together with the report of such audit to the Commission.

(2) Upon receipt of copies of the audited financial statements and accounts as required by subsection (1), the Commission may, by written notice to the gaming licensee, require the licensee to provide further information about any matter that is referenced in the audit report.

(3) A gaming licensee that fails to submit the audited financial statements or any further information required under this section, shall pay to the Commission, on such date as may be specified by the Commission, a fee of two hundred dollars for every day that the document or information remains outstanding.

**PART V - MISCELLANEOUS****41. Licence not transferable.**

- (1) A licence to carry on gaming activity under this Act is not transferable.
- (2) No person to whom a licence has been issued under this Act shall transfer or assign the licence to another person.
- (3) New majority ownership or control shall require a new gaming or racing operator licence.
- (4) A significant change in or transfer of control, as determined by the Commission, shall require the submission of an application for a new gaming or racing operator licence and the submission of a licence fee before any such change or transfer of control is approved.

**42. Administration by conservator.**

- (1) Upon revocation of a gaming licence, or the refusal to renew a gaming licence, the Commission shall, appoint a conservator to temporarily manage and control a gaming establishment.
- (2) Procedures governing the appointment of a conservator, including reasonable compensation for services rendered, shall be prescribed by the Minister through regulations.

**43. Racing rules for conduct of racing.**

The Commission shall make rules for the conduct of racing which may provide for the following:

- (a) the content and publication of programmes for race meetings;
- (b) the conditions for acceptance of entries for races;
- (c) entry fees;
- (d) the payment of prize money;
- (e) the classification of horses;
- (f) handicapping;
- (g) any other matters relating to the owning, breeding, training, grooming and racing of racehorses;

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- (h) or the imposition of fines and other penalties for any breach thereof;
- (i) for all matters relating to dog racing;
- (j) matters relating to horses and dogs that are bred for racing and matters relating to racing, breeding, training and grooming as the Commission may require;
- (k) the classification of cars to be qualified for racing;
- (l) for all matters related to the racing of cars;
- (m) for all matters related to any other form of racing for the purposes of gambling or gaming.

**44. Swindling and cheating.**

(1) Subject to section 45(2), where a person knowingly undertakes any trick, sleight of hand performance or fraud or fraudulent scheme, cards, dice and device, for himself or for another, wins or attempts to win money or property or to reduce a losing wager in connection with gaming activity, he or she commits an offence.

- (2) A person who commits an offence under subsection (1) is liable
  - (a) if the amount involved is less than \$50,000.00, on summary conviction, to a fine not exceeding twenty thousand dollars in addition to the amount involved in the offence; or
  - (b) if the amount involved is \$50,000.00 or more, on indictment, to a fine not exceeding fifty thousand dollars in addition to the amount involved in the offence.

**45. General Penalty and Fixed Penalty.**

(1) Where an offence is created in this Act, for which no penalty is specified, the person who commits that offence shall be liable on summary conviction to

- (a) a fine not exceeding thirty thousand dollars in the case of a natural person or to imprisonment for a period not exceeding two years;
  - (b) a fine not exceeding fifty thousand dollars in the case of a corporation.
- (2) A fixed penalty notice may be issued in relation to an act or offence under
- (a) section 10(5);
  - (b) section 12(6);
  - (c) section 15(3);
  - (d) section 21(5);
  - (e) section 38(5); and
  - (f) section 44(1).

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(3) Where circumstances giving rise to a reasonable belief that a person has committed an offence to which subsection (2) applies, the Commission may give a notice, in writing, in the form prescribed, offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty under this section.

(4) A person shall not be liable to be convicted of the offence if

(a) the fixed penalty is paid in accordance with this section;

(b) the offence is no longer being committed and the person becomes compliant with the provisions of the Act

within fifteen days following the issuance of the notice referred to in subsection (3).

(5) Where a person is given notice under this section in respect of an offence, proceedings shall not be taken against the person for that offence until the end of the fifteen days following the date of the issuance of the notice.

(6) Payments of a fixed penalty are to be made to the Commission and in any proceedings, a certificate that payment of a fixed penalty was or was not made to the Commission by a date specified in the certificate shall, if the certificate purports to be signed by the Chairman of the Commission, be admissible as evidence of the facts stated in the notice.

(7) A notice under subsection (3) of this subsection shall

(a) specify the offence alleged;

(b) give such particulars of the offence as are necessary for giving reasonable information of the allegation; and

(c) state the period of fifteen days during which, by virtue of subsection (4), proceedings will not be taken for the offence.

(8) The fixed penalty for the offences referred to in subsection (2) shall be specified in the Fifth Schedule.

(9) In any proceedings for an offence to which this subsection applies, no reference shall be made after the conviction of the accused to the giving of any notice under this section or to the payment or non-payment of a fixed penalty unless, in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving of the notice, or, as the case may be, to such payment.

(10) In this subsection, “proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice referred to in subsection (2).

#### **46. Regulations.**

(1) The Minister may, after consultation with the Commission, make regulations generally for the purpose of controlling gaming and betting in Saint Christopher and Nevis.

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(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for the following purposes, that is to say,

- (a) prescribing the form and content of the application for a gaming licence;
- (b) prescribing the criteria for eligibility for obtaining a gaming licence;
- (c) prescribing the terms and conditions to be attached to a gaming licence;
- (d) prescribing the criteria to be provided to obtaining a supplier's registration;
- (e) prescribing the terms and conditions for operation of a junket service and for registration of junket operators;
- (f) providing for the cards, tokens or other articles to be used in gaming, and for the supply or the inspection by the Commission of such cards, tokens or articles as aforesaid;
- (g) prescribing the records to be kept by the holders of physical gaming licences under this Act;
- (h) prescribing the accounts to be kept by the holders of physical gaming licences under this Act and requirements for the audit of such accounts;
- (i) providing for the supply to the Minister of information regarding premises licensed under this Act and the activities of any person upon such premises;
- (j) with respect to the stationing of inspectors or other officers upon premises licensed under this Act and the functioning of such officers;
- (k) prescribing maximum stakes which may be permitted in any physical gaming at premises licensed under this Act;
- (l) verifying and checking the amount of takings on any day or during any period at premises licensed under this Act;
- (m) for any purpose for which regulations are authorised or required to be made under this Act;
- (n) prescribing anything authorised or required by this Act to be prescribed;
- (o) prescribing the manner in which disputes between the licensee and any other person may be determined;
- (p) governing the holding of bingos and raffles.

(3) Regulations made under this section may provide for offences for breach of any regulation so made and may provide for a fine not exceeding twenty-five thousand dollars.

**47. Act to bind the Crown.**

This Act binds the Crown.

**48. Transitional.**

(1) Where a person owns or operates a slot parlour or is a slot operator, he or she shall have three months from the coming into force of this Act to

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- (a) licence his or her slot parlour, including the number of slot machines; or
- (b) register his or her slot operations including the number of slot machines.

(2) With the exception of persons referred to under subsection (1), a person who immediately before the date of commencement of this Act was already carrying on a licensed gaming activity, shall

- (a) be deemed to be duly licensed under this Act for a period of four months from the coming into force of this Act whereupon the gaming entity shall be required to apply for a gaming licence and to pay the prescribed application fee;

(3) Where the application is successful pursuant to subsection (2), the licensee shall be exempted from the payment of any licence fees until 31<sup>st</sup> December, 2021.

(4) Where immediately before the date of commencement of this Act, a person is engaged in the activities of a distributor or supplier in accordance with the provisions of section 12 that person shall, within three months of the coming into force of this Act, apply to be registered as a distributor or supplier as the case may be.

**49. Application of Taxes.**

The provisions of this Act shall be without prejudice to the application of any tax or levies that may be imposed by the Comptroller of Inland Revenue.

**50. Repeal.**

The Betting and Gaming Act, Cap. 17.01, is repealed.

First Schedule

(section 11)

Application Form

**FORM 1  
GAMING CONTROL ACT**

**APPLICATION FOR GAMING LICENCE (CASINO/SLOT PARLOUR/LOTTERY/  
RACING/INTERNET GAMING)<sup>1</sup>**

Name of Applicant: .....

Name of Enterprise:.....

Street Address of Enterprise:  
.....

Tele No.:..... Fax No.:.....

Email:.....

.....of.....hereby applies for  
(Applicant’s name) (Enterprise name)

A licence to operate a Casino/Slot Parlour/Lottery/Racing Establishment

at.....  
Location

Signature of Applicant:..... Date: .....

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<sup>1</sup> Every Application to be accompanied with documentation in the Second Schedule

Application Form

**FORM 2  
GAMING CONTROL ACT**

**APPLICATION FOR REGISTRATION OF SUPPLIER OR DISTRIBUTOR<sup>2</sup>**

Name of Applicant: .....

Name of Enterprise:.....

Street Address of Enterprise:  
.....

Tele No.:..... Fax No.: .....

Email:.....

..... of .....hereby applies for  
(Applicant's name) (Enterprise name)

The Registration of (*Name of Supplier*) of .....(*Address*).....

Signature of Applicant:..... Date: .....

\_\_\_\_\_

<sup>2</sup> Every Application to be accompanied with documentation in the Second Schedule

**FORM 3**

**(section 11)**

**GAMING CONTROL ACT**

**APPLICATION FOR REGISTRATION OF LOTTERY AGENT**

Name of Applicant: .....

Name of Enterprise:.....

Street Address of Enterprise:  
.....

Tele No.:..... Fax No.: .....

Email:.....

..... of ..... hereby applies for  
(Applicant's name) (Enterprise name)

The Registration of (*Name of Agent*) of ..... (*Address*).....

Signature of Applicant:..... Date: .....

**Second Schedule**  
**Licence Requirements**  
(Section 11)

Part A

**INFORMATION TO BE CONTAINED IN AND TO ACCOMPANY AN  
APPLICATION FOR THE GRANT OF A LICENCE**

1. The name and address of the gaming activity in respect of which the licence is sought.
2. The name and address of the applicant.
3. The type of gaming activity the applicant proposes to conduct.
4. The source and quantum of funds for initial capital or acquisition of the gaming activity.
5. The address of the principal office of the applicant and of its registered office if different.
6. If the applicant is a corporation, limited liability company, partnership or other entity the applicant must provide
  - (a) the date and place of incorporation or formation and a copy of the memorandum and articles of association, Act, charter, partnership agreement or other instrument constituting and defining the constitution of the applicant verified by a declaration made by one of its directors or partners or its secretary; and
  - (b) a brief description of the structure or organisation of the applicant including any parent or subsidiary of the applicant.
7. The name and address of each person who
  - (a) owns or controls the gaming activity;
  - (b) is a director or officer of the gaming activity;
  - (c) is an agent of the applicant;
  - (d) otherwise participates in the conduct of the affairs of the gaming activity.
8. The following information is also required from the named persons in Item 7 and each significant shareholder
  - (a) legal name and any alias and residential address;
  - (b) occupation (over the previous five years) and business address;
  - (c) date of birth;
  - (d) citizenship;
  - (e) social security number;
  - (f) passport number;

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- (g) two (2) character references, a police or other certificate satisfactory to the Commission that the person has not been convicted of a serious crime or any offence involving dishonesty.
9. The name and address of any depository institution at which a transaction account is maintained for the purposes of the gaming activity.
  10. Where appropriate a statement in writing in a form acceptable to the Commission from the body responsible for the administration of the laws relating to gaming activities and the supervision of the businesses in the country in which the applicant or its parent company is incorporated that the body has no objection to the application being made.
  11. If the applicant is a company the following information is required (where applicable):
    - (a) the annual accounts for the two-year period immediately preceding the date of the application, of each significant shareholder which is a body corporate, together with similar accounts for the parent body, if any, of each of the bodies corporate or the annual accounts for the current year, in the case of a body corporate which is in existence for less than two years;
    - (b) two or more references verifying the good financial standing of each significant shareholder who is a natural person;
    - (c) the name and address of its proposed auditor;
    - (d) a statement giving the date for the drawing up of the annual accounts of the applicant;
    - (e) confirmation in writing under the hand of the presiding officer of the applicant and the presiding officer of its parent body, if any, that they concur in the making of the application;
    - (f) three business references of which at least one shall be from a bank;
    - (g) a detailed business plan, containing details of the current gaming activity, if any, of the applicant and its proposed activities if the licence applied for is granted, including:
      - (i) the reasons for applying for the licence;
      - (ii) the business aims of the applicant in respect of the gaming activity;
      - (iii) a detailed statement setting out its proposed initial assets and its proposed assets and expected liabilities at the end of each of the two years next succeeding the date of such grant together with an estimate of expected income;
      - (iv) particulars of its management structure and personnel;
      - (v) the names and addresses of the registered offices of all subsidiary companies of the applicant together with a statement as to how much of the capital of each company constitutes an asset of the applicant;
      - (vi) a chart showing the relationship to its subsidiaries and affiliates and any holding company;

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- (vii) a brief description of each of its subsidiaries and affiliates; and
  - (viii) details of the identified economic needs that the applicant intends to meet, growth prospects in that service area over the next five years, the exact nature and source of capital financing to be made available to the company for start-up and ongoing operations;
  - (h) details of the applicant’s proposals for establishing and maintaining, in respect of the gaming activity, systems of control, inspection and report, if the licence applied for is granted;
  - (i) in the case of a company incorporated outside the Saint Christopher and Nevis, the name and address of the supervisory or regulatory authority responsible for the supervision of each of the applicant’s agents operating outside of Saint Christopher and Nevis.
12. If the applicant is a franchise holder, the following is required: the contract and any other documents relating to the operation of the franchise.
13. General requirements:
- (a) the applicant must submit a description of any gaming activity, other than that which is the subject of the application, previously or currently engaged in by the applicant;
  - (b) the applicant must submit completed copies of a Personal Questionnaire for each executive officer, director, key gaming employee and significant shareholder;
  - (c) the applicant must submit copies of the applicant’s audited financial statements.
14. Any other information requested by the Commission.

## Part B (27)

## Registration Requirements

- (2) The application of a key gaming employee shall be accompanied by:
- (a) the prescribed fee;
  - (b) a recent police report;
  - (c) a sworn declaration by the applicant that he or she is not a beneficial owner or controller of a bank
  - (d) past employment history
  - (e) Qualifications
  - (f) training
  - (g) two (2) credible references

**Third Schedule**

(Section 22)

(1) The following persons shall be required to satisfy fit and proper requirements as part of an application for a gaming licence:

- (a) owners and members of the applicant;
- (b) officers and managers of the applicant;
- (c) directors of the applicant;
- (d) all holding companies of the applicant;
- (e) any directors of a holding company employed by or otherwise affiliated with the holding company or applicant;
- (f) any officers of the holding company exercising control or influence over the operations of the applicant;
- (g) all shareholders of a holding company owning greater than 5 percent of the stock of the holding company;
- (h) each lender of the applicant except that banks and other licensed lending institutions acting in the ordinary course of business shall be exempt from this requirement.
- (i) Key gaming employees
- (j) any other person who, in the opinion of the Commission, can exercise control or influence over the operations of the applicant

**Fourth Schedule****Part I****LICENCE FEES (sections 14, 19)**

<b>Description of Licence</b>	<b>Fees</b>	
	<b>Application Fee</b>	<b>Annual Licence Fee</b>
Casino	\$10,000.00	\$100,000.00
Internet Gaming	\$5000.00	\$50,000.00
Lottery	\$5000.00	\$50,000.00
Slot Parlour	\$2000.00	\$20,000.00
Sports Betting	\$1000.00	\$10,000.00
Racetrack	\$1000.00	\$10,000.00

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## PART II

## REGISTRATION FEES (sections 12, 21, 26)

Description of Registration	Fees	
	Application Fee	Annual Registration Fee
Distributor		\$1000.00
Supplier		\$1000.00
Key Gaming Employee	\$250.00	\$500.00
Junket Operator	\$1000.00	\$5000.00
Lottery Agent		\$1000.00
Slot operator	\$100.00	\$250.00
Slot Machine registration		\$250.00 (per machine)

## Part III

## Registration of Slot Operations

Category	No. of Machines	Annual Registration Fee
Slot Operator A	1-5	\$200.00
Slot Operator B	6-10	\$500.00
Slot Operator C	11-20	\$1000.00
Slot Parlour	21 machines and above	\$20,000.00"

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## Fifth Schedule

(section 45)

## Fixed Penalties

Section	Fixed Penalty
10	\$7000.00
12	\$5000.00
15	\$5000.00
21	\$3000.00
38	\$5000.00

## Sixth Schedule

## Slot Machines Per Licence

Casino Licence	120 slot machines per licence
Slot Parlour Licence	75 slot machines per licence

ANTHONY MICHAEL PERKINS  
*Speaker*

Passed by the National Assembly this 25<sup>th</sup> day of March, 2021.

SONIA BODDIE-THOMPSON  
*Clerk of the National Assembly*