

## CHAPTER 47

### THE BETTING AND GAMING ACT

#### Arrangement of Sections

#### Section

1. Short title.
  2. Interpretation.
  3. Gaming Licences.
  4. Grant of Licence.
  5. Imposition of Gaming Tax.
  6. Maintenance of Records.
  7. Additional sum payable on unpaid tax.
  8. Recovery of Tax.
  9. Sale of goods and chattels distrained upon.
  10. Other means of recovery of tax.
  11. Offences.
  12. Regulations.
  13. Licence not transferable.
  14. Appearance and plea by corporation.
  15. Penalty for breach of condition of licence.
  16. Enforcement and penalties.
- SCHEDULE.
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## BETTING AND GAMING

*(4th July, 1963.)*10/1963.  
23/1976.  
8/1985.

- 1.** This Act may be cited as the Betting and Gaming Act. Short title.
- 2.** In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say— Interpretation.
- "Commissioner" means the officer for the time being performing the duties of Commissioner of Inland Revenue and includes any officer duly authorised to act on his behalf;
- "game of chance" includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include any athletic game or sport;
- "gaming" means the playing of a game of chance for winning in money or money's worth;
- "licensed gaming premises" means premises in respect of which a gaming licence is for the time being in force;
- "licensee", in relation to licensed gaming premises, means the holder of the gaming licence for the time being in force in respect of those premises;
- "lottery" includes any game, method or device whereby money or money's worth is distributed or allotted in any manner depending upon, or to be determined by chance or lot, held, drawn, exercised or managed;
- "money" includes a cheque, banknote, postal order or any token representing money;

“person” includes any company or association or body of persons corporate or unincorporate;

“winnings” includes winnings of any kind.

**Gaming licences.**

**3.** (1) Where in the case of any premises there is for the time being in force a licence authorising the holder of the licence to use those premises for the purposes of gaming (in this Act referred to as “a gaming licence”), then subsection (1) of section 28 of the Small Charges Act shall not apply to the use of those premises for the effecting of any gaming transaction with or through the holder of the licence or any servant or agent of his.

Cap. 405.

(2) Nothing contained in any rule of law, or in subsections (1) to (7) of section 28 of the Small Charges Act shall apply to any gaming or betting, or to any lottery promoted, organised, conducted or carried on by any person in any building or place in accordance with the terms and conditions of a valid gaming licence issued under this Act.

**Grant of licence.**

**4.** (1) The Minister may grant to any person a gaming licence and he may refuse to grant, or at any time for any reason, after giving to the holder of the gaming licence an opportunity of being heard, revoke a gaming licence issued under this Act and his decision revoking any gaming licence shall be final and no appeal shall lie from it to any Court.

(2) In respect of any application for a licence such annual fee as the Minister may from time to time fix shall be payable by the licensee to the Commissioner during the currency of the licence and the first of such payments shall be made on the day on which the licence takes effect, and subsequent payments shall be made at intervals of twelve months thereafter.

**Imposition of Gaming tax.**

**5.** (1) A tax to be called gaming tax is charged in respect of gaming at licensed gaming premises.

(2) The gaming tax is at the rate of fifteen per cent of the total amount collected in respect of gaming by the licensee.

(3) The licensee shall collect the gaming tax and account for it in such manner as may be prescribed.

(4) The gaming tax due under this Act shall be paid daily to the Commissioner at such time as the Commissioner may from time to time direct, together with a return in such form as may be specified by the Commissioner, and shall form part of the Consolidated Fund.

(5) Directions given by the Commissioner pursuant to subsection (4) must be in writing under his hand.

**6.** (1) Every licensee shall keep and maintain a daily record of the amount collected in respect of gaming and shall make such record available on request for examination by the Commissioner. Maintenance of records.

(2) The Commissioner has power to enter gaming premises and to require the production to him by the proprietor of such documents as he may reasonably require in order to ascertain the amount of tax due.

**7.** Where any tax remains unpaid at the expiration of twenty-four hours after the time at which it should have been paid to the Commissioner, the licensee liable to have paid the same shall be charged an additional sum equal to ten per centum of the amount so remaining unpaid, and such sum shall be collectable from the licensee in the same manner as if it were part of tax then due and unpaid. Additional sum payable on unpaid tax.

**8.** (1) Where any gaming tax is unpaid and six days have elapsed since the same became due and payable, the Commissioner may authorise the levying of a distress upon the goods, chattels, and effects of the licensee. Recovery of tax.

(2) For the purpose of levying any distress under this section, any person may, if expressly authorised by writing under the hand of the Commissioner, execute any warrant of distress, and if necessary break open any building in the day time for the purpose of levying such distress; and he may call to his assistance any peace officer, and it shall be the duty of every peace officer, when so required, to aid and assist in the execution of any warrant of distress and in levying the distress.

Sale of goods and  
chattels distrained  
upon.

**9.** (1) Where any goods and chattels of the licensee have been distrained upon under section 8 they shall be marked and deposited in some place, or left in the possession of some fit person as the Commissioner shall direct.

(2) If the tax in respect of which the levy was made and all expenses incident to such levy are not sooner paid, all goods and chattels distrained upon under section 8 shall be sold at public auction at such place and during such hours as the Commissioner shall determine.

(3) No sale under section (2) shall take place within five days of the seizure of such goods and chattels unless the same are in opinion of the Commissioner of a perishable nature, or the owner of such goods and chattels has requested their earlier sale.

(4) The date, time and place of sale of all goods and chattels, distrained upon under section 8 shall be advertised prior to the date of sale thereof in a least one issue of the *Gazette* and of a newspaper circulating in Antigua and Barbuda unless such goods and chattels are being sold by the Commissioner before the expiry of the period of five days under circumstances referred to in subsection (3).

(5) The proceeds of sale of such goods and chattels shall be applied first towards the payment of the expenses incident to their seizure and sale and the payment of the tax in respect of which they were seized, and the balance, if any, of the proceeds of such sale shall be paid to the proprietor from whom the goods and chattels were distrained upon, upon application being made for the same.

Other means of  
recovery of tax.

**10.** (1) The gaming tax may be recovered as a debt due to the Crown from the licensee, as well as by the means provided for by sections 8 and 9.

(2) In any proceedings under this section a certificate purporting to be signed by the Commissioner certifying the amount of tax due shall be regarded as *prima facie* evidence of that fact.

**11.** (1) Any licensee who—

Offences.

(a) wilfully fails to account for, or to pay the tax due in the manner prescribed by this Act; or

(b) knowingly furnishes a return required under section 5(4) that is false in any material particular

is guilty of an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for a term of one year.

(2) Any person who wilfully obstructs or hinders the Commissioner in the performance of his duty or the exercise of his authority under this Act is guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of one year.

(3) Where an offence is committed by a body corporate, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the body corporate, or purported to act in such capacity, is deemed to have committed the offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

**12.** (1) The Minister may make regulations for carrying into effect the provisions of this Act, and in particular but without prejudice to the generality of the foregoing may make regulations—

Regulations.

(a) providing for the cards, tokens or other articles to be used in gaming, and for the supply or the inspection by the Board of such cards, tokens or articles as aforesaid;

(b) prescribing the records to be kept by the holders of licences under this Act;

(c) prescribing the accounts to be kept by the holders of licences under this Act and requirements for the audit of such accounts;

(d) providing for the supply to the Minister of information regarding premises licensed under this Act and the activities of any person upon such premises;

(e) with respect to the stationing of inspectors or other officers upon premises licensed under this Act, and the functions of such officers;

(f) prescribing maximum stakes which may be permitted in any gaming at premises licensed under this Act;

(g) verifying and checking the amount of the takings on any day or during any period at premises licensed under this Act;

(h) for any purpose for which regulations are authorised or required to be made under this Act;

(i) prescribing anything authorised or required by this Act to be prescribed;

(2) The Minister may, by Regulation, provide that the breach of any regulation made under this Act shall constitute an offence and may provide for penalties on summary conviction of a fine not exceeding ten thousand dollars.

Licence not transferable.

**13.** (1) No person to whom a licence has been granted under section 4 of this Act shall transfer or assign it to any other person, or in any way alter, deface or destroy such licence before the date of expiration thereof.

(2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

Appearance and plea by corporation.

**14.** (1) Where a corporation is charged with an offence under this Act, such corporation may appear and plead to the charge by its representative, by entering a plea in writing; and, if either the corporation does not appear by representative, or though it does so appear, fails to enter any plea, the court shall cause a plea of not guilty to be recorded and the trial shall proceed accordingly.

(2) In this section the expression "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

(3) A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as prima facie evidence that that person has been so appointed.

**15.** (1) Any person who contravenes or fails to comply with the terms and conditions of a valid licence granted to him under section 4 of this Act shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding twenty-five thousand dollars, or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment, and the court, by or before which he is convicted may, in addition to any penalty it may impose, order the licence in relation to which the offence was committed to be forfeited and cancelled.

Penalty for breach of condition of licence.

(2) An Order made under subsection (1) of this section shall be deemed for the purpose of any appeal to be part of the sentence for the offence; and the licence shall not be forfeited or cancelled under that Order—

(a) until the date of expiration of the period within which notice of appeal against the conviction or sentence may be given; nor

(b) if notice of appeal against the conviction or sentence is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal.

(3) Where a licence is forfeited and cancelled in pursuance of an Order made by the Court under this section, the Clerk of the Court by which the Order was made, or the Registrar of the High Court, as the case may be, shall send a copy of the Order to the Minister for the information of the Cabinet.

**Enforcement and penalties.**

**16.** (1) If any magistrate or justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any licensed gaming premises, he may issue a warrant in writing authorising any police officer to enter those premises, if necessary by force, at any time within fourteen days from the time of the issue of the warrant and search them; and any police officer who enters the premises under the authority of the warrant may seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the said premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence.

(2) The court by or before which any person is convicted of any offence as aforesaid may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and dealt with in such manner as the court may order.

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