



BELIZE

**GAMING CONTROL ACT
CHAPTER 152**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 152

GAMING CONTROL

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.
3. Gambling Prevention Act not to apply to licensed premises.

PART II

Control of Gaming and Gaming Licences

4. Establishment of Gaming Control Board.
5. Functions of the Board.
6. Application for gaming licence.
7. Security for performance of obligations by the licensee.
8. Revocation of licence.

PART III

Gaming Tax

9. Imposition of gaming tax.
10. Maintenance of records.

- 11. Surcharge for failure to pay tax on due date.
- 12. Recovery of tax.
- 13. Sale of goods and chattels distrained upon.
- 14. Other means of recovery of tax.

PART IV

Offences and Penalties

- 15. Prohibition on using premises for gaming without a licence.
- 16. Penalty for failure to pay tax.
- 17. Penalty for obstruction.
- 18. Offences by body corporate.
- 19. Appearance and plea by corporation.
- 20. Licence not transferable.
- 21. Penalty for breach of conditions of licence.
- 22. Offences in respect of minors.
- 23. Enforcement and penalties.

PART V

Miscellaneous

- 24. Regulations.
- 25. Validity of contracts, etc.

Schedule — Distress Warrant

CHAPTER 152

GAMING CONTROL

24 of 1999.
S.I. 67 of 1999.

[21st May, 1999]

PART I

Preliminary

1. This Act may be cited as the Gaming Control Act.

Short title.

2. In this Act, except the context otherwise requires,

Interpretation.

“Board” means the Gaming Control Board established under section 4 of this Act;

“Commissioner” means the officer for the time being performing the duties of Commissioner of Income Tax and includes any officer duly authorised to act on his behalf;

“common gaming house” includes,

- (a) any place kept or used for gaming, to which the public has or may have access; and
- (b) any place kept for habitual gaming, whether the public or any class of the public has or may have access thereto or not,

Provided that the place shall be deemed to be “used” for gaming even if it is used for that purpose on one occasion only;

“game of chance” includes a game of chance and skill combined and pretended game of chance or of chance and skill combined;

“gaming” means the playing of any game of chance for winnings in money’s worth;

“licensed gaming premises” means premises in respect of which a gaming licence is for the time being in force in respect of those premises;

“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;

“Minister” means the Minister for the time being responsible for gaming;

“money” includes a cheque, banknote, postal order or any token representing money;

“person” includes any company or association or body of persons, corporate or un-incorporate;

“tax” means gaming tax imposed under section 7 of this Act;

“winnings” include winnings of any kind.

3.–(1) Where in the case of any premises there is for the time being in force a gaming licence, the Gambling Prevention Act, Cap. 109, shall not apply to the use of those premises for the playing of any game of chance or conducting any gaming transaction with or through the holder of the licence or any of his servants or agents.

(2) Nothing contained in any rule of law, or in the Gambling Prevention Act, Cap. 109, 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.

Gambling Prevention Act not to apply to licensed premises.

PART II

Control of Gaming and Gaming Licences

4.–(1) There shall be established for the purposes of this Act a Board called the “Gaming Control Board” consisting of nine persons appointed by the Minister in the manner hereinafter set out.

Establishment of Gaming Control Board.

(2) The members of the Board shall be as follows,

- (a) a representative of the Ministry of Economic Development;
- (b) a representative of the Ministry of Natural Resources and the Environment;
- (c) a representative of the Ministry of Tourism;
- (d) the Financial Secretary or his representative;
- (e) a member of the Lotteries Committee established under the Lotteries Control Act, Cap. 151;
- (f) two members appointed by the Minister in his discretion;
- (g) a representative of the Ministry of National Security;
- (h) a representative of the Ministry of Industry or Commerce.

(3) The Minister shall appoint one of the members as the Chairperson of the Board.

(4) The Chairperson shall preside at all meetings of the Board, and in his absence, the members present may elect one of their number to preside at that meeting.

(5) Four members of the Board shall form a quorum and each member shall have one vote except that in the event of equality of votes the person presiding at that meeting shall have a second or casting vote.

(6) The Minister shall appoint a Secretary to the Board who may issue under his hand licences approved by the Board.

Functions of the Board.

5.-(1) The duties and powers of the Board shall be to control and regulate gaming and to grant or revoke gaming licences under this Act.

(2) For the purposes of performing its functions under subsection (1) of this section, the Board shall have power,

- (a) to license premises for gaming;
- (b) to make regulations for the following purposes,
 - (i) prescribing specific areas where licensed gaming premises may be established;
 - (ii) prescribing the form and contents of the application for a gaming licence;
 - (iii) prescribing the criteria for eligibility for obtaining a gaming licence and setting a limit on the number of licensees;
 - (iv) prescribing the terms and conditions to be attached to a gaming licence;
 - (v) prescribing the fees to be charged for the issue of a gaming licence;
 - (vi) controlling or regulating all matters connected with or incidental to gaming;
 - (vii) prescribing the manner in which disputes between a licensee and any other person may be determined;

(c) to perform any other functions connected with the above, as may from time to time be assigned by the Minister.

(3) Regulations made by the Board under this Act shall not come into force until they have been approved by the Minister.

(4) Such Regulations may provide that any breach thereof shall be punishable on summary conviction by a fine not exceeding two thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

6.-(1) Every person who intends to use or permit any other person to use his premises for gaming shall apply to the Board for a gaming licence.

Application for gaming licence.

(2) Subject to the provisions of this Act, the Board may grant to any fit and proper person a gaming licence but no licence shall be granted to any person who,

- (a) is under the age of 18 years;
- (b) has been convicted in a court of law (whether in Belize or elsewhere) within three years immediately preceding the date of his application, or any offence involving dishonesty;
- (c) is known to be of bad character; or
- (d) in the opinion of the Board, is for good reason an undesirable person.

(3) Every application for a gaming licence shall be accompanied by such fee as the Board may from time to time prescribe by regulations made under this Act.

(4) Every licence issued under this Act shall be valid for a period of twelve months but may be renewed on the payment of such annual fee as may from time to time be prescribed by the Board by regulations made under this Act.

(5) Any person who is aggrieved by the refusal of the Board to grant him a gaming licence may appeal to the Minister whose decision thereon shall be final.

Security for performance of obligations by the licensee.

7.-(1) Every person to whom a licence is granted under this Act shall for the performance by him of every obligation of whatever kind in connection with the licence, or for the payment of any fine or winnings, make a cash deposit or execute a bond at the discretion of the Board in such sum as may be specified by the Board for the due payment of all winnings, prizes and penalties and for the faithful performance of all his obligations under the gaming licence.

(2) Every such bond shall be given with such number of sureties as the Board may require in any particular case.

(3) In case the licensee fails to pay any winnings won by a person, or any tax or other sum due from him under the licence, or to perform any other obligation which he may be required to perform, the Board may deduct from the cash deposit (if any) made by such person, or may sue for and recover from that person or his sureties, such sum of money as may be sufficient for the purpose of satisfying the debt or obligation due under the licence.

Revocation of licence.

8.-(1) Notwithstanding the provisions of section 6 (4) of this Act, the Board may, at any time, where it is satisfied that the licensee has acted in violation of the provisions of this Act or of any Regulations made thereunder, or has been in breach of any terms and conditions of his licence, revoke the licence, but before such revocation, it shall give the licensee a reasonable opportunity to be heard and to make representations:

Provided that it shall not be necessary to afford an opportunity to the licensee to make representations in any case where he is convicted in a court of law of an offence under this Act.

(2) Any person who is aggrieved by the decision of the Board to revoke his licence may appeal to the Minister and the decision of the Minister thereon shall be final.

PART III

Gaming Tax

9.-(1) A tax to be called "gaming tax" shall be charged in respect of gaming at every licensed gaming premises.

Imposition of gaming tax.

(2) The gaming tax shall be at such rate of the amount collected in respect of gaming by the licensee as the Minister may from time to time by Regulations prescribe.

(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 to the Commissioner at such time as the Minister may from time to time by Regulations prescribe, together with a return in such form as may be specified by the Commissioner.

(5) The proceeds from the gaming tax collected under this Act shall be used exclusively for the purposes of promoting education, sports and culture.

10.-(1) Every licensee shall keep and maintain such record of the amount collected in respect of gaming as the Minister may by Regulations provide.

Maintenance of records.

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

11. Where any tax remains unpaid at the expiration of fifteen days 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.

Surcharge for failure to pay tax on due date.

Recovery of tax.

12.—(1) Where any tax is unpaid and thirty 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.

(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 police officer, and it shall be the duty of every police officer, when so required, to aid and assist in the execution of any warrant of distress and in levying the distress.

Schedule.

(3) A distress warrant shall be in the form set out in the Schedule hereto or in such other form as the law allows.

Sale of goods and chattels distrained upon.

13.—(1) Where any goods and chattels of the licensee have been distrained upon under section 12 of this Act, they shall be marked and deposited in the same place, or left in the possession of some fit and proper person, as the Commissioner shall direct.

(2) If the tax in respect of which the levy was made and all expenses incidental to such levy are not sooner paid, all goods and chattels distrained upon under section 12 of this Act, shall be sold at public auction at such place and during such hours as the Commissioner shall determine.

(3) No sale under subsection (2) of this section, 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 12 of this Act, shall be advertised prior to the date of sale thereof in at least one issue of the *Gazette* and a newspaper circulating in Belize, 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) of this section.

(5) The proceeds of sale of such goods and chattels shall be applied first towards the payment of the expenses incidental 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.

14.—(1) The gaming tax may be recovered as a debt due to the Government of Belize from the licensee, as well as by the means provided for by sections 11, 12 and 13 of this Act.

Other means of recovery of tax.

(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.

PART IV

Offences and Penalties

15.—(1) No person, being the owner or occupier of any premises, shall use or permit any such premises to be used as a common gaming house unless he is the holder of a valid gaming licence granted under this Act.

Prohibition on using premises for gaming without a licence.

(2) Every person who contravenes subsection (1) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

16.—(1) Any licensee who,

Penalty for failure to pay tax.

- (a) wilfully fails to account for, or to pay, the tax due under this Act; or
- (b) knowingly furnishes a return required under section 9 (4) of this Act that is false in any material particular,

commits an offence and shall be liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

Penalty for obstruction.

17. Any person who wilfully obstructs or hinders the Commissioner in the performance of his duty or the exercise of his authority under this Act commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

Offences by body corporate.

18. 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, shall be deemed to have committed the offence unless he adduces evidence to the effect that the offence was committed without his consent or connivance and that he exercised all due 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.

Appearance and plea by corporation.

19.—(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 its 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.

20.—(1) No person to whom a licence has been granted under 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.

Licence not transferable.

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

21.—(1) Any person who contravenes or fails to comply with the terms and conditions of a valid licence granted to him under this Act commits 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 two years, or to both such fine and term of 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 of forfeiture or cancellation of licence 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; or
- (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 Supreme Court, as the case may be, shall send a copy of the order to the Minister for his information.

Offences in respect of minors.

22.—(1) No licensee shall permit or suffer any person under the age of eighteen years to enter or remain on the licensed gaming premises.

(2) No licensee shall employ a member of his family or any other person under the age of eighteen years to do any work in the licensed gaming premises.

(3) No person shall send any person under the age of eighteen years to any licensed gaming premises for any purpose whatsoever.

(4) Any person who acts in contravention of this section commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

Enforcement and penalties.

23.—(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 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.

PART V

Miscellaneous

24.—(1) The Minister may make Regulations for the carrying into effect of 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 Commissioner 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 the licensing and control of gaming machines (including arcade machines, poker machines and slot machines) and prescribing fees and other charges in connection therewith;

- (i) for any purpose for which Regulations are authorised or required to be made under this Act;
- (j) prescribing anything authorised or required by this Act to be prescribed.

(2) The Minister may, by Regulations, provide that the breach of any Regulations made under this Act shall constitute an offence and may provide for penalties on summary conviction of a fine not exceeding ten thousand dollars, or imprisonment for a term not exceeding two years, or both such fine and term of imprisonment.

(3) All Regulations made by the Minister under this section shall be subject to negative resolution.

25.—(1) Notwithstanding anything contained in the Gambling Prevention Act, Cap. 109 or any other rule of law, no objection to any contract, bill of exchange, cheque, promissory note or other transaction of any kind relating to a gaming licence under this Act shall be taken or allowed in any court of law on the ground that such contract, bill of exchange, cheque, promissory note or other transaction is under any law in force in Belize directly or indirectly tainted with illegality or is against public policy.

(2) Any person to whom any winnings, wagers, prize money or money's worth of any kind becomes due and payable from any licensee licensed under this Act may recover the same from the person liable to pay and shall be entitled to bring any proceedings necessary to recover any such winnings, wagers, prize money or money's worth.

Validity of contracts, etc.

SCHEDULE

GAMING CONTROL ACT
Distress Warrant
[Section 12]

TO.....(person authorised)
and to all Peace Officers.

I Commissioner of Income Tax of Belize, by virtue of the power vested in me by section 12 of the Gaming Control Act, Cap. 152, do hereby authorise you to collect and recover the several amounts due for gaming tax from the licensees specified in the list attached hereto, together with the additional sum of ten per cent accruing under section 11 of the Act, and for the recovery thereof.

I further authorise you that you, with the aid, if necessary, of your assistants and calling to your assistance any Police Officer, if necessary, which assistance they are hereby required to give, do forthwith levy by distress such sums, together with such additional sum of ten per cent and also the costs and charges of and incidental to the taking and keeping of such distress, on the goods, chattels, or other distrainable things of the licensee charged with such tax or sum. And for the purpose of levying such distress you are hereby authorised, if necessary, with such assistance as mentioned before, to break open any building in the daytime.

And for so doing this shall be your warrant.

GIVEN under my hand at this day of
....., 20..... .

.....
Commissioner of Income Tax