Legal Notice No.

Republic of Trinidad and Tobago

The Gambling (Gaming and Betting) Control Act, 2015

REGULATIONS PART A

Made by the Minister under section 95 of the Gambling (Gaming and Betting) Control Act, 2017

The Gambling (Gaming and Betting) Control (Betting and Wagering) Regulations, 2017

PART ONE- PRELIMINARY

Citation 1. These Regulations may be cited as the Gambling (Gaming and Betting) Control Act 2017 Betting and Wagering Regulations Part A 2017.)

Interpretation 2. In these Regulations-

"Act" means the Gambling and Betting Act Chap. 11-19;

"agent" means a person authorized by the holder of a betting office license to

act on his behalf;

"bet" means a bet, whether cash or credit placed in any manner whatsoever

at a licensed betting office and includes all laid-off, winning, losing,

refunded, telephone, cellular text, internet, electronic and cancelled bets;

"betting office license" has the meaning assigned to it in section 26 (1)(a)

of the Act;

"betting office weekly return" means a return which complies with the requirements of Regulation 8;

"**betting transaction**" has the meaning assigned to it in section 26 (1) (b) of the Act;

"**Board**" means the Betting Levy Board established under the Betting Levy Board Act Chap 21:53;

"Commission" means the Gambling and Control Commission;
"computerised record keeping system" means a record keeping
system which involves the use of electronic computer equipment and
computer software, utilised by a licensee or his agent for the purpose of
recording details of bets and which automatically or manually or in any
other manner whatsoever generates records in relation to bets;
"detailed daily report" means a report of all the bets taken on a
particular day at a licensed betting office which complies with regulation 9;
"laid off bet" means a bet played by one licensee with another which
comprises part or the whole of an initial bet.

"levy" has the meaning assigned to it under section 36(1) of the Act; "licensee" means the holder of a betting office license issued by the Commission; "licensed betting office" has the meaning assigned to it in Section

26(1)(f) of the Act;

"**premises**" means any house, office, room, building any place or spot,

whether open or enclosed and includes a ship, boat or other vessel

whether afloat or not and any vehicle;

"punter" means a person who places a bet;

"**return**" means the physical report of the activities of the licensee of his licensed betting office;

"runner" means a dog or horse or any other animal entered in a race;
"tax" means the amount charged at a rate of ten percent upon all bets
placed at fixed odds or through a tote system.

PART TWO - GENERAL

Duty to supply information submit in

3.(1) A license shall, on or before the first working day of each year,

writing to the Commission:

(a) the procedures and practises that the has disclosed and which govern

the licensee's betting transaction;

(b) the name, a specimen signature and sufficient identification of the

holder of the betting office license;

(c) the name, a specimen signature and sufficient identification of an

agent of the licensee, together with the written consent of the agent;
(d) a specimen ticket that is proposed to be used in the upcoming year made in triplicate for each type of ticket proposed to be used.
3.(2) A licensee's changes to the procedures and practices specified in sub regulation (1)(a), shall not become effective unless the Commission receives forty-eight hours prior notice in writing.
4.(1) A licensee shall display in a prominent place at the licensed betting office:

(a) the procedures and practices referred to in regulation 3(1)(a),which govern the licensee's betting transaction; and(b) the relevant provision of any legislation requiring payment of anytax on betting transaction together with the penalties for any breach

of same.

4.(2) Further to regulation 3(2), any changes made by the licensee to the procedures and practises shall be displayed in a prominent position in the licensed betting office at least forty-eight hours prior to such changes becoming effective.

Computerised record keeping

5.(1) A licensee or his agent shall not utilise any computerised record keeping system or any variation to an approved computerised record keeping system unless he has applied to the Commission in writing and until such system or variation has been approved by the

Duty to display information

Commission in writing, provided that upon the written application from the licensee or his agent, the Board may authorise a license, for a period of not more than 5 days and for the purpose of testing the system to utilise a computerised record keeping system or a variation to an approved computerised record keeping system that has not been approved by the Commission.

5.(2) Upon receipt of any application in writing under sub regulation(1) the Commission may:

(a) refuse, or approve, with or without conditions/modifications,such system or variation;

(b) request the licensee to submit additional information.5.(3) Any costs incurred by the license or his agent of a computerised record keeping system or any variation to an approved computerised record keeping system in meeting the requirements contemplated in sub regulations (1) or (2) hereof, shall be borne by the licensee or his agent.

5.(4) All transactions disclosed in a licensee's or his agent's computerised record keeping system are deemed to be part of his business carried on at the licensed betting office.

5.(5) A licensee or his agent shall not use a computerised record keeping system in conjunction with any manual record keeping system, except in the event of the total failure of the approved computerised record keeping system to correctly capture or record betting transactions, in which event:

(a) he must comply with the provision of these regulations insofar as they relate to the keeping of records;

(b) he must revert to the computerised record keeping system immediately on it being possible to do so;(c) the manual records must be retained in accordance with the

record keeping requirements of these regulations.

(6) Any license or his agent:

(a) utilising a computerised record keeping system which is not

true, correct or accurate in all respects;

(b) utilising an approved computerised record keeping system in conjunction with a computerised record keeping system which has not been approved in terms of this regulation;

(c) who is found to have tampered with, modified or adjusted or in any way interfered with a computerised record keeping system after it has been approved and registered in accordance with this regulation, is guilty of an offence.

6.(1) In the conduct of a betting transaction, a licensee or his agent

shall ensure that all betting tickets whether handwritten or printed by computerised record keeping shall: (a) be made in triplicate; (b) bear consecutive numbers be issued in consecutive order; (c) contain : (i) the licensee's trade name, if any; (ii) address of the licensed betting office; (iii) serial number; (iv) date and time of issue; (v) teller terminal identification number; (vi) event number; (vii) number of the runner in the event upon which the bet was placed; (viii) type of bet; (ix) amount of the bet in dollars and cents being the lawful currency of Trinidad and Tobago; (x) total tax paid on the bet in dollars and cents; (xi) total amount paid inclusive of tax in dollars and cents; (xii) name of the race track and the country in which it is located; 6.(2) A license who:

(a) uses a betting ticket that does not comply with; or

(b) otherwise fails to comply with, this regulation commits and offence.

7. In conducting a betting transaction, a licensee or his agent shall record all bets and shall:

(a) give the original betting ticket to the punter;

(b) retain the duplicate betting ticket, which shall at no time be removed from the licensed betting office until the expiration of six months from the date of the bet or one year in the case of a cancelled bet;

(c) where a betting ticket is generated or stored on a computerised record keeping system, retain whether on hard

drive, diskette, CD Rom or any other storage device or method, details of each bet until the expiration of two years from the date

of the bet;

(d) submit the triplicate copy to the Commission on a bi- weekly basis.

8.(1) When remitting the levy payable under section 36(2) of theAct, a licensee shall prepare and submit to the Commission andthe Board, a true and correct return in a form which theCommission may from time to time approve.

Preparation of Weekly Returns

Betting Transaction

8.(2) All the bets, laid-off bets, bets refunded and bets cancelled shall be shown separately on the return.

8.(3) Where a quarter ends during the week, a licensee shall submit one return for the days falling within the quarter which is ending and another return for the days falling within the quarter which is commencing in respect of that week.

8.(4) Where a licensee fails to submit a return on time, he shall be liable to a penalty of one thousand dollars per day payable to the Board for every day that the returns remain outstanding.
8.(5) Every return must state the name of the person who prepared the return and must be signed by that person as being true and correct.

8.(6) Any person who knowingly prepares or submits a Weekly Return which contains information that is false is guilty of an offence.

9.(1) Every return shall be accompanied by a detailed daily report in respect of each day of the period for which the return is submitted and the detailed daily report shall list in chronological sequence all bets taken on a particular day.

9.(2) Every detailed daily report must contain:

(a) the betting shop name and address;

Detailed Daily Report

(b) total number of bets taken during the period for which it was prepared;

(c) total value of bets taken exclusive of tax during the period for which it was prepared;

(d) total value of tax payable on bets taken during the period for which it was prepared;

(e) total value of bets taken inclusive of tax during the period for which it was prepared;

9.(3) Any person who knowingly prepares or submits a Weekly Return which contains information that is false is guilty of an offence.

10.(1) For the avoidance of doubt, a betting ticket that has been cancelled shall be retained by the licensee for a period of one year and the transaction relating to the cancelled betting ticket shall be included in the preparation of returns and daily reports.

10.(2) A cancelled betting ticket shall, in addition to the other requirements of a betting ticket, contain:

(a) date and time of cancellation or voiding of the betting ticket;(b) signature of the licensee or licensee's agent authorizing the cancellation as well as the signature of the punter cancelling such bet.

Refund on scratched runner

Licensee to refund taxes

Appointment of professionals

11.(1) When a runner is scratched at the start of the race the portion of the bet relating to the scratched runner shall be refunded.

11.(2) The tax on the portion of the bet under Sub regulation (1)shall also be refunded.

12. A licensee shall refund tax to a punter on any bet placed by him that is cancelled or refunded.

13. The Commission or the Board may audit any return submitted by the licensee at any time within two (2) years from the date when such return was due or within two (2) years from the date of submitting or filing such return, whichever is later.

14.(1) Upon reasonable suspicion that the provision of Gambling and Control Bill been breached, the Commission may engage the services of such suitably qualified professionals or experts as it may require to assist it in performing its function and duties and in aid of the exercise of its powers under the Gambling (Gaming and Betting) Control Act 2017 or any other written law for the time being.

14.(2) The remuneration of such persons so engaged shall be payable out of the funds of the Commission and "remuneration" includes any sum paid or to be paid to such persons in respect of their expenses.

15.(1) Any professional or expert appointed by the Commission pursuant to regulation 14(1) shall be entitled to examine all records, books, documents, ledgers or journals of the licensee in connection with the operation of the licensed betting office including any computerised, electronic or modern record keeping system and records that are stored on any computerised, electronic or modern record keeping system.

15.(2) The professional or expert and any servant of his authorized in that behalf by him in writing may at all reasonable times enter any premises on which a licensee is carrying on the business of a licensed betting office and may require the licensee and/or any servant or agent of his to give to him or his servant all such information and produce all such accounts, books, documents, ledgers, journals and other records and to provide him with access to any computerised, electronic or record keeping system and carry out inspections or additional inspections as the professional or expert or his servant so authorised may think necessary for the purpose of determining whether any of the provisions of the Gambling (Gaming and Betting) Control Act and these regulations are being or have been or are likely to be contravened.

15.(3) If at any time the professional or expert or his servant or agent obtains information that causes him to believe that any of the provisions of the Gambling (Gaming and Betting) Control Act and these regulations are being or have been or are likely to be contravened he shall notify the Board forthwith in writing and may continue his examination until such time as he has finished and shall furnish the Board with a report in writing on his examination.

16.Any person required to submit Weekly Returns, Detailed Daily Reports or any other return to the Commission or the Board under these Regulations may submit such returns in electronic form provided that:

(a) The electronic form is a true, full and faithful reproduction of the returns that are required to be submitted.

(b) The electronic form bears a certificate and declaration in writing signed by the person required to submit the return verifying that the electronic form is a true, full and faithful copy of the physical return;

Submission of returns electronically

(c) The physical return shall be retained by the licensee for a period of six (6) years from the date on which it was required to be submitted.

17.(1) Any person who:

(a) obstructs the professional or expert or any servant of his in the execution of any powers or duties under these regulations;(b) fails to comply with any requirement duly made on him by the professional or expert or any servant of his, or, in response to such a requirement, knowingly gives any information which is false or misleading, is guilty of an offence.

17.(2) If any licensee or any agent of his fails to comply with any duty or obligation imposed upon him by these regulations or if any of the provisions of regulations, except so far as they impose duties on the professional or expert or any servant of his or the Commission, are contravened in the case of the carrying business of a licensed betting office, the licensee is guilty of an offence.

Enforcement

17.(3) The Commission shall have power to take theseproceedings for offences under the regulations and may berepresented by any attorney-at-law, Counsel or solicitor.17.(4) A person guilty of an offence under these regulations isliable to summary conviction to a fine of five hundred thousanddollars and imprisonment for two years.

Legal Notice No.

Republic of Trinidad and Tobago

The Gambling (Gaming and Betting) Control Act, 2015

REGULATIONS PART B

Made by the Minister under section 95 of the Gambling (Gaming and Betting) Control Act, 2017

The Gambling (Gaming and Betting) Control (Betting and Wagering) Regulations, 2017

PART ONE- PRELIMINARY

Citation 1. These Regulations may be cited as the Betting and Wagering Regulations Part B 2017.)

Interpretation 2. In these Regulations

"account based wagering" means a private electronic account that uses a cashless wagering system where players have access to wager electronically secured with a PIN or password.

"the Acts" mean the Gambling and Betting Act and the Betting Levy Board Act;

"authorized person" means

- a. any person authorized in that behalf by the Commission(and subject to the production on demand of this authority) and,
- b. any constable;

"**betting kiosk**" means a self activated machine that patrons use to place wagers, open accounts, make account deposits and/or withdrawals and is considered a writer/cashier station.

"customer" means anyone who places an electronic bet with an Operator;

"**operator**" means the person licensed by the Commission to accept electronic bets and shall include:

- a. Racing Promoters
- b. Bookmakers;

"electronic betting" means betting using a telecommunications network using either a telephone line, the Internet, a mobile phone, or other means approved under the Betting Levy Board Act and shall include voice, electronic mail, text, and any other means approved by the Board and "electronic bet" shall be construed accordingly;

"voice betting" means betting using a telecommunications network using either a telephone line or mobile telephone to register a bet, and "voice bet" shall be construed accordingly;

"**voucher**" means a printed wagering instrument, usually issued for use in a betting kiosk, with a fixed dollar wagering value and is redeemable for cash or cash equivalents. Unredeemed vouchers that were issued as payment for winning wagers are included in revenue when the vouchers expire (i.e., purged vouchers are included in gross revenue).

'internet betting" means betting using a telecommunications network using an electronic mail service to register a bet and "electronic mail bet" shall be construed accordingly;

"**text betting**" means betting using a telecommunications network using short text messages sent between cell phones, <u>pagers</u> or other devices, such messages being sent through short message service (<u>SMS</u>) and "text bet" shall be construed accordingly;

"**telephone calls**" means calls or texts or facsimiles made using a land telephone line or mobile phone;

"the system" means the telecommunications systems established for the purposes of electronic betting;

"**dedicated**" means telecommunications systems used exclusively for the purpose of betting transactions, including land line phones, internet accounts, mobile phones, or other devices approved by the Commission;

1. The Commission has established the following requirements to be met by an operator who wishes to, or is mandated by the Commission, to engage in electronic betting and these should be captured in these Regulations:

PART TWO - Electronic Betting Provisions

- a) An Operator who wishes to, or is mandated by the Commission to conduct electronic betting shall apply, or submit to the Commission for approval on forms supplied by the Commission.
- b) The Operator shall establish a dedicated bank of land telephones, internet addresses and mobile telephones to accept bets;
- c) All telephone calls must be made by customers on telephone lines or electronic mail addresses agreed with the Operator for the purposes of telephone betting, prior to the commencement of betting transactions;
- d) The telephone lines, internet address, or mobile phones used by the Operator must not be used for any purpose other than for purpose of electronic betting;
- e) The information and communications technology (ICT) system must be capable of linking inward telephone calls and electronic mail messages to the account number assigned to the customer by the Operator;
- f) The system must be capable of screening and displaying the inward telephone number or electronic mail address and to reject the call or message if the number or address is either unregistered or not displayed;
- g) The system must be capable of allowing a customer to assign to himself and known only to himself when assigned, a four-digit Personal Identification Number (PIN) to be used by him for betting transactions;
- h) The system must be capable of rejecting any attempt by the customer to bet if the correct PIN is not used when attempting to bet;
- i) The system is subject to the approval by the Board prior to its use and the costs associated with such an approval shall be borne by the Operator;
- j) All inward and outward telephone lines and electronic mail messages used for betting purposes shall have attached securable voice, messaging and text and facsimile logging equipment or other type of recording equipment which is approved by the Board.
- k) Consent to the voice, messaging, text or facsimile logging and recording of the electronic betting transactions must be obtained from all customers.

- 1) All electronic betting transactions shall be recorded through voice, messaging, text or facsimile logging or other type of recording equipment approved by the Commission.
- m) The full details of each bet received, including the betting ticket number and account number, shall be confirmed with the customer to conclude the electronic bet.
- n) Tapes, compact discs or other devices approved by the Commission, when used to record betting transactions, shall
 - (i) be held by the Operator for at least six (6) years and
 - (ii) be maintained for inspection or audit by any authorised person.
- o) The voice logging or other type of recording equipment used shall be sealed by, and only accessible by or in conjunction with an authorised person
- p) The system shall be designed to provide the Board with access to all voice, messaging, text, facsimile, or other recordings on the dedicated lines;
- q) The system shall be so designed to reject bets if there are insufficient funds in the account or the credit limit is exceeded. This shall be recorded and the customer informed accordingly;
- r) The system shall be capable of debiting an account when a customer places a bet and crediting an account subsequent to the declaration of the results and dividends on any race or other event in which wagering occurred;
- s) Each customer wishing to use this system shall establish an account in which deposits will be made to facilitate betting;
- t) Each customer shall be assigned a unique account number which must be quoted whenever an electronic bet is to be placed by the customer;
- u) When an account is created, the customer shall state the designated telephone number(s) or electronic mailing address from which calls will be made or messages sent for the purposes of electronic betting;
- v) The system to be used shall be designed to only accept calls or messages from the telephone number(s) or electronic mailing address(es) provided by the customer when the account was established and shall be designed to bar any other calls or messages from being made and received;
- w) The Operator shall screen all customers using this system in order to minimize the risk of money laundering;

- x) The customers registration form shall be subject to prior approval by the Commission;
- y) Each customer shall be required to assign a Personal Identification Number (PIN), known only to himself when assigned, and which is required to be entered when betting by telephone or electronic mail;
- z) When an account is created, the Operator shall obtain written authorization from each customer for the release of all information relating to the account to the Commission at any time. The release of such information shall not include the customer's PIN;
- aa) The Operator may establish a credit facility for the purposes of electronic betting,
- bb) Any losses incurred by the Operator as a result of establishing such a credit facility shall not be taken into account in calculating dividends, taxes, fees, penalties or other monies that are due and payable to the Board or any other statutory Authority;
- cc) For purposes of 3 (bb) all bets that have been recorded are deemed to have been made on the date and time that such a record was made;
- dd) The Operator shall maintain a record of all electronic bets made using the system, to facilitate the settlement of disputes and investigations where necessary. Such records shall be kept for at least six (6) years or for such period as the Commission shall direct and shall only be destroyed following the written permission of the Commission;
- ee) The system shall be capable of generating reports to include print-outs or electronic transmission of performance of each account: opening balance, transactions for the day (amount credited and debited) deposits made by each customer to replenish or augment the account, amount withdrawn from the account by the customer and the ending balance;
- ff) The system shall be capable of remotely connecting and electronically generating and submitting the necessary reports or returns to the Commission as required under either the Act, Regulations, Order or Rules made there under;
- gg) The system shall be capable of storing information on electronic bets accepted for at least six (6) years or for such period as the Board shall direct and such information shall only be destroyed with the written approval of the Commission;
- hh) The system is subject to approval by the Board prior to its use and the costs associated with such an approval shall be borne by the Operator;

 Failure to comply with any of these provisions shall constitute an offence which attracts a fine not exceeding xxxx Dollars and in default of payment thereof to imprisonment for a period of xxxx years

PART THREE - Specific Voice Betting Provisions

- a. The customer must insert his unique account number prior to placing a voice bet;
- b. The Customer must state the details of the bet being placed namely: STAKE MARKET/BET TYPE SELECTION
- c. The details of the bet must be repeated to the customer whereupon the customer must confirm the bet;
- d. The full details of each bet received, including the amount on each race or sports event, betting ticket number and account number, shall be confirmed with the customer before the conclusion of the telephone call.

PART FOUR - Specific Text Betting Provisions

- e. The Customer must enter his unique account number and enter his PIN prior to placing a text bet;
- f. The customer texts shall be sent in the format STAKE MARKET/BET TYPE SELECTION;
- g. In order for the text bet to be confirmed, the Operator shall send a text to the customer verifying the details of the text bet;
- h. The customer must confirm the text bet by re-entering his PIN, whereupon the text bet will be registered;
- i. The re-entering of the customer's PIN shall be construed as confirmation of the text bet;
- j. A text message shall be sent to the customer confirming the result and, in the event that the Customer has won the bet, confirmation of the winnings.

PART FIVE - Specific Internet Betting Provisions

- k. The customer must enter his unique account number and enter his PIN prior to placing an Internet bet;
- 1. The customer's internet bet shall be sent in the format STAKE-MARKET/BET TYPE-SELECTION;
- m. In order for the internet bet to be confirmed, the Operator shall send a message to the customer verifying the details of the message bet;
- n. The customer must confirm the internet bet by re-entering his PIN, whereupon the internet bet will be registered, the value of stakes withdrawn from his account, and the customer informed electronically of the balance in the account;
- o. The re-entering of the customer's PIN shall be construed as confirmation of the internet bet;

p. An electronic mail will be sent to the customer confirming the result of the race or event and in the event that the customer has won the bet, confirmation of the winnings, and the new balance in his account.

PART SIX – EQUIPMENT STANDARDS

- The date and time generated by the race and sports computer system during ticket writing is tested each day by a supervisor independent of the ticket writing and cashiering function (this person may also be independent of the book). For outstation and satellite books this test is performed at the location where the administrative function is performed.
- Race and sports books must contact the Naval Observatory Master Clock to verify the correct time each day events are held and wagers are accepted. The race and sports computer system should then be adjusted as required.
 - a) Note 1: A telephone number for the Naval Observatory Master Clock is (202) 762-1401.
 - b) Note 2: The above MICS does not apply to outstation and satellite books if the time cannot be changed by employees of such books.
 - c) Note 3: The above MICS does not apply when the time within the race and sports computer system is kept accurate through the use of an independent automated update process.
- 3) Any adjustments necessary due to discrepancies, is documented in a log (or in another equivalent manner) which includes the station number, date, time of test, time per race and sports computer system, name or signature of the employee performing the test, and any other relevant information. For outstation and satellite books the logs must be made available at each licensed location upon request.
- 4) All date and time stamping machines used for voided tickets and manual payouts are directly and permanently wired to the electrical supply system or have a back-up power source to ensure an accurate time in the event of power loss to the machines.
- 5) Only personnel independent of the book have access to fuses or other similar power control mechanisms used in connection with the stamping machines.
- 6) At least once each day someone independent of the ticket writing function examines and tests the stamping machines to ensure the date and time accuracy to the nearest minute. For satellite books this test can be performed by the ticket writer.
 - a) If the stamping machine is interfaced with a time clock such that the time on the stamping machine is kept accurate through the use of an independent automated update process, then this procedure is not required.
- 7) In addition to performing the test at least once each day someone independent of the ticket writing function examines and tests the stamping machines to ensure the date and time accuracy to the nearest minute. The same test is performed at least weekly by someone independent of the book.
- 8) The test, and any adjustments necessary due to discrepancies, is documented in a log (or in another equivalent manner) which includes the station number, date, time of test, time on machine, name or signature of employee performing the test, and any other relevant information.

9) Keys (originals and all duplicates) to the date and time stamping machines are maintained and used by a department or personnel who are independent of the ticket writing and cashiering functions.

PART SEVEN <u>- Payout Procedures for Mail-In Winning Race and Sports Tickets and</u> <u>Vouchers</u>

- 1) Accounting or audit personnel or personnel independent of the race and sports book receive the original winning race or sports tickets and vouchers.
- 2) Accounting or audit personnel or personnel independent of the race and sports book record the winning race or sports tickets and vouchers on a log as a mail pay. The log includes the date received, patron's name, and race or sports ticket numbers and voucher numbers.
- 3) The winning race or sports tickets and vouchers are entered into the race and sports computer system by race and sports personnel or accounting or audit personnel for validation and cancellation.
- 4) Accounting or audit personnel compare the "paid" winning race or sports tickets and "paid" vouchers to the mail pay log and the race and sports computer system report for paid winning race and sports tickets and vouchers. Any discrepancies are documented and reviewed with race and sports and accounting management personnel.
- 5) Accounting or audit personnel, independent of the individual(s) who processed the mail pay winning tickets and vouchers, reviews the patron's correspondence submitted, the winning race or sports tickets and vouchers, the mail pay log and the race and sports computer system report for "paid" winning race and sports tickets and "paid" vouchers for any discrepancies. Any discrepancies are documented and resolved prior to remitting the proper payment amount to the patron.