
CHAPTER 386**RACECOURSE BETTING****ARRANGEMENT OF SECTIONS**

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CHAPTER 386

RACECOURSE BETTING

An Act to provide for the appointment of a Racing Commission, to license racecourses within The Bahamas, to regulate the use of totalisators on racecourses, and to provide for all matters connected with the conduct of racing and betting at racecourses.

[Commencement 11th August, 1952]

1. This Act may be cited as the Racecourse Betting Act.

2. In this Act, unless the context otherwise requires —

“Commission” means the Racing Commission appointed under this Act;

“licensee” means a person duly licensed under this Act to set up, keep and operate a racecourse and to set up, keep and operate a totalisator in connection therewith;

“Minister” means the Minister responsible for Relations with the Racing Commission;

“rules” means the rules made under this Act;

“totalisator” means the contrivance for betting known as the totalisator or pari-mutuel, or any other machine or instrument for betting of a like nature whether mechanically operated or not.

3. (1) It shall be lawful for the Governor-General to appoint a Racing Commission.

(2) The Commission shall consist of five members, appointed for a period not exceeding three years by the Governor-General by notice in the *Gazette*, who shall hold office at the Governor-General’s pleasure and where a person is appointed to fill a casual vacancy, he shall hold office for the remainder of the period for which the previous member was appointed.

(3) The Governor-General shall from time to time appoint one of the members of the Commission to be Chairman.

48 *cf* 1952

31 *cf* 1953

33 *cf* 1955

36 *cf* 1957

26 *cf* 1961

55 *cf* 1963

72 *cf* 1965

8 *cf* 1969

27 *cf* 1970

E L A O, 1974

26 *cf* 1976

5 *cf* 1987

25 *cf* 1995

Short title.

Interpretation.

E L A O, 1974

Appointment of
Racing
Commission.

E L A O, 1974;

55 *cf* 1963, s 3

25 *cf* 1995, s 2

and Sch

(4) A quorum at all meetings of the Commission shall be three members.

(5) The Commission may make standing orders governing their procedure and the manner in which they shall carry out their duties under this Act.

Duties and
powers of
Commission

*31 cf 1953, s 2,
E L A O, 1974*

4. The Commission shall have the following duties and powers —

- (a) to advise the Minister from time to time or when so required on all matters connected with racing and betting on racecourses within The Bahamas;
- (b) to supervise and control the operation of racecourses within The Bahamas;
- (c) to supervise and control the operation of all totalisators, the making of pari-mutuel pools, and the distribution of such pari-mutuel pools to the winners thereof at all racecourses within The Bahamas;
- (d) to determine to what amount distributions of pari-mutuel pools shall be made, and to determine further in what manner such moneys as may be authorised to be eliminated in calculating the amounts to be distributed shall be disposed of;
- (e) to appoint and pay officers and employees for any of the purposes of this Act;
- (f) to require the licensee of any racecourse to install a mechanically operated totalisator thereat;
- (g) to require any application to and any statement of facts furnished to the Commission to be verified by oath;
- (h) to prescribe the books, records and accounts to be kept by each licensee showing all contributions to the pari-mutuel and all payments for admission to the racecourse and to provide for the annual audit of all such books, records and accounts by an auditor to be approved of by the Commission.

Minister's power
to make rules

55 cf 1963, s 5

5. After consultation with the Commission, the Minister may make rules —

- (a) for the control and supervision of racing and the holding of race meets within The Bahamas:

Provided that all such rules shall be uniform in their application and affect throughout The Bahamas;

- (b) to require any licensee of any racecourse to furnish a bond with or without sureties in such amount as may be prescribed for the due performance of all the terms and conditions contained in his licence and the due observance of the requirements of this Act;
- (c) to prescribe the terms and conditions on which the Commission may renew or approve the transfer of any licence;
- (d) to prescribe maximum penalties for the breach of any rules and the manner in which the Commission shall adjudicate upon breaches of the rules:

Provided that in no case shall the Minister prescribe a penalty exceeding four hundred dollars for any act or omission in breach of any rule made hereunder;

5 cf 1987, s 2

- (e) generally to provide for the better carrying out of the objects and purposes of this Act.

6. (1) The Commission shall have power to decide what penalty shall be imposed on any person adjudged by the Commission to have committed a breach of any rule in force under this Act, subject always to the maximum penalty prescribed for the breach thereof. All such penalties shall accrue to the Commission.

Power to impose and recover penalties
55 cf 1963, s 6

(2) If moneys are due by a licensee from any purse within the meaning of the rules to a person upon whom the Commission have imposed a penalty, such licensee shall pay to the Commission, on demand, the amount of such penalty out of such moneys:

Provided that if such moneys are less than the amount of the penalty, the person upon whom the penalty has been imposed shall remain liable to the Commission for the payment of the difference between the amount of such moneys and the amount of the penalty.

(3) A penalty imposed for a breach of the rules or the balance of any such penalty, as the case may be, shall be recoverable by the Commission in civil proceedings in a magistrate's court as a debt due to the Commission.

Commission to
make annual
reports
*31 cf 1953, ss 3
& 4
55 cf 1963, s 7*

7. (1) The Commission shall submit to the Minister during the month of May in every year the following reports —

- (a) a report dealing with the operation of and measures taken by the Commission;
- (b) a report showing the financial receipts and financial expenditure of the Commission for the immediately preceding racing season.

(2) A copy of such reports shall be laid upon the table of the two Houses of Parliament as soon as is practicable thereafter.

Unlicensed
person not to
operate
racecourse

8. (1) No person shall set up, keep or operate a racecourse without obtaining a licence therefor under the provisions of this Act.

Application for
licence to set
forth certain
particulars

(2) Every applicant for a licence to set up, keep and operate a racecourse under the provisions of this Act shall make application for such licence to the Commission and in such application shall set forth the following information, namely —

- (a) the full name, residence, nationality and occupation of the applicant, or, where the applicant is a company, the name of the company, the place and date of its incorporation, the names, addresses, nationalities and occupations of the shareholders and the respective number of shares held by each shareholder, and the names, addresses, nationalities and occupations of the directors and officers of such company;
- (b) the exact location and proper description of the premises upon which it is proposed to conduct or hold race meets;
- (c) whether such premises are owned in fee simple by the applicant and are subject to any mortgage or charge, or if such premises are leased or to be leased by the applicant, then the name, address, nationality and occupation of the owner or landlord thereof or if such landlord be a company then the names, addresses, nationalities and occupations of the directors, officers, and shareholders of such company;
- (d) a statement of the assets and liabilities of the person or company making such application;

- (e) the kind of racing to be conducted at the proposed racecourse, and the days upon which it is proposed that race meets shall be held;
- (f) whether the totalisator to be operated at such racecourse will be mechanically or manually operated;
- (g) such other information as the Commission may require.

(3) Every application for a licence to operate a racecourse and every application for renewal of such a licence shall be filed with the Commission on or before 31st day of December in the year in which the application is made. The Commission shall consider and determine such applications as soon as practicable.

Application for licence to be filed on or before 31st December.

26 cf 1976, s 2

9. (1) Upon receipt of an application for a licence to operate a racecourse from any applicant, the Commission shall make such private and independent investigations as they shall deem fit and proper, and if upon considering such application the Commission are satisfied that the applicant is a fit and proper person to be licensed under the provisions of this Act, the Commission shall thereupon send to the Minister a report thereon, who may refuse a licence or grant it, subject to such terms and conditions as he may specify.

Commission may forward application.

55 cf 1963, s 8; E L A O, 1974

(2) Every licence granted under the provisions of this Act shall state the name of the licensee, the location of the racecourse, the kind of racing to be carried on thereat, the terms and conditions upon which the licence is issued, and the dates between the first day of January and the fifteenth day of April in each year upon which race meets may be conducted and the number of races which may be held at each race meet.

Licence to state certain information.

31 cf 1953, s 5

(3) Once a licence has been issued under the provisions of this Act the same shall continue in force for on year from the date of issue and thereafter may be renewed for one year at a time by the Commission without further reference to the Minister.

Commission may renew licences.

55 cf 1963, s 8

E L A O, 1974

10. Every licensee to whom a licence has been granted under the provisions of this Act to set up, keep and operate a racecourse shall be entitled to set up, keep and operate a totalisator at such racecourse and nothing contained in the Lotteries and Gaming Act shall apply to any licensed racecourse at which a totalisator is operated on the days on

Licensee may operate totalisator.

8 cf 1969, Thurd Sch

Ch. 387.

which race meets take place, and notwithstanding any rule of law or enactment to the contrary, it shall be lawful for any person to effect betting transactions on any licensed racecourse by means of a totalisator lawfully operated thereon in accordance with the provisions of this Act.

Applicant may apply before completing racecourse.

11. Nothing in this Act contained shall be deemed to prevent a person from applying for a licence to keep and operate a racecourse even though such racecourse shall not have been laid out or constructed or the buildings to be used in connection therewith shall not have been built or completed.

Race meets to be held between 1st January and 15th April only.

12. Race meets may be held only between the first day of January and the fifteenth day of April in each year and shall be held at each racecourse on such days in that period as shall be determined by the Commission:

Provided always that no race meets shall be permitted to be held on Sundays and that no person under the age of sixteen years shall be permitted to attend any such race meets or be employed in any manner in or about such racecourse except in the capacity of jockey, groom, or stableboy.

Licence may be cancelled in certain cases.
31 cf 1953, s 11

13. If any licensee under this Act shall fail to complete any unfinished racecourse to the satisfaction of the Commission within such reasonable time as the Commission may require or fail to make any repairs to or changes or alterations to such racecourse as shall be required by the Commission, or shall fail to hold any race meet during the year in respect of which the licence is issued, the Commission may forward a report in writing to the Minister, who may cancel such licence upon giving seventy-two hours notice in writing to the licensee of his intention so to do.

55 cf 1963, s 9;
E L A O, 1974

Minister may cancel licence for cause.
55 cf 1963 s 10
E L A O, 1974

14. The Minister may at any time cancel any licence issued under the provisions of this Act if the licensee shall violate any of the terms and conditions of such licence or be guilty of an offence against this Act.

Payments to Consolidated Fund.
36 cf 1957, s 2;
72 cf 1965, s 2;
E L A O, 1974

15. (1) Every licensee shall pay into the Consolidated Fund a sum equal to twenty-two per centum of the total contributions to all pari-mutuel pools on each race held at such racecourse and such payments shall be made to the Public Treasury on the day following each race meet unless

such day following shall be a Sunday or public holiday, in which case such payment shall be made on the day next following the race meet which is not a Sunday or a public holiday. Every such payment shall be accompanied by a proper report in such form as may be prescribed by the Commission showing the total of all contributions to each pari-mutuel pool and all such other information as the Commission may prescribe.

(2) All moneys paid into the Consolidated Fund under the provisions of subsection (1) hereof shall within two days after the date of such paying in be distributed as follows —

Distribution of moneys paid to Consolidated Fund.

ELAO, 1974

(a) to the Commission for the use of the Commission, two twenty-seconds;

*36 cf 1957, s 2;
72 cf 1965, s 2*

(b) to the Commission for distribution to the owners of horses, dogs or other animals entered in races at such racecourse in the form of purses or prizes in respect of the races held at such racecourse and in respect of which such moneys were paid in to the pari-mutuel pools, in such amounts and proportions as the Commission shall deem proper, seven twenty-seconds;

72 cf 1965, s 2

(c) to the licensee of the racecourse in respect of which such moneys were paid in, seven twenty-seconds; and

72 cf 1965, s 2

(d) to the general revenue of The Bahamas, five twenty-seconds.

72 cf 1965, s 2

16. (1) Every licensee shall collect from each person attending each race meet an amount equal to ten per centum of the price charged such person for admission to such racecourse, which amount shall be paid into the Treasury on the day following each race unless such day following shall be a Sunday or public holiday, in which case such payment shall then be made on the day next following the race meet which is not a Sunday or a public holiday. Every such payment shall be accompanied by a proper report in such form as may be prescribed by the Commission.

Licensee to collect admission tax.

(2) If any person shall be admitted to a racecourse on any race meet without payment of any admission fee then the licensee shall pay into the Consolidated Fund the sum of ten per centum on the amount which such person admitted free would have paid had he been charged admission at the regular rate.

Tax payable on free admission.

ELAO, 1974

Tax waived in
certain cases.
E L A O , 1974

(3) Notwithstanding anything hereinbefore contained it shall be lawful for a licensee to admit to any racecourse free of charge and without making any payment into the Consolidated Fund in respect thereof the officials of such racecourse, persons actually employed at such racecourse, and persons representing newspapers published within The Bahamas provided that the licensee shall furnish a list showing the names of all persons admitted to such racecourse under the provisions of this subsection to the Commission on the day following each race meet, unless such day following shall be a Sunday or public holiday, in which case such list shall be furnished to the Commission on the day next following the race meet which is not a Sunday or public holiday.

Audit.
31 cf 1953, s 7

17. The reports referred to in sections 15 and 16 of this Act shall be audited annually by an auditor approved by the Minister.

Occupation
permits required.
31 cf 1953, s 8

18. (1) No person shall enter any horse, dog or other animal in any race at any racecourse, or be employed as jockey, groom, exercise boy, stable boy or otherwise in connection with any horse, dog or other animal entered in any race at any racecourse, without first having obtained a permit from the Commission to do.

Form of
application.

(2) Every application for a permit shall be in such form and shall set forth such information as the Commission may from time to time prescribe.

Commission may
grant permits.

(3) The Commission may grant any permit for such period of time and subject to such restrictions as they shall deem fit and may refuse to grant any permit to any person without assigning any reason therefor, and may at any time revoke any permit either for cause or without assigning any reason therefor.

Commission to
notify licensee of
revocation.

(4) The Commission shall notify the licensee of the revocation of any permit issued hereunder within two days after the date of such revocation.

Offences.

(5) Any licensee who shall permit any person to enter any horse, dog or other animal in any race, at any racecourse, or be employed as jockey, groom, exercise boy, stable boy or otherwise in connection with any horse, dog or other animal entered in any race at any racecourse without such person having first obtained a permit from

the Commission or after such permit shall have been revoked by the Commission shall be guilty of an offence against this Act and shall be liable on summary 5 of 1987, s. 2. conviction to a fine of two hundred dollars. *5 cf 1987, s 2*

(6) Any person who shall enter any horse, dog or other animal in any race at any racecourse or be employed as jockey, groom, exercise boy, stable boy or otherwise in connection with any horse, dog or other animal entered in any race, without first having obtained a permit from the Commission, or after any such permit shall have been revoked by the Commission, shall be guilty of an offence against this Act. *Offences*

19. (1) Any person who shall — *Offences*

- (a) conduct or attempt to conduct any race meet or who shall set up, keep, operate or attempt to set up, keep and operate a racecourse without first obtaining a licence under this Act; *31 cf 1953, s 9*
- (b) influence or attempt to influence, or have any understanding or connivance with, or attempt to have any understanding or connivance with the owner, jockey, groom or any other person connected with or interested in any horse, dog or other animal entered in any race at any racecourse so as to affect, pre-arrange or predetermine the results of such race;
- (c) by means of any drug or otherwise stimulate or depress any horse, dog or other animal for the purpose of affecting the results of any race;
- (d) obtain food, drugs, supplies, transportation, or veterinary services for the use or benefit of any horse, dog or other animal with intent to defraud the person from whom such food, drugs, supplies, transportation, or veterinary services are obtained;
- (e) knowingly and designedly by false representation persuade, procure, or cause or attempt to persuade, procure or cause another person to wager on any race and who shall ask or demand compensation as a reward for such information or purported information,

shall be guilty of an offence against this Act.

(2) Any licensee who permits any betting transaction at a racecourse with a person apparently under the age of sixteen years shall be liable on summary conviction to a fine of two hundred dollars.

5 cf 1987, s 2

Penalties

5 cf 1987, Sch

20. (1) Any person guilty of an offence against this Act for which no specific fine or imprisonment is hereinbefore provided shall be liable as a first offender on summary conviction to a fine of five hundred dollars or to imprisonment for one year or to both such fine and imprisonment.

(2) Any person guilty of a second or subsequent offence against this Act for which no specific fine or imprisonment is hereinbefore provided shall be guilty of a felony and shall be liable on conviction to imprisonment for five years without the option of a fine.

Saving of
licences

55 cf 1963, s 12

ELAO, 1974

21. Any licence issued by the Racing Commission which was valid and subsisting immediately prior to the seventh day of January 1964 shall, for all purposes, be deemed to be a licence issued by the Minister under the provisions of section 9 of this Act.