

No. 9-2000

I assent,

[L.S.]

H. F. COOKE,  
*Governor-General.*

18th day of July, 2000.

AN ACT to Amend the Betting, Gaming and Lotteries Act.

[ 19th July, 2000 ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Betting, Gaming and Lotteries (Amendment) Act, 2000, and shall be read and construed as one with the Betting, Gaming and Lotteries Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title  
and con-  
struction.

2. Subsection (1) of section 7 of the principal Act is amended by inserting immediately after the figures "26 (3)," the figures "44, 44A,"

Amendment  
of section 7  
of principal  
Act.

Amendment  
of section 8  
of principal  
Act.

3. Subsection (2) of section 8 of the principal Act is amended by deleting the words “betting office licence, book-maker’s permit or betting agency permit” and substituting therefor the words “licence, permit, approval or authority”

Amendment  
of section 43  
of principal  
Act.

4. Section 43 of the principal Act is amended—

(a) by deleting from the heading thereto the word “*Amusement*” and substituting therefor the word “*Gaming*”;

(b) in subsection (1)—

(i) by deleting the words “sections 44, 45 and 46” and substituting therefor the words “sections 44, 44A, 44C, 44D, 44E, 45 and 46”;

(ii) by deleting the definition of “coin-operated amusement machine”;

(iii) in the definition of “Collector” by deleting the words “excepted machine” and substituting therefor the words “gaming machine”;

(iv) by inserting next after the definition of “excepted machine” the following definition—

“ “gaming machine” means a machine, not being an excepted machine—

(a) designed for the purpose of playing any game (whether or not a game of chance);

(b) which may be operated wholly or in part by means of—

(i) tokens;

(ii) machine credits; or

(iii) electronic transfer of credits or tokens,

by virtue of which winnings may become payable or some gain, advantage or prize is awarded;”;

(v) in the definition of “prescribed premises”—

(A) by deleting the comma appearing at the end of paragraph (b) and substituting therefor a semicolon;

(B) by deleting the words “but does not include any premises licensed as a hotel under the Tourist Board Act.”; and

(C) by inserting next after paragraph (b) the following—

“ (c) any premises licensed as a hotel under the Tourist Board Act; or

(d) any other premises approved by the Commission.”.

5.—(1) Section 44 of the principal Act is repealed and the following substituted therefor—

“Licensing of prescribed premises.

44.—(1) Every owner or operator of a prescribed premises on which any gaming machine is operated shall apply to the Commission in such form as the Commission may determine for a licence to register the prescribed premises for the purpose of operating gaming machines thereon.

Repeal and replacement of section 44 of principal Act.

(2) A licence granted under subsection (1) shall be in such form as the Commission may determine and shall remain in force for a period of twelve months from the date thereof.

(3) A licence under subsection (2) shall be renewable annually on application made to the Commission not later than twenty-one days before the date of expiry of the licence.”

Amendment  
of section  
44A of prin-  
cipal Act.

6. Section 44A of the principal Act is amended—

- (a) in the marginal note thereto by deleting the words “excepted machine” and substituting therefor the words “gaming machine”;
- (b) in subsection (1) by deleting the words “an excepted machine” and substituting therefor the words “a gaming machine”;
- (c) by deleting subsection (2) and substituting therefor the following—
 

“ (2) The Commission may, in accordance with section 8, grant a licence to any person to operate a gaming machine in any prescribed premises, subject to such terms and conditions as may be specified in the licence.”;
- (d) by deleting subsection (3) and substituting therefor the following—
 

“ (3) An application for a licence under this section shall be made to the Commission in such form as the Commission may determine.”;
- (e) in subsection (4) by deleting the words “the Collector” and “he” and substituting therefor in each case the words “the Commission”;

(f) in subsection (6) by deleting paragraph (a) and substituting therefor the following—

“ (a) be in such form as the Commission may determine;”;

(g) in subsection (7) by deleting the words “, unless the Collector otherwise permits, be delivered to the Collector” and substituting therefor the words “be delivered to the Commission”;

(h) by deleting subsection (8) and substituting therefor the following—

“ (8) The operator of a gaming machine shall pay—

(a) to the Collector on the 1st day of April in every year, an annual levy of ten thousand dollars in respect of each gaming machine that he operates; and

(b) to the Commission, on the grant of the licence, a licence fee of two thousand dollars in respect of each machine specified in the licence.”;

(i) by deleting subsections (9), (10) and (11) and substituting therefor the following—

“ (9) The Minister may by order subject to affirmative resolution of the House of Representatives, reduce or increase the levy payable under subsection (8).

(10) The Commission shall keep a register containing—

(a) the name of every person to whom a licence is granted;

(b) a list specifying each gaming machine for which a licence is granted;

- (c) the address of each prescribed premises in respect of which a licence is granted.”.

Amendment  
of section  
44B of prin-  
cipal Act.

7. Section 44B of the principal Act is amended by deleting the word “Collector” wherever it appears and substituting therefor in each case the word “Commission”.

Amendment  
of section  
44C of prin-  
cipal Act.

8. Section 44C of the principal Act is amended—

- (a) in the marginal note thereto by deleting the word “Excepted” and substituting therefor the word “Gaming”;
- (b) by deleting from subsection (1) the word “excepted” and substituting therefor the word “gaming”;
- (c) by deleting from subsection (2) the word “ten” and substituting therefor the words “five hundred”;
- (d) in subsection (3)—
- (i) by deleting paragraph (b) and substituting therefor the following—
- “ (b) permit any person authorized by the Commission to enter at any reasonable time the prescribed premises to which the licence relates and to inspect any gaming machine found therein;”;
- (ii) by deleting from paragraph (c) the word “Collector” wherever it appears and substituting therefor in each case the word “Commission”;
- (e) by deleting from subsection (4) the word “Collector” and substituting therefor the word “Commission”.

9. Section 44D of the principal Act is repealed and the following substituted therefor—

Repeal and replacement of section 44D of principal Act.

“Identifica-  
tion disc.”

44D.—(1) Where the Commission grants a licence under section 44A (2) the licensee shall—

- (a) be issued with an identification disc, in such form as the Commission shall determine, in respect of each gaming machine specified in the licence; and
- (b) pay to the Commission a fee of five hundred dollars in respect of each such identification disc.

(2) Every licensee shall display in a conspicuous position on each gaming machine, the identification disc issued in respect of that machine.”.

10. The principal Act is amended by inserting next after section 44D the following as section 44E—

Insertion of new section 44E in principal Act.

“Number of gaming machines which may be operated in hotel.”

44E.—(1) The Commission may grant in respect of a prescribed premises which is licensed as a hotel under the Tourist Board Act, a licence to operate one gaming machine for every ten rooms in that hotel so, however, that the maximum number of gaming machines which may be specified in that licence shall not exceed seventy or such other amount as the Minister may prescribe by order subject to affirmative resolution.

(2) A licensee shall not operate at any prescribed premises referred to in subsection (1) more than the number of gaming machines specified in the licence.”.

Amendment  
of section  
45 of prin-  
cipal Act.

11. Section 45 of the principal Act is amended—

- (a) in the marginal note thereto by deleting the words “coin-operated amusement” and substituting therefor the word “gaming”;
- (b) by deleting the words “section 44A” and substituting therefor the words “sections 44 and 44A”;
- (c) by deleting from paragraphs (a), (b) and (c) the words “coin-operated amusement” wherever they appear and substituting therefor, in each case, the word “gaming”.

Amendment  
of section  
46 of prin-  
cipal Act.

12. Section 46 of the principal Act is amended—

- (a) in subsection (1) by deleting the words “section 44 or subsection (1) of section 44A” and substituting therefor the words “section 44 (1), 44A (1), 44D (2) or 44E (2)”;
- (b) in subsections (3), (4) and (5) by deleting the words “coin-operated amusement” wherever they appear and substituting therefor in each case the word “gaming”;
- (c) in subsection (6)—
  - (i) by deleting the word “twenty-five” and substituting therefor the words “five hundred”;
  - and
  - (ii) by deleting the word “five” and substituting therefor the words “one hundred”.

Repeal and  
replacement  
of section  
59A of prin-  
cipal Act.

13. Section 59A of the principal Act is repealed and the following substituted therefor—

“Lottery  
tax.

59A.—(1) A tax to be known as “lottery tax” is imposed at the rate specified in subsection (2) in respect of any lottery promoted by a person specified in the Sixth Schedule, who is the holder of a licence under section

Sixth  
Schedule.

49 (hereinafter referred to as a licensed promoter).

(2) The lottery tax payable shall be an amount representing—

- (a) in the case of a declared lottery 23% of the weekly gross revenue derived from the sale of lottery tickets in any week, in connection with that declared lottery;
- (b) in the case of a daily numbers game or an instant lottery, 17% of the weekly gross revenue derived from the promotion of that daily numbers game or instant lottery in any week.

(3) The House of Representatives may, from time to time by resolution, reduce, increase or alter the rate of the lottery tax specified in subsection (2).

(4) The weekly gross revenue referred to in subsection (2) shall be calculated in accordance with the following formula, that is to say—

$$\text{WGR} = \text{A} - \text{P}$$

where—

“WGR” means the weekly gross revenue from all lotteries;

“A” means the total receipts from all ticket sales in that week and the monetary value of all free tickets exchanged; and

“P” means—

- (a) the sum of money and the value of any goods or pro-

perty set aside from the total receipts for the payment of prizes in that week; and

- (b) the monetary value of all free tickets exchanged in that week.

(5) The Minister may, by order, amend the Sixth Schedule.

Sixth  
Schedule.

(6) In subsection (2)—

“daily numbers game” means a lottery—

- (a) whereby less than six winning numbers are drawn; and  
(b) which is drawn more than twice in each week;

“declared lottery” means a lottery whereby a minimum of six winning numbers are drawn from a minimum of thirty-six numbers;

“instant lottery” means a lottery, the result of which is predetermined and becomes known by removal of an outer layer, external coating or concealing device.”

Amendment  
of section  
59B of prin-  
cipal Act

14. Section 59B of the principal Act is amended—

- (a) by deleting from the marginal note thereto the word “levy” and substituting therefor the word “tax”; and  
(b) by deleting from subsection (1)—  
(i) the words “winnings levy” and substituting therefor the word “tax”;  
(ii) the words “not later than seven days after the date on which the amount of the lottery winnings becomes payable” and substituting

therefor the words “in relation to any week, within seven days after the end of that week”;

- (c) by deleting from subsection (2) (a) and (d) (ii) the word “winnings” wherever it appears and substituting therefor in each case the word “tax”;
- (d) by deleting from subsection (3) (b), (c) and (d) the words “winnings levy” wherever they appear and substituting therefor in each case the word “tax”;
- and
- (e) by deleting subsection (6) and substituting therefor the following—

“ (6) In this section “week” means the period commencing immediately after twelve o’clock midnight on each Saturday and ending at twelve o’clock midnight on the Saturday next following.”.

**15. Section 59C of the principal Act is amended—**

**Amendment  
of section  
59C of prin-  
cipal Act.**

- (a) by deleting from the marginal note thereto the words “prize money” and substituting therefor the words “lottery tax”;
- (b) by deleting from subsection (1) the words “winnings levy” wherever they appear and substituting therefor in each case the word “tax”;
- (c) by deleting from subsection (2) all the words appearing after the word “constitute” and substituting therefor the words “weekly gross revenue in any week and the lottery tax in relation to such week shall be payable on the weekly gross revenue so assessed”.

**16. Section 59D of the principal Act is amended—**

**Amendment  
of section  
59D of prin-  
cipal Act.**

- (a) by deleting from subsection (1)—
  - (i) the words “winnings levy” and substituting therefor the word “tax”;

(ii) the words “of the levy” and substituting therefor the words “of the tax”;

(b) by deleting from subsections (2) and (3) the words “winnings levy” wherever they appear and substituting therefor in each case the word “tax”.

Amendment  
of section  
59E of prin-  
cipal Act.

17. Section 59E of the principal Act and the marginal note thereto are amended by deleting the words “winnings levy” wherever they appear and substituting therefor in each case the word “tax”.

Repeal of  
Fifth  
Schedule to  
principal  
Act.

18. The Fifth Schedule to the principal Act is repealed.

Repeal of  
certain  
enactments.

19. The following enactments are repealed—

- (a) The Betting, Gaming and Lotteries (Excepted Machines) Order, 1989;
- (b) The Betting, Gaming and Lotteries (Excepted Machines) (Prescribed Premises) Order, 1990.