

THE OFFICIAL GAZETTE 28TH DECEMBER, 2006

LEGAL SUPPLEMENT – C

BILL No. 30 of 2006

Thursday 28th December, 2006

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

28th December, 2006.

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 30 of 2006

GAMBLING PREVENTION (AMENDMENT) BILL 2006

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of Principal Act.
3. Insertion of new sections 27 to 33 in Principal Act.
 27. Casino premises require licence.
 28. Operation of casino requires licence.
 29. Authority may issue casino premises licence and casino operator's licence.
 30. No person other than workers or guests, etc. to be admitted to casino.
 31. Offences and penalties.
 32. Regulations for casinos.
 33. Licensed casinos and licensed casino operations not unlawful.
4. Consequential amendments.

A BILL
Intituled

AN ACT to amend the Gambling Prevention Act.

A.D. 2006 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Gambling Prevention Act, may be cited as the
Cap. 9:02 Gambling Prevention (Amendment) Act 2006.

Amendment of 2. Section 2(1) of the Principal Act is amended –
section 2 of the
Principal Act. (a) by inserting in the correct alphabetical order the following
definitions –

“betting” excludes licensed casino gambling;

“casino operator’s licence” means a licence of that name issued under section 29;

“casino premises licence” means a licence of that name issued under section 29;

“casino regulations” means any regulations made under section 32;

“gaming” excludes licensed casino gambling;

“Gaming Authority” means the Gaming Authority established under the casino regulations;

“licence” means a casino premises licence or a casino operator’s licence;

“licensed casino” means a place in respect of which a casino premises license has been issued and is in force;

“licensed casino gambling” means any activity in a licensed casino authorized under a casino premises license;”;

- (b) by inserting, at the end of the definition of “common gaming house”, the words “but excludes a licensed casino”;
- (c) by inserting, at the end of the definition of “gambling”, the words “but excludes licensed casino gambling”; and
- (d) by inserting, at the end of the definition of “lottery”, the words “but excludes licensed casino gambling”.

Insertion of new sections 27 to 33 in the Principal Act.

3. The Principal Act is amended by inserting, after section 26, the following sections –

- "Casino premises require licence. 27. No owner or occupier of any place shall permit the place to be operated as a casino otherwise than in accordance with a casino premises licence.
- Operation of casino requires licence. 28. No person shall operate a casino otherwise than in accordance with a casino operator's licence.
- Authority may issue casino premises licence and casino operator's licence. 29. (1) Subject to sections 27 to 33 and the casino regulations, the Gaming Authority may issue to any person, subject to any conditions it thinks fit, -
- (a) a casino premises licence authorising any place to be operated as a casino;
 - (b) a casino operator's licence authorising the person to operate a casino.
- (2) No more than three casino premises licences may be issued in respect of any one of the ten regions into which Guyana is divided.
- (3) No casino premises licence may be issued except for a new hotel or resort complex -
- (a) with a minimum of one hundred and fifty rooms allocated for accommodation; and
 - (b) holding a minimum rating prescribed by regulations.
- No person other than workers or guests, etc. to be admitted to casino. 30. No person shall admit to a licensed casino any person other than -
- (a) a worker at the casino;
 - (b) a paying guest accommodated in a

room of the hotel or resort complex in respect of which the casino premises license for the casino was issued; or

- (c) any other person or class of persons authorized by regulations.

Offence and penalties.

31. Every person who contravenes or fails to comply with section 27, 28, or 30 commits an offence and is liable on summary conviction to a fine of not less than one million dollars nor more than twenty million dollars and imprisonment for a term not less than six months nor more than two years.

Regulations for casinos.

32. (1) The Minister may make regulations for all or any of the following purposes -

- (a) to establish a Gaming Authority and to give it, or authorize it to give any other body or person, any power, duty, or function considered by the Minister to be necessary for the administration of sections 27 to 31 and this section, including casino regulations;
- (b) to prescribe the form or content of any application for a licence;
- (c) to prescribe fees payable -
 - (i) for any application for a licence;
 - (ii) for the issue of any licence;
- (d) to prescribe conditions for, and restrictions on, the issuing of any

- licence;
- (e) to prescribe criteria to be considered in determining any application for a licence;
 - (f) to regulate the amendment, transfer, renewal, suspension, and revocation of any licence;
 - (g) to require the holder of any licence to keep records, registers, and other documentation, make any of these available for inspection, or make reports or returns;
 - (h) to regulate any activity or conduct in or in relation to licensed casinos;
 - (i) to prescribe penalties for the breach of any casino regulations not exceeding the maximum penalties set out for an offence in section 31;
 - (j) to provide for such other matters as necessary to give effect to sections 27 to 31 and this section, including casino regulations, and for the due administration of these sections.
- (2) Regulations made under this section -
- (a) may require any matter or thing to be approved by or to the satisfaction of a specified person or body;
 - (b) may leave any matter or thing to be from time to time determined, applied,

dispensed with, or regulated by a specified person or body.

(3) Nothing in this section affects or limits the Minister's power to make regulations under section 26.

Licensed casinos and licensed casino operations not unlawful.

33. This section and sections 27 to 32, including the casino regulations, have effect notwithstanding any other provision of this Act or any other written law other than the Constitution."

Consequential amendments.
Cap. 8:02

4. (1) Section 133 of the Summary Jurisdiction (Offences) Act is amended by renumbering it "133(1)" and inserting, after subsection (1), the following subsection –

"(2) In this section, "gambling" excludes licensed casino gambling (as defined by section 2(1) of the Gambling Prevention Act)."

Cap. 9:02

Cap. 80:01

(2) Section 12 of the Tax Act is amended –

- (a) by inserting in subsection (6), after the words "Government Lotteries Act", the words "or any licensed casino, or any licensed casino gambling"; and
- (b) by inserting, after subsection (6), the following subsection–

"(7) In subsection (6), "licensed casino" and "licensed casino gambling" have the respective meanings given to these expressions by section 2(1) of the Gambling Prevention Act."

Cap. 9:02

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Gambling Prevention Act (Cap. 9:02) ("the Principal Act") to allow for regulated casino gambling.

Clause 1 sets out the short title.

Clause 2 amends the interpretation section of the Principal Act, to exclude licensed casino gambling from the general provisions in the Act relating to gambling, and to insert several new definitions relating to casino gambling. The intention is for casino gambling to be regulated under the new provisions inserted as sections 27 to 33 of the Principal Act, including casino regulations made under the new section 32 of the Principal Act.

Clause 3 inserts new sections 27 to 33 in the Principal Act. These sections provide for the licensing of casinos and casino operations by a Gaming Authority to be established by regulations. These casinos and casino operations will be regulated by regulations made under the new section 32 of the Principal Act.

Clause 4 sets out consequential amendments to section 133 of the Summary Jurisdiction (Offences) Act (Cap. 8:02) and section 12 of the Tax Act (Cap. 80:02), to exclude licensed casino gambling from the ambit of those sections.



Minister of Home Affairs.