

LAWS OF GUYANA

GAMBLING PREVENTION ACT

CHAPTER 9:02

Act

42 of 1902

Amended by

21	of	1924	19 of 1955
19	of	1930	14 of 1969
31	of	1940	O.9/1957
22	of	1941	10 of 1981
33	of	1947	5 of 2007
9	of	1950	1 of 2015
14	of	1952	15 of 2016
58	of	1952	

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CHAPTER 9:02
GAMBLING PREVENTION
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SECTION

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1929 Ed.
c. 95
1953 Ed.
c. 21

CHAPTER 9:02
GAMBLING PREVENTION

42 of 1902

An Act for the suppression of Common Gaming Houses and Gambling, and of Lotteries of a public nature, or to which the public has or may have access.

[27TH DECEMBER, 1902]

Short title.

1. This Act may be cited as the Gambling Prevention Act.

Interpretation.
[14 of 1969
5 of 2007]

2. (1) In this Act—

“betting” excludes licensed casino gambling;

“casino operator's license” means a license of that name issued under section 29;

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

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

“common gaming house” includes any place kept or used for gambling, to which the public, or any class of the public,

has, or may have access, and any place kept for habitual gambling, whether the public, or any class of the public, has, or may have, access thereto or not, and any place kept or used for the purpose of a public lottery but excludes a licensed casino;

“gaming” excludes licensed casino gambling;

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

“gambling” means to play at or engage in any game of chance, or pretended game of chance, for money or money’s worth but excludes licensed casino gambling;

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

“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 authorised under a casino premises license;

“instruments or appliances for gambling” includes all articles which are used in and for the purpose of gambling or a lottery;

“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 within Guyana but excludes licensed casino gambling;

“lottery ticket” includes any paper, figure, writing, symbol, or other article whatsoever, either expressly or tacitly entitling, or purporting to entitle, the holder or any other person to receive money or money’s worth on the

happening of an event or a contingency connected with a public lottery;

“place” means any house, office, room, or building, and any place or spot, whether open or enclosed, and includes a ship, boat, or other vessel, whether afloat or not, and any vehicle;

“public lottery” means a lottery to which the public or any class of the public has, or may have, access, and every lottery shall, until the contrary be proved, be deemed to be a public lottery.

(2) A place in which lottery tickets are sold or distributed shall be deemed to be used for the purpose of a public lottery; and a place shall be deemed to be used for a purpose, if it is used for that purpose even on one occasion only.

(3) Everyone who lets to hire a place shall be deemed the owner thereof.

Common gaming house a public nuisance.

3. Every common gaming house is hereby declared to be a common and public nuisance contrary to law.

Offences.
[31 of 1940
6 of 1997]

4. Anyone who—

- (a) being the owner or occupier, or having the use temporarily or otherwise thereof, keeps, or uses a place as a common gaming house; or
- (b) permits a place of which he is owner or occupier, or of which he has the use temporarily or otherwise, to be kept or used by another person as a common gaming house; or

-
- (c) has the care or management, or in any manner assists in the management of a place kept or used as a common gaming house, or assists in carrying on a public lottery; or
 - (d) receives directly or indirectly any money or money's worth for or in respect of any chance in, or event or contingency connected with, a public lottery, whether held in or out of Guyana, or sells, or offers for sale, or gives, or delivers, any lottery ticket, including any ticket for any lottery conducted elsewhere than in Guyana; or
 - (e) draws, throws, declares, or exhibits, expressly or otherwise, the winner, or winning number, ticket, lot, figure, design, symbol, or other result of any public lottery; or
 - (f) writes, prints, or publishes, or causes to be written, printed or published, any lottery ticket, or list of prizes, or any announcement of the result of a public lottery, or any announcement relating to a public lottery; or
 - (g) announces or publishes, or causes to be announced or published, either orally or by means of any print, writing, design, sign, or otherwise, that any place is opened, kept, or used as a common gaming house, or in any other manner invites or solicits any

person to commit a breach of sections 5 and 6, or either of them; or

- (h) advances, furnishes, or receives money for the purpose of establishing or conducting the business of a common gaming house, or for the purpose of a public lottery,

shall be liable to a fine of one hundred and ninety-five thousand dollars or to imprisonment for twelve months.

Persons playing, or being found, in a common gaming house. [6 of 1997]

5. (1) Whosoever plays in a common gaming house, shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months.

(2) A person found in a common gaming house, or found escaping therefrom on the occasion of its being entered under this Act, shall be presumed until the contrary be proved to be or to have been playing therein.

Taking part in public lottery. [6 of 1997]

6. (1) Whosoever, either personally, or by an agent pays or deposits any money or money's worth to or with any person concerned in the business of a common gaming house as a stake, or for or in respect of any event or contingency connected with a public lottery, or buys a lottery ticket, shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months.

(2) A person in whose possession a lottery ticket is found shall be presumed until the contrary be proved to have bought it.

(3) Every lottery ticket in respect of a lottery within Guyana shall be forfeited, and it shall be the duty of any police or rural constable to seize the ticket wherever found.

Moneys paid for lottery

7. Any money or money's worth paid or deposited

ticket
recoverable.

for or in respect of any event or contingency aforesaid, or for or in respect of the purchase of a lottery ticket, shall be recoverable as money had and received to or for the use of the person from whom it was received.

Contract for
sale of lottery
ticket void.

8. Every sale or contract for the sale of a lottery ticket is hereby declared to be void, and no action shall be maintainable by anyone in respect of that sale or contract, except by the purchaser for the return of the money or other consideration (if any) paid therefor.

Postmaster
General may
confiscate
lottery tickets
and advertise-
ments.

9. The Postmaster General from time to time, with the approval of the Minister, may make any regulations he thinks fit for preventing the sending or delivery by post of letters, circulars, advertisements, or tickets, of or concerning any lottery, whether the lottery is conducted or held in or out of Guyana, and whether the letters, circulars, advertisements, or tickets are posted in Guyana, or in any country or place outside Guyana.

Gambling or
betting in
licensed
premises.
[6 of 1997]

10. All persons found at any time gambling or betting, or assembled together for that purpose, in any public place or premises licensed for the sale of spirituous liquors, shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months; and any police or rural constable may, on view and without warrant, arrest those persons, and may enter the place for that purpose.

Using place for
gambling or
betting without
permission of
owner.
[6 of 1997]

11. (1) All persons found using any place for the purpose of gambling or betting without the permission of the owner or occupier thereof, shall be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for two months; and, in that case, the onus of proving the permission shall lie on the defendants.

(2) Any police or rural constable, upon complaint to him by any householder that any place is being

used by two or more persons for the purpose of gambling or betting, without the permission of the owner or occupier thereof, may enter therein and arrest all persons then found therein so using the place.

Justice of the peace may issue search warrant.

12. (1) A justice of the peace, on being satisfied upon written information on oath that there is good reason to believe that any place is kept or used as a common gaming house, may by warrant authorise any police constable, with and by any necessary assistance and force, by night or by day, to enter or go to that place, and to search it and all persons found therein, and to seize all instruments and appliances for gambling, and all money, securities for money, and other articles reasonably supposed to have been used, or intended to be used, for any game or lottery, found there or on those persons; and also to detain those persons until they and the place have been searched.

(2) If any of the things or circumstances by this Act made presumptive evidence of guilt are found or exist in the place, or on anyone therein, each of those persons shall be detained in custody until he can be brought or gives bail for his appearance before a magistrate to be dealt with according to law.

(3) All instruments and appliances for gambling, money, securities for money, and other articles found in a common gaming house, or on anyone found therein, or escaping therefrom and which the magistrate is of opinion were used or intended to be used for any game or lottery shall be declared by him to be forfeited.

Justice of the peace may issue warrant to search persons.

13. A justice of the peace, on being satisfied upon information on oath that there is good reason to believe that any instruments or appliances for gaming are likely to be found on any person, may by warrant authorize any police or rural constable to arrest that person, and take him forthwith before any justice, who shall thereupon cause him to be

searched in the justice's presence, and if any instrument or appliance is found upon him, he shall be detained in custody until he can be brought, or gives bail for his appearance, before a magistrate to be dealt with according to law.

Presumptions as to instruments or appliances for gambling.

14. If any instruments or appliances of gambling are found in any place entered under this Act, or upon anyone found therein, or if persons are seen or heard to escape therefrom on the approach or entry of any police or other constable having authority under this Act to enter or go to the place, or if the police or other constable is unlawfully prevented from, or obstructed or delayed in entering or approaching the place or any part thereof, it shall be presumed until the contrary be proved that the place is a common gaming house and is so kept or used by the occupier thereof.

Presumption as to construction of place.

15. (1) If, in the case of a place entered under this Act, any passage, staircase, or means of access to any part thereof is unusually narrow, or steep, or otherwise difficult to pass, or any part of the premises is provided with unusual or unusually numerous means for preventing or obstructing an entry, or with unusual contrivances for enabling persons therein to see or ascertain the approach or entry of persons, or for giving the alarm, or for facilitating escape from the premises, it shall be presumed, until the contrary be proved, that the place is a common gaming house and is so kept or used by the occupier thereof.

Duty of superintendent of police as to place.

(2) Whenever it comes to the knowledge of the superintendent of police in charge of any county or district that any place in that county or district is fitted or provided with any of the means or contrivances mentioned in this section, in such a way as to lead to a presumption that the place is used, or intended to be used, for the purposes of a common gaming house, it shall be the duty of the superintendent to cause notice thereof to be served on the owner of the place if he can be found, and if he cannot be

found then the notice may be served by being affixed to the principal outer door or any other conspicuous part of the place.

Effect of notice to owner of place.

(3) Whenever the notice has been served as aforesaid on the owner, it shall be presumed until the contrary is proved that the place in the notice mentioned is kept or used as a common gaming house with the permission of the owner thereof.

Demolition of place specially erected or constructed for gambling.

16. (1) Whenever upon the trial of any offence under this Act, it appears to the magistrate that the place in or in respect of which the offence is alleged to have been committed is a common gaming house and is fitted or provided with any of the means or contrivances mentioned in the last preceding section, he may, if he thinks fit, cause the owner thereof to be summoned before him at a time and place to be mentioned in the summons, to show cause why an order should not be made against the owner for the demolition and destruction of so much of the premises as appears to have been specially erected or constructed for the purpose of facilitating the carrying on of gambling therein.

Penalty for non-compliance with order for demolition. [6 of 1997]

(2) In default of the owner showing cause to the contrary at the time and place mentioned in the summons, or at the time and place to which the summons is adjourned, the magistrate may order the owner of the premises, within a time to be fixed in the order, to cause to be demolished and destroyed so much thereof as appears to him to have been so specially erected or constructed, and on proof of non-compliance with the order, the owner shall be liable to a fine of four thousand eight hundred and seventy-five dollars or imprisonment for two months, and to a further fine of one thousand nine hundred and fifty dollars or imprisonment for seven days for every day during which the non-compliance continues.

Non-production of

17. (1) Except as hereafter in this section mentioned,

information. no information laid under this Act shall be admitted in evidence in any civil or criminal proceeding whatever, and no witness shall be obliged or permitted to disclose the name or address of any informer under this Act, or state any matter which might lead to his discovery.

(2) Moreover, if any books or documents or papers which are in evidence, or liable to inspection in any civil or criminal proceeding whatsoever, contain any entry in which any informer is named or described, or which might lead to his discovery, the court shall cause all those passages to be concealed from view, or to be obliterated so far as may be necessary to protect the informer from discovery, but no farther.

(3) But if, on the trial of any offence under this Act, the magistrate, after full inquiry, believes that the informer wilfully made in his information a material statement which he knew or believed to be false, or did not believe to be true, or if in any other proceeding the magistrate is of opinion that justice requires the discovery of the informer, he may require the production of the original information, and permit inquiry and require full disclosure concerning the informer.

Mode of trial. **18.** All offences against this Act shall be dealt with under the Summary Jurisdiction Act.

Director of Public Prosecutions' fiat. **19.** No proceedings shall be taken against anyone for an offence under sections 4, 5 and 6 without the fiat of the Director of Public Prosecutions being first obtained.

Exemption of certain lotteries from provisions of Act. [22 of 1941
14 of 1952
19 of 1955
14 of 1969] **20.** Nothing in this Act shall apply—

(a) to any lottery organised with the permission of the Minister and controlled by a committee of three responsible citizens approved by the Minister for the purpose of raising

funds—

- (i) for the building or repair of any church or school; or
- (ii) in aid of any institution or organization of a philanthropic, charitable, religious, medical or public character approved by the Minister:

Provided that—

- (i) the total value of the lottery ticket issued in respect of such lottery shall not exceed the sum of five thousand dollars or such greater sum as the Minister in any particular case deems meet;
 - (ii) the expenses of administering the lottery which may be deducted from the gross receipts from the lottery shall only be the cost of stationery used and of printing and advertising done in respect of the lottery; and
 - (iii) within thirty days after the date on which such lottery is drawn, the committee of three responsible persons approved by the Minister who controlled the lottery shall submit to the Minister a statement of account in connection therewith duly verified by such committee; or
- (b) to the sale by raffle or lottery of articles exposed for sale at any bazaar or fair held for raising funds in aid of

any institution of a philanthropic, charitable or religious character; or

- (c) to any sweepstake organised and controlled by any horse racing club or association at, and on the day of, any race meeting held in Guyana under the auspices of that club or association.

Exemption of Demerara Turf Club, Ltd., from provisions of Act.

[22 of 1941
9 of 1950
14 of 1952
58 of 1952]

21. (1) Notwithstanding this Act, but subject however to this section, it shall be lawful for the Demerara Turf Club, Limited (hereinafter referred to as "the Club") to organise and conduct a lottery or sweepstake in connection with any race meeting held under the auspices of the Club or under the auspices of any racing club or association affiliated thereto or in connection with any race run in England under Jockey Club Rules or National Hunt Rules.

(2) The books and accounts of the Club in connection with any lottery or sweepstake shall at all reasonable times be open to the inspection of the Accountant General or any person authorised by him in writing.

(3) Within fourteen days after the date of the draw for any lottery or sweepstake the Club shall submit to the Accountant General a statement of account in connection therewith duly verified by the auditor of the Club.

(4) Within fourteen days after the date of the draw for any lottery or sweepstake there shall be paid by the Club to the Sweepstakes (Charity) Committee, as hereinafter constituted, eight per cent of the gross receipts from that lottery or sweepstake evidenced by a statement of account duly verified by the auditor of the Club:

Provided that the Minister may, by order, vary the percentage to be paid to the Sweepstakes (Charity)

Committee under this subsection.

(5) An order made under the proviso to the last preceding subsection shall be laid before the National Assembly.

(6) All apportionments by the Club of prizes to be distributed or allocated whether in the form of money or money's worth in connection with any sweepstake or lottery shall be subject to the approval of the Minister.

Constitution of
the Sweep-
stakes
(Charity)
Committee.
[22 of 1941]

22. The Sweepstakes (Charity) Committee shall consist of three persons who shall be appointed by the Minister.

Duty of
Sweepstakes
(Charity)
Committee.
[33 of 1947]

23. (1) For the purposes of this and the following sections—

“approved charitable organisation” means any charitable organisation to which the Sweepstakes (Charity) Committee made payments under this Act prior to the 31st December, 1947.

(2) Subject to section 25(2), the Sweepstakes (Charity) Committee shall distribute among the approved charitable organisations the amounts received in any one year under section 21(4), or the sum of six thousand dollars if the amounts so received exceed that sum, and shall pay to each such organisation the same percentage as was paid to that organisation prior to the 31st December, 1947.

(3) Where the amounts received in any one year under section 21(4), exceed the sum distributable under subsection (2) of this section, the Sweepstakes (Charity) Committee shall—

(a) set aside from the excess such sum as

the Minister may approve, being not less than ten per cent of such excess, to be disbursed for such charitable purpose or purposes (excluding any charitable organisation which derives benefit under this Act) as the Minister may direct; and

- (b) distribute the balance of the excess among such of the approved charitable organisations and such other charitable organisations as the Minister may, in each instance, approve, and shall pay to each such organisation the percentage approved by the Minister.

Duty of charitable organisations to keep accounts.
[33 of 1947]

24. Every charitable organisation which derives benefit under this Act shall keep accounts to the satisfaction of the Sweepstakes (Charity) Committee, and shall before the 1st June in every year transmit to the Sweepstakes (Charity) Committee an audited statement of its total receipts and expenditure, including the receipt and expenditure of amounts paid to it by the Sweepstakes (Charity) Committee, for the twelve months ending on the 31st day of the previous December, inclusive.

Power to discontinue payments to charitable organisations.
[33 of 1947]

25. (1) If in the opinion of the Sweepstakes (Charity) Committee a charitable organisation—

- (a) has ceased to operate or ceased to operate as a charitable organisation; or
- (b) is not being properly conducted; or
- (c) is no longer in need of financial assistance,

the Sweepstakes (Charity) Committee may discontinue payment to that organisation.

(2) Where the organisation in respect of which payments are discontinued in accordance with subsection (1) is an approved charitable organisation the sum distributable under section 23(2) shall be reduced by the percentage payable to such organisation.

(3) Any charitable organisation which is dissatisfied with a decision of the Sweepstakes (Charity) Committee under this section may appeal to the Minister.

Power to make regulations.
[33 of 1947]

26. The Minister may make regulations—

- (a) prescribing the accounts to be kept by the Sweepstakes (Charity) Committee and an audit thereof; and
- (b) prescribing the returns to be rendered by the Sweepstakes (Charity) Committee; and
- (c) generally for the carrying out of their duties by the Sweepstakes (Charity) Committee.

Casino premises require licence
[5 of 2007]

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
[5 of 2007]

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

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

licence
[5 of 2007]

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.

SCHEDULE

s. 11

Acts

Amendments

The
Gambling
Prevention
Act,
Cap. 9:02

By substituting for section 29A the following section as 29A-

“29A. (1) Before issuing a licence under section 29, the Gaming Authority shall conduct an investigation and make inquiries as it deems necessary to determine whether the applicant is fit and proper to be granted a licence under this Act, and in conducting such investigation and inquiries, the Gaming Authority shall have regard to-

- (a) the honesty, integrity and reputation of the applicant, partner, shareholder, director or beneficial owner of a significant or controlling interest or office holder of the applicant;
- (b) the competence and capability of the applicant;
- (c) the financial soundness and financial capability of the applicant;
- (d) the background of the applicant; and
- (e) such other matters as the Authority deems appropriate.

(2) In assessing the fit and proper criteria in subsection (1) (a) to (e) above, the Gaming Authority may take into account all appropriate factors including but not limited to, whether the applicant-

- (a) has been declared bankrupt or has compounded with his creditors;
- (b) has been the subject of any proceedings of a disciplinary or criminal nature or has been notified of any potential proceedings or of any investigation which might lead to those proceedings, under any law in any jurisdiction;
- (c) has been convicted of any offence including money laundering or terrorist financing, or is being subject to any pending proceedings which may lead to such conviction, under any law in any jurisdiction;
- (d) has had any judgment (in particular, that associated with a finding of fraud, misrepresentation or dishonesty) entered against

A.D. 2016] *ANTI-MONEY LAUNDERING AND COUNTERING
THE FINANCING OF TERRORISM (AMENDMENT) ACT 2016*

[No. 15]

- the relevant person in any civil proceedings or is a party to any pending proceedings which may lead to such a judgment, under any law in any jurisdiction;
- (e) has accepted civil liability for fraud or misrepresentation under any law in any jurisdiction; or
 - (f) has engaged in or been associated with any other business practices or otherwise conducted himself in such a way as to cast doubt on his competence or soundness of judgment.

(3) The criteria in subsection (1) (a) to (e) shall be evaluated by the Gaming Authority as often as necessary or whenever there is a change in ownership, management or control of the companies that fall under this Act.”.

No person
other than
workers, or
guests, etc. to
be admitted to
casino
[5 of 2007]

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;
- (c) any other person or class of persons authorised by the regulations.

Offence and
penalties
[5 of 2007]

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
casino
[5 of 2007]

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 the 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.

Regulations for
casino
[5 of 2007]

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.

SUBSIDIARY LEGISLATION

Reg. 20/2008

**GAMBLING PREVENTION (CASINO
OPERATIONS PRESCRIBED FEES)
REGULATIONS**

made under section 32(a)

Citation.

1. These Regulations may be cited as the Gambling Prevention (Casino Operations Prescribed Fees) Regulations.

Fees.

2. (a) The Fees in respect of matters mentioned in column one of the Schedule is as set out in the corresponding entry in column 2 of the Schedule.
- (b) All Annual Fees listed in the Schedule shall be subject to an annual increase at the rate of inflation of the Consumer Price index as of the preceding year as published by the Bank of Guyana.
-

[Subsidiary] *Gambling Prevention (Casino Operations Prescribed Fees) Regulations*

SCHEDULE

FEES ASSOCIATED WITH CASINO LICENCES

COLUMN 1	COLUMN 2
# DESCRIPTION	FEES PAYABLE
1. Application fee for Casino Operator's License	\$5,000,000
2. Annual Casino Operator's Licence Fixed Fee	\$4,000,000
3. Annual Casino Premises Licence Fixed Fee	\$4,000,000
4. Application fee for Casino Premises licence	\$5,000,000
5. Annual Fees payable by a casino operator for Gambling machine (per unit)	\$60,000 (per unit)
6. Annual Fees payable by a casino operator for gaming tables (per unit)	\$200,000 (per unit)

[Subsidiary] *Gambling Prevention (Establishing Gaming Authority) Regulations*

Reg. 21 of 2008

**GAMBLING PREVENTION (ESTABLISHING
GAMING AUTHORITY) REGULATIONS**

made under section 32(a)

Citation. 1. These Regulations may be cited as the Gambling
Prevention (Establishment of Gaming Authority) Regulations.

Establishment
of the
Authority. 2. There shall be a body corporate known as the
Gaming Authority (hereinafter called the "Authority").

Functions of
the Authority. 3. (1) The Authority shall be the body responsible for
—

- (i) the issuance of licences under section 32 of the Act;
- (ii) the monitoring of casino operations in Guyana;
- (iii) the administration of regulations made under the Act;
- (iv) advising the Minister with respect to the administration of the regulations or any other relevant matter.

(2) The Authority may delegate one or more of its functions to —

- (a) one or more member of the Authority;
or
- (b) an employee of the Authority.

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Composition of the Authority. 4. The Authority shall consist of a Chairman and not less than two other and not more than four other members appointed by the Minister.

Tenure. 5. (1) a member of the Authority, including the Chairman, shall hold office in accordance with the terms of his appointment.

(2) A member of the Authority, including the Chairman, may resign by notice in writing to the Minister in accordance with the terms of his appointment.

(3) If the Minister thinks that the Chairman or a member of the Authority is unable, or unfit or unwilling to perform his functions, the Minister may terminate the appointment of the Chairman or member of the Authority.

Quorum. 6. The Authority shall determine the procedure for its meetings and shall stipulate the quorum and the procedure and quorum shall not be changed without the prior approval of the Minister.

Staff. 7. (1) The Authority may, with the Minister's consent, appoint a Chief Executive Officer and other officers and employees.

(2) The Chief Executive Officer or employee may resign by notice in writing to the Minister in accordance with the terms of their appointment.

(3) If the Minister thinks that the Chief Executive Officer or an employee is unable, or unfit or unwilling to perform his functions, the Minister may terminate the appointment of the Chief Executive Officer or other officers or employees.

(4) Before there is a termination of an appointment under these Regulations the person holding the appointment

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shall be afforded an opportunity of making representations.

Fund and resources of the Authority.

8. (1) The Authority shall pay into the Consolidation Fund all fees and other revenues collected by it.

(2) The Authority shall meet its expenses from such monies as may be appropriated from time to time by Parliament for the purposes of the Authority.

(3) The Authority shall determine, with the prior approval of the Minister, the salary and other remuneration to be paid to the members of the Authority or its officers and employees.

Financial year.

9. The financial year of the Authority shall be the period twelve months ending with the 31st December.

Application.

10. (1) A person may apply to the Authority for a Casino Premises Licence in Form I in Schedule 1.

(2) A person may apply to the Authority for a Casino Operators Licence in Form II in Schedule 1, provided that a Casino Premises Licence is in effect for the location where the applicant intends to operate a casino under a Casino Operator's Licence.

Considerations when determining application.

11. (1) In considering an application under paragraph 10 the Authority –

- (a) shall have regard to the licensing objectives;
- (b) shall have regard to the applicant's suitability to carry on the licensed activities;
- (c) shall consider the suitability of any

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gaming machine to be used in connection with the licensed activities; and

- (d) may consider the suitability of the equipment to be used in connection with the licensed activities (by reference, in particular, to any relevant provision of standards established by international best practices);
- (e) shall have regard to the hotel ratings awarded to the location where the applicant intends to use for casino operations.

(2) For the purpose of paragraph 11, subparagraph (1)(b) the Authority may, in particular, have regard to –

- (a) the integrity of the applicant, partner, shareholders, the directors, office holders of an applicant;
- (b) the competence of the applicant;
- (c) the financial capability of the applicant.

Form of licence.

- 12.**
- (a) A licence issued under paragraph 10 shall be in the form in Schedule 2.
 - (b) A licence issued under paragraph 10 shall be for a period of ten years from the date of issuance.

Financial statements for inspection and

13. The holder of a Casino Operator's Licence shall –

record keeping.

- (a) produce for inspection financial information as requested by the Authority relating to the licensed activities on a quarterly basis;
 - (b) provide a copy of audited financial statements of the Casino Operator and relating to the licensed activities.
-

SCHEDULE 1

FORM 1



Government of Guyana

Application for a Casino Premises Licence

(To be typewritten or printed legibly and filled in duplicate)

Section 1: Casino Premises Licence Applicant Information

Name of Company Co. #

Registered Address

Address for Service (in Guyana if different to registered address)

Officer of Applicant: Last Name First Name M.I. Date

Position in company Identification (Passport or ID Card No.)

Address of Officer

Contact Information: Phone Email Address

TIN No.

Section 2: Operator's information (if different form Casino Premises Applicant)

Name of Operator (registered entity or other)

Registered Address

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Contact Person

Contact Information

Location of Gaming Establishment

Section 3: Fees to accompany this application

Please enclose the relevant fees. Fees are payable to the Ministry of Finance. All amounts stated in GYD.

Description	Fees Payable
Application fee for Casino Premises Licence:	\$5,000,000
Annual fee for Casino Premises Licence:	\$4,000,000

Section 4: Documents to accompany application *(Please tick the box identifying associated documents submitted with application)*

- (i) Certificate of Incorporation; Yes No
- (ii) Articles of Incorporation; Yes No
- (iii) Statement with names of shareholders with shareholding%; Yes No
- (iv) Statutory Declaration that no other officer/shareholder has been found guilty in a Court of Law for offences related to Casino operations, embezzlement, laundering or fraud; Yes No
- (v) Copy of Transport, Certificate of Title or Absolute Grant or 99 year lease; Yes No
- (vi) Police Clearance for Directors/shareholders etc. Yes No

Declaration and Signature

I _____ [occupation] of _____

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do certify that the answers contained herein are true and complete and have been properly authorized by the Company to make this application.

I understand that false or misleading statements or information in this application may result in the rejection of this application or the revocation of any Licence issued and criminal charges pursued.

Date

Signature

Seal of Company

SCHEDULE 1

FORM II



Government of Guyana

Application for a Casino Operator’s Licence

(To be typewritten or printed legibly and filled in duplicate)

SECTION 1: CASINO OPERATOR’S APPLICANT INFORMATION

Name of Company Co. #

Registered Address

Address for Service (in Guyana if different to registered address)

Officer of Applicant: Last Name First Name M.I. Date

Position in company Identification (Passport or ID Card No.)

Address of Officer

Contact Information: Phone Email Address

TIN No.

SECTION 2: LICENSED CASINO PREMISES INFORMATION

Name of Holder of Casino Premises Licence

Location of Casino Premises

Contact Person

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Contact Information Tel. Fax Email

Section 3: FEES TO ACCOMPANY THIS APPLICATION

Please enclose the relevant fees. Fees are payable to the Ministry of Finance. All amounts stated in GYD.

Description	Fees Payable
Application fee for Casino Premises Licence:	\$5,000,000
Annual fee for Casino Premises Licence:	\$4,000,000

Annual fees for gaming machines (per unit): _____ Units * \$60,000 = _____

Annual fees for gaming tables (per unit): _____ Units * \$200,000= _____

Section 4: DOCUMENTS TO ACCOMPANY APPLICATION(PLEASE TICK THE BOX IDENTIFYING ASSOCIATED DOCUMENTS SUBMITTED WITH APPLICATION)

- (i) Certificate of Incorporation; Yes No
- (ii) Articles of Incorporation; Yes No
- (iii) Statement with names of shareholders with shareholding %; Yes No
- (iv) Statutory Declaration that no other officer/shareholder has been found guilty in a Court of Law for offences related to Casino operations, embezzlement, laundering or fraud; Yes No
- (v) Police Clearance for Directors/shareholders.; Yes No
- (vi) Bank Statement or proof of financial capability. Yes No

Declaration and Signature

LAWS OF GUYANA

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Gambling Prevention

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I _____ [occupation] of _____
do certify that the answers contained herein are true and complete and have
been properly authorised by the Company to make this application.

I understand that false or misleading statements or information in this
application may result in the rejection of this application or the revocation of
any Licence issued and criminal charges pursued.

Date

Signature

Seal of Company

SCHEDULE 2

FORM II



GOVERNMENT OF GUYANA

GAMING AUTHORITY

CASINO OPERATOR'S/CASINO PREMISES LICENCE

made under section 29(1)

This is to certify that (NAME OF CO.), a duly incorporated company under the Companies Act with the registered address at (ADDRESS) has been issued with a casino operator's or casino premises Licence (choose one) under the provisions of the Gambling Prevention (Amendment) Act. This Licence shall be effective from [date] to [date][10 years].

Activities authorized hereunder include:

Special Conditions (If Applicable)

LICENCE NO. _____ of 20__

Signed by:

CHAIRMAN

Dated this ____ day of _____ 20__

SEAL OF THE GAMING AUTHORITY
