

TURKS AND CAICOS ISLANDS
GAMING CONTROL (AMENDMENT) ORDINANCE 2024

(Ordinance 1 of 2024)

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GAMING CONTROL (AMENDMENT) ORDINANCE 2024

(Ordinance 1 of 2024)

Assent.....16th December 2024

Publication in Gazette.....20th December 2024

Commencement.....in accordance with section 1

AN ORDINANCE TO AMEND THE GAMING CONTROL ORDINANCE.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Gaming Control (Amendment) Ordinance 2024 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance “principal Ordinance” means the Gaming Control Ordinance.

Section 2 amended

3. Section 2 of the principal Ordinance is amended—

(a) by inserting in the appropriate alphabetical order the following definitions—

““adjusted gross receipts” means—

(a) except in regard to a game referred to under paragraph (b) or (c), the amount wagered for any gambling game, less the total amount paid out as winnings;

(b) in relation to any table games conducted by a gaming operator, the table closing value, plus the table credit value, less the table opening value, less the table fill value, less the value of any winnings made from the table opening value;

(c) in relation to slot machines operated by a gaming operator, the total value of credits transferred to a slot machine from a patron card, plus ticket-in value, plus value of coins, notes or tokens, plus the value of unclaimed credits, plus the value of testing money returned, less the total value of credits transferred from

a slot machine to a patron card, less the total ticket-out value, less the value of unclaimed credits, less the value of testing money used;

“cash drop” in relation to table games, means money dropped in a table cash box;

“fills” means in relation to table games, the issue of additional chips from the cage to the table;

“pot rake” is the commission taken by a gaming operator to administer a poker game;

“table game” means any gambling game played at or on a table in a casino with playing cards, dice or any device other than a slot machine or poker game;

“table closing value” means the remaining chips left on the table after its closing;

“table credit” means the chips returned to the cage of a table overflow;

“table opening value” means the chip value amount on a table for the time of opening of play;

“wager” means a sum of money risked on the outcome of a gambling game and received by a gaming operator in the course of business;

“winnings”, in relation to a party to a wager, means the money or money’s worth to be paid to, or retained by, that party as a result of the wager;”;

(b) in the definition of “gambling game” by repealing the words “licensed operator” and substituting “gaming operator”; and

(c) by repealing the definition of “licensed gaming operator”.

General amendment

4. The principal Ordinance is amended by repealing the words “licensed gaming operator” and substituting the words “gaming operator” wherever they appear in the following provisions—

(a) section 5(3);

(b) section 53 (1) and (7);

(c) section 86 (1), (2), (4), (5), and (8) in the definition of “debt transaction”;

(d) section 92(1)(d) and (e);

(e) section 102(3);

(f) section 137 (1), (2) and (3);

(g) section 150 (1) and (2); and

(h) section 151(5).

Section 63 amended

5. Section 63 of the principal Ordinance is amended by repealing subsection (2) and substituting—

“(2) A charitable gaming licence may only be issued for charitable purposes, to an organisation which meets the prescribed standards, and for the prescribed activities.

(3) A special gaming of chance licence may only be issued to an organisation which meets the prescribed standards and for the prescribed activities.

(4) No more than six charitable gaming licences or six special game of chance licences may be issued in any period of twelve months for functions held by the same organisation.”.

Part IX amended

6. The principal Ordinance is amended by repealing Part IX and substituting—

“PART IX

GAMING TAX

Rate of tax

135. (1) A gaming tax shall be imposed according to the rates set out in Schedule 3 as follows—

- (a) on the adjusted gross receipts received from gambling games authorised under this Ordinance, except for a poker game; or
- (b) on the pot rake collected from a poker game.

Tax return and payment of tax

136. (1) Every gaming operator shall within fifteen days after the end of each month—

- (a) submit to the Commission a return specifying the total gaming revenue earned and the amount in detail on any winnings deducted; and
- (b) pay to the Commission a tax payable as set out in the return.

(2) All cheques, drafts and cash remitted for payment of these taxes shall be made payable to the Commission.

(3) Where a gaming operator fails to file a return to the Commission as required under this section, the Commission may by notice in writing, require the gaming operator to file a return for any period, and in a manner, and at such intervals as the Commission sees fit, and the gaming operator shall comply with the notice until such time as it is revoked.

(4) If the Commission is not satisfied with the return or payment made by any licensee, the Commission shall make an assessment of the amount in accordance with section 137B.

Extension of payment of tax

137. (1) The Commission may in exceptional cases—
- (a) extend the time for the payment of tax under section 136 for such period as it thinks fit; or
 - (b) allow the payment of any tax due and payable under that section to be made by instalments of such amounts and payable at such intervals as it thinks fit.

(2) Where the Commission has extended the time for the payment of tax for any period under subsection (1), the payment shall be made on or before the expiration of that period.

(3) Where the Commission has allowed the payment of tax to be made by instalments under subsection (1)—

- (a) subject to paragraph (b), each instalment shall be paid on or before the date fixed by the Commission for the payment of that instalment; and
- (b) in default of the payment of any instalment on or before that date, the whole of the amount of tax outstanding shall be payable on that date

Form of and information required in tax return

137A. (1) The Commission may, by notice in writing, direct the form of or the information to be contained in the tax return filed by the licensee which information shall include—

- (a) the amount of the total gaming revenue received during any period;
- (b) the total amount of winnings deducted, and the adjusted gross receipts; and
- (c) the financial transactions between the gaming operator and the persons taking part in gaming, including particulars of cheques and promises to pay given by, or credit extended to, such persons, where applicable.

(2) Where a gaming operator has filed a return, the gaming operator may with the written permission of the Commission file an updated return for the purpose of clarifying or correcting the previous return, provided that any additional tax payable is paid at the time of submitting the updated return.

(3) Where an updated return is submitted to the Commission—

- (a) the Commission shall apply any applicable late fees unless the Commission is satisfied that the updated information could not reasonably have been included in the original return;

- (b) where the Commission has completed any investigation or is satisfied that no investigation is required, the Commission shall remit to the gaming operator any overpayment of tax less any applicable fees and without interest.

Assessments by Commission

137B. (1) Notwithstanding any other provisions of this Ordinance—

- (a) if the gaming operator fails to furnish the Commission with any return under section 136 or to furnish the Commission with a complete and correct return under that section;
- (b) if the Commission has reason to believe that any amount of taxes has been incorrectly computed by a gaming operator;
- (c) when a gaming operator fails in any month to submit to the Commission a financial statement in accordance with section 102;
- (d) where an amount is due from a gaming operator on account of tax and the Commission is unable to ascertain the amount of tax properly due from the licensee by reason of—
 - (i) a failure of the gaming operator to keep or produce to the Commission in writing for the purpose of sections 102 and 103, accounts, records, copies of statements, books or other documents required to be kept or produced by the licensee by or under this Ordinance, or the loss or destruction of any such accounts, records, copies, books or other documents; or
 - (ii) such accounts, records, copies, books or other documents, being materially incomplete or inaccurate,

the Commission may assess the amount of taxes, if any, payable by the gaming operator as may, in the circumstances, appear proper to the Commission under the provisions of this Ordinance.

(2) Where any taxes are assessed by the Commission in accordance with this section, the Commission shall give notice in writing to the gaming operator stating the amount assessed and the amount of taxes shall be due and payable by the gaming operator within the period following the date of the notice as the Commission may, in the notice, direct.

(3) A gaming operator may appeal within thirty days of the date of such notice to the court.

(4) Where an assessment of the amount of tax due from a gaming operator has been made under subsection (1), then, without prejudice to the recovery of the full amount due or to the making of a

further assessment in that behalf, the amount assessed shall be recoverable, and payment of the same shall be enforceable, as tax properly due.

Penalty and interest in cases of default

137C. (1) Where any tax due and payable by a gaming operator under this Ordinance, including any tax assessed under section 137B remains unpaid, the gaming operator shall also be liable to pay, by way of penalty, a sum equal to 20% of the amount of the outstanding tax.

(2) In addition to the tax and the penalty imposed by subsection (1), any gaming operator who is in default shall pay an amount as interest at the rate of 1.5% for each month or part thereof during which the tax remains unpaid.

(3) A penalty shall be recoverable, and the payment of the same enforceable, as tax properly due and payable.

Application of payments where gaming operator in default

137D. Where a gaming operator is in default of any taxes due and payable under this Ordinance or has entered into an agreement to pay taxes due and payable by instalments under section 137, any payments made shall be applied as follows—

- (a) firstly, 50% of every dollar shall be applied to the penalty and interest payable under section 137C; and
- (b) secondly, 50% of every dollar shall be applied to the outstanding tax due and payable.

Publication of defaulters

137E. Where a gaming operator is in default, of the payment of any taxes due and payable under this Ordinance for a period of six months the Commission may list the gaming operator on a list of defaulters which shall be published in such manner as the Commission may determine.”.

Section 171 substituted

7. The principal Ordinance is amended by repealing section 171 and substituting—

“Transitional provisions

171. (1) To ensure the integrity of gaming and the consistent, effective and efficient regulation of the gaming industry in the Islands, all licences of a term of one year issued under any of the Ordinances repealed under section 170 prior to the effective date of this Ordinance shall expire on 31 December.

(2) Subject to subsection (3)—

- (a) any casino licence issued under the Casinos Ordinance shall at the date of commencement of this Ordinance, continue to operate for the period specified in the

respective licence agreement and expire at the end of that period; and

- (b) any lottery licence issued under the Turks and Caicos Islands National Lottery Ordinance shall at the date of commencement of this Ordinance, continue to operate for the period specified in the respective licence agreement and expire at the end of that period.

(3) Any casino licence or lottery licence issued under the repealed Casinos Ordinance and the Turks and Caicos Islands National Lottery Ordinance, respectively, which continues to operate in accordance with subsections (2) shall, at the commencement of the provisions of this Ordinance—

- (a) be regulated under this Ordinance; and
- (b) be subject to the licence fees and taxes specified under this Ordinance.

(4) Any gaming operator seeking to continue operations after the expiry of their licence may make an application for a licence under this Ordinance.

(5) All outstanding licence fees, taxes or moneys due to the Government on the commencement date of this Ordinance shall be pursued and enforced under the provisions of the repealed Ordinance under which they were due or liable.

(6) All legal proceedings still in process on the commencement date of this Ordinance shall continue and be completed under the provisions of the repealed Ordinance under which they were initiated, and any fines and penalties given thereunder, shall be so enforced.

(7) Every application for a casino licence which has been made under the Casino Ordinance shall be processed and completed under the Casino Ordinance, but in the process of the application consideration shall be given to the requirements for a casino licence under this Ordinance.

(8) A casino licence processed and issued in terms of subsection (7), shall be subject to the same conditions provided for existing licences under subsections (2) and (3).

(9) Every application for a lottery licence which is made under the Turks and Caicos Islands National Lottery Ordinance shall be processed and completed under that Ordinance, but in the process of the application consideration shall be given to the requirements for a lottery licence under this Ordinance.

(10) A lottery licence processed and issued in terms of subsection (9), shall be subject to the same conditions provided for existing licences under subsections (2) and (3).

(11) Payments of fees and taxes payable to the Commission under this Ordinance shall be made to the Government Treasury until such time as the Commission has completed the financial requirements and all necessary procedures for payment to be made directly to the Commission.

(12) Gaming equipment which does not conform to the standards and requirements set under this Ordinance shall continue to be used for a period of three years from the date of commencement of this Ordinance; thereafter every gaming operator shall ensure that all gaming equipment conforms to the standards and requirements under this Ordinance. ”.

Schedule 2 amended

8. Schedule 2 of the principal Ordinance is amended—

- (a) in paragraph (o), by repealing the words “\$1,000” and substituting “\$2,000”; and
- (b) in paragraph (p), by repealing the words “\$2,000” and substituting “\$1,000”.

Schedule 3 substituted

9. The principal Ordinance is amended by repealing Schedule 3 and substituting—

“SCHEDULE 3

TAX RATES

(section 135)

The tax rates are—

- (a) a class A-integrated resort casino operator shall pay 10% of adjusted gross receipts from gambling games; and 10% of the pot rake collected from poker games;
- (b) a class B-standalone casino operator shall pay 10% of adjusted gross receipts from gambling games; and 10% of the pot rake collected from poker games;
- (c) a slot parlour gaming operator shall pay 28% of adjusted gross receipts received from gambling games for each location;
- (d) a gaming route licensee 30% of adjusted gross receipts from gambling games for each location;
- (e) a route operator shall pay 30% of adjusted gross receipts received from gambling games for each;
- (f) an electronic bingo operator shall pay 28% of adjusted gross receipts received from gambling games;
- (g) a sports betting gaming operator shall pay 15% of adjusted gross receipts received from gambling games; and
- (h) an internet gaming operator shall pay 10% of adjusted gross receipts received from gambling games;

- (i) a lottery gaming operators shall pay 25% of adjusted gross receipts received from gambling games;
 - (j) proxy lottery shall pay 15% of adjusted gross receipts received from gambling games; and
 - (k) charity gaming licensee shall pay 0% to 5% of adjusted gross receipts received from gambling games, as the Commission may determine depending on the type of charitable activity;
 - (l) special game of chance licensee shall pay 5% of adjusted gross receipts received from gambling games; and 10% of the pot rake collected from poker games;
 - (m) a cardroom operator shall pay 10% of the pot rake collected from poker games.”.
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