

TURKS AND CAICOS ISLANDS

GAMING CONTROL (AMENDMENT) ORDINANCE 2022

(Ordinance 15 of 2022)

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(Ordinance 15 of 2022)

Assent.....28th July 2022

Publication in Gazette.....29th July 2022

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. (1) This Ordinance may be cited as the Gaming Control (Amendment) Ordinance 2022 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

(2) Different dates may be appointed for different provisions and different purposes.

Interpretation

2. In this Ordinance “principal Ordinance” means the Gaming Control Ordinance 2018.

Section 2 amended

3. Section 2 of the principal Ordinance is amended—

(a) by repealing the definition of “key person” and substituting—

““key person” means an entity that is a holder of any direct or indirect legal or privately held interest whose combined direct, indirect, or attributed publicly traded interest is 5% or more or privately held interest is 1% or more in an applicant or licensee or in a key business entity of an applicant or licensee;” and

(b) by inserting in the appropriate alphabetical place the following definition—

““beneficial owner” means the natural person who ultimately owns or controls or has significant control or significant influence over an applicant or licensee of a gaming operator, and includes—

- (a) in the case of a legal person, a natural person who ultimately owns or controls, whether through direct or indirect ownership or control, 10% or more of the shares or voting rights in the legal person;
- (b) in the case of a legal person, a natural person who otherwise exercises significant influence or control over the legal person; or
- (c) in the case of a legal arrangement, the trustee or other person who exercises significant influence or control over the legal arrangement, whether alone or jointly with any other person or persons.

(2) For the purposes of subsection (1), it is immaterial whether an individual’s ultimate ownership or control of a legal person, partnership or legal arrangement is direct or indirect.”.

Section 3 amended

4. Section 3 of the principal Ordinance is amended—

(a) in subsection (3)—

- (i) paragraph (c)(ii) by inserting the words “, supplier, route operator” immediately after the words “holding company”; and
- (ii) by inserting the following new subparagraph immediately after subparagraph (ii)—
 - “(iii) for an international market agent operator or an international market agent representative;”; and

(b) in subsection (5) by deleting paragraph (a) and substituting—

“(a) shall be paid by the person or applicant required to provide a criminal record check;”.

Section 7 amended

5. Section 7(1) of the principal Ordinance is amended by inserting immediately after paragraph (g), the following—

“(h)an attorney from the Attorney General’s Chambers;”.

Section 28 amended

6. Section 28(5) of the principal Ordinance is amended by inserting the following new paragraph immediately after paragraph (d)—

“(da) information of a beneficial owner of an applicant;”.

Section 47 amended

7. Section 47 of the principal Ordinance is amended by repealing subsection (4) and substituting—

“(4) The Board shall use a procurement method as may be prescribed, to select a person who is suitable and qualified to be issued an electronic bingo licence.”.

Section 48 amended

8. Section 48 of the principal Ordinance is amended by repealing subsection (4) and substituting—

“(4) The Board shall use a procurement method as may be prescribed, to select a person who is suitable and qualified to be issued a sports betting licence.”.

Section 55 amended

9. Section 55 of the principal Ordinance is amended by repealing subsection (2) and substituting—

“(2) The Board shall use a procurement method as may be prescribed, to select a person who is suitable and qualified to be issued a lottery operator’s licence.”.

Section 63 amended

10. Section 63 of the principal Ordinance is amended by inserting the word “licence” immediately after the words “charitable gaming” in the heading and subsection (1).

Section 64 amended

11. Section 64 of the principal Ordinance is amended—

(a) in the heading, by inserting the word “licence” immediately after the words “charitable gaming”; and

(b) in the chapeau, by inserting the word “licence” immediately after the words “charitable gaming”.

Section 65 amended

12. Section 65(2)(a) of the principal Ordinance is amended by repealing the words “section 64” and “substituting “section 66”.

Section 78 amended

13. Section 78 of the principal Ordinance is amended in subsections (1) and (4) by repealing the word “Commission” and substituting “Managing Director”.

Section 83 amended

14. Section 83 of the principal Ordinance is amended by inserting the following new paragraph immediately after paragraph (d)—

“(da) information of a beneficial owner of the gaming operator, management company or holding company;”.

Section 141 amended

15. Section 141(3) of the principal Ordinance is amended by inserting immediately after paragraph (i), the following—

“(j) if the application submitted for the issue of a licence was false in a material particular, or failed to disclose a material fact.”.

Section 171 amended

16. Section 171 of the principal Ordinance is amended—

(a) by repealing subsection (11) and substituting—

“(11) For the avoidance of doubt, the administration of the Ordinances referred to under subsection (10) includes—

- (a) under sections 6, 7, 8, 9 and 10 of the Casinos Ordinance, the work of the Commission to be exercised by the Board;
- (b) under sections 27, 28 and 29 of the Casinos Ordinance, the function and power given to the Minister to be exercised by the Managing Director;
- (c) under sections 3, 4, 5, 6, 10 and 11 of the Gaming Machines Ordinance, the function and power given to the Governor to be exercised by the Board;
- (c) under sections 3 and 4 of the Gaming (Occasional Permissions) Ordinance, function and power given to the Governor to be exercised by the Board;
- (c) under the Turks and Caicos Islands National Lottery Ordinance, function and power of the Board to be exercised by the Board under this Ordinance.”; and

(b) by inserting immediately after subsection 13, the following—

“(14) 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.

(15) A lottery licence processed and issued in terms of subsection (14), shall be subject to the same conditions provided for existing licences under subsections (2) and (3).”.