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REGULATIONS 2004
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BELIZE:

**STATUTORY INSTRUMENT
NO. 162 OF 2004**

REGULATIONS made by the Gaming Control Board, with the approval of the Minister, in exercise of the powers conferred upon it by section 5 (2) of the Gaming Control Act, Chapter 152 of the Substantive Laws of Belize, Revised Edition 2000 - 2003; and all other powers thereunto it enabling.

(Gazetted 2nd October, 2004).

**PART I
PRELIMINARY**

1. These Regulations may be cited as the

Short Title

**GAMING CONTROL (ONLINE GAMING)
REGULATIONS, 2004**

2. In these Regulations, unless the context otherwise requires: -

Interpretation

“Act” means the Gaming Control Act;

“Board” means the Gaming Control Board established under section 4 of the Act;

“Committee” means the Online Gaming Licensing Committee established under Regulation 7(1) of these Regulations.

“conduct”, in relation to online gaming, has the meaning given by Regulation 3(2) of these Regulations;

“dollar”, means the lawful currency of the United

States of America;

“electronic” includes documents or communication created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic, optical or by any other means that has capabilities for creating, recording, transmitting or storing such documents, or communication;

“EPZ” has the same meaning as in the Export Processing Zone Act;

“game” in relation to online gaming, includes a game played by one person by means of a computer or other device, even though no other person participates in the game;

“game of chance” includes a game of chance and skill combined and pretended game of chance or of chance and skill combined;

“gaming” means the playing of a game or a game of chance for winnings in money, or money’s worth;

“information system” means a system for generating, sending, receiving, storing or otherwise processing electronic communications;

“licensed gaming premises” means premises in respect of which a gaming licence issued in accordance with the Act, is for the time being in force in respect of those premises;

“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;

“online gaming” has the meaning given by Regulation 3(1)

of these Regulations;

“telecommunication” means a communication sent, transmitted or received by means of a information system;

**PART II
CONTROL OF ONLINE GAMING**

**Definition of
online
gaming**

3. (1) In these Regulations “online gaming” means -

- (a) any gaming, where any player enters or may enter the game, or takes or may take any step in the game, by means of a telecommunication;
- (b) the negotiating or receiving of any bet by means of a telecommunication;
or
- (c) any lottery in which any participant acquires or may acquire a chance by means of a telecommunication.

(2) For the purposes of these Regulations, a person “conducts” online gaming where -

- (a) in the case of gaming or a lottery, he takes part in its organisation, management or promotion;
- (b) in the case of a bet, he carries on any business involving the negotiating or receiving of the bet; or
- (c) he maintains, or permits to be maintained, in Belize any computer or other device on or by means of which the game or lottery is operated, or the bet is received, as the case may be.

4. (1) Subject to Regulation 5 below, any person who conducts or intends to conduct any online gaming in ~~for~~ or from within Belize shall apply to the Board for a license to do so in the form prescribed in the First Schedule to these Regulations.
- Restrictions on online gaming and application for a licence First Schedule
- (2) Every person who contravenes subregulation (1) above commits an offence.
5. (1) Nothing in Regulation 4 applies to -
- Exclusion of certain activities
- (a) premises licensed as gaming premises pursuant to the Act;
- (b) any activity connected with the organisation, management or promotion of a lottery licensed in accordance with the Lotteries Control Act.
6. The Board shall, subject to the provisions of the Act and of these Regulations, supervise, control and regulate the operation of any online gaming conducted in or from within Belize.
- Jurisdiction of Board
7. (1) Notwithstanding anything to the contrary in Regulation 6, for the purpose of enabling the Board to perform its duties under these Regulations, the Board shall, after consultation with the Minister, establish a Committee and shall refer or delegate to such Committee the supervision, control and regulation of "the operation of any online gaming conducted in or from within Belize.
- Online Gaming Licence Committee
- (2) The Committee referred to in subregulation (1) shall be called the "Online Gaming Licensing Committee".

- (3) The Board shall establish rules of procedure for the Committee.
- (4) The Committee shall be composed of the airman and two members of the Board appointed by the Minister.
- (5) Every appointment of a member of the Committee under subregulation (4) may be revoked by the Minister.
- (6) The Committee shall conduct its business in accordance with the rules of procedure referred to in subregulation (3).
- (7) The Committee shall have, in relation to the matter before it, the same powers, functions and duties as the Board, but shall be under the authority and control of the Board.

PART III ONLINE GAMING LICENSES

- Grant of Online Gaming Licence**
CAP. 270
8. (1) The Committee may for and on behalf of the Board, grant to any person, being a company limited by shares and incorporated in Belize under the International Business Companies Act a licence authorising it to conduct online gaming-
- (a) of any prescribed description; or
 - (b) of such prescribed descriptions as are specified in the licence.
- (2) The Committee shall not grant a to any company unless it is satisfied -

- (a) that the company is under the control of a person or persons of integrity;
- (b) as to the beneficial ownership of the share capital of the company;
- (c) that the activities of the company are under the management of a person or persons of integrity and competence; and
- (d) that the company has adequate financial means available to conduct online gaming of the descriptions in question.

(3) Before granting a licence, the Committee shall consult

- (a) the Registrar of International Business Companies;
- (b) the Financial Intelligence Unit;
- (c) the Central Bank of Belize; and
- (d) any other person or body Who in the opinion of the Committee ' may have information which is useful to the Committee in the discharge of its functions under these Regulations.

(4) The Committee shall not be required to give reasons for refusing a licence.

(5) No licence may be granted so that more than one licence is held by any person at any time.

(6) A person consulted by the Committee under subregulation (3) above shall supply to the Committee such information in their possession relating to holders of and appli-

cants for licences, and officers and servants of those persons, as the Committee may reasonably require for the exercise of its functions under these Regulations.

(7) The duties imposed and powers conferred by subregulations (3) and (6) may be exercised despite any obligation not to disclose information which would otherwise apply and no suit for breach of confidentiality or other such action shall lie against any person who discloses information, produces documents or renders other assistance in compliance with a request under this Regulation

(8) The Committee shall treat all information received by it pursuant to this Regulation with utmost care and confidence and shall disclose such information only to a law enforcement authority, banking, regulatory or supervisory authority and upon satisfying itself that such information is bona fide required by the intended recipient in connection with a criminal investigation, prosecution or proceeding, and provided further that information to overseas regulatory bodies shall only be given pursuant to a legal assistance treaty or otherwise on the basis of reciprocity.

Licence fees
Second Schedule 9. (1) An applicant for a licence shall pay a licence fee as is prescribed in the Second Schedule to these Regulations.

(2) The holder of a licence shall pay-

(a) on the grant of a licence; and

(b) on each anniversary of the grant of the licence, for as long as the licence remains in force;

Second Schedule such annual fee as is prescribed in the Second Schedule to these Regulations.

Third Schedule (3) The online gaming licence shall be in the form specified in the Third Schedule.

10. (1) The authorisation conferred by a licence shall be subject to such conditions as are specified in the licence.

Conditions of
Licence

(2) The conditions of a licence shall include a condition prohibiting the holder of the licence from accepting bets from any person resident in Belize.

(3) The conditions of a licence may include conditions requiring the holder of the licence-

- (a) to provide such security (real or personal or both), and to maintain such deposits and reserves, as are specified in or determined in accordance with the licence for the payment of debts arising out of online gaming conducted by it;
- (b) to notify the Committee forthwith if it realizes or calls upon any such security or draws on any such deposits or reserves (including any new or substituted security, deposits or reserves provided under paragraph (c)); and
- (c) in the case mentioned in paragraph (b), to comply with any directions of the Committee as to the provision of substituted security, deposits or reserves.

(3) If a condition of a licence is contravened the holder of the licence commits an offence.

11. (1) Subject to Regulation 12(2) below, a licence, unless it is cancelled or surrendered, shall remain in force for a period of twelve months beginning on such date as is specified therein.

Duration of
Licence

(2) The holder of a licence may surrender the licence by notice in writing to the Committee.

(3) The cancellation, surrender or expiry of a licence shall not affect any liability for anything done or omitted

to be done before the date on which it ceases to have effect.

**Renewal of
Licences**

12. (1) The holder of a licence may, not later than sixty days prior to the date of its expiration, apply to the Committee for the renewal of the licence.

(2) Where an application is made under subregulation (1), the licence shall continue in force -

(a) until the determination of the application, or

(b) if the application is refused, until the expiration of- twenty-one days from the date on which notice of the refusal is given to the applicant or, where an appeal is made under regulation 15, until the appeal is abandoned or determined.

(3) Regulations 8 to 10 apply, with any necessary modifications, to the renewal of a licence as they apply to the grant of a licence.

**Variation and
transfer of a
licence**

13. (1) The Committee may, on an application by the holder of a licence or of its own motion, vary a licence by adding a prescribed description of online gaming to, or deleting a description of online gaming from, the descriptions specified in the licence.

(2) Subject to Regulation 8(2), the Committee may, on application by the holder of a licence or of its own motion, vary or cancel any condition specified in the licence.

(3) A variation of a licence, or of a condition of a licence, made otherwise than on application by the holder shall not have effect until the expiration of twenty one days from the date on which notice of it is given to the applicant or, where an appeal is made under Regulation 15, until the appeal is aban-

doned or determined.

(4) The Committee may, on an application by the holder of a licence, transfer a licence to a person specified in the application.

(5) A transfer under subregulation (4) shall be endorsed on the licence.

(6) Regulations 8(2) to 8(5) apply, with any necessary modifications, to a transfer of a licence as it applies to the grant of a licence.

(7) Regulation 9(1) applies, with any necessary modifications, to an application for -

(a) the variation of a licence, or of a condition of a licence; or

(b) a transfer of a licence;
as it applies to the grant of a licence.

14. (1) Notwithstanding the provisions of Regulation 11 (1) of these Regulations, the Committee may, at any time, where it is satisfied that the licensee has acted in violation of the provisions of these Regulations or of any Regulations, or has been in breach of any terms and conditions of his licence, revoke the licence, but before such revocation, it shall give the licensee a reasonable opportunity to be heard and to make representations:

Revocation of
licences

Provided, however, that it shall not be necessary to afford an opportunity to the licensee to make representations in any case where it is convicted in a court of law of an offence under these Regulations.

15. Any person who is aggrieved by the decision of the Committee revoking or varying his licence, or a condition of his

Appeals

licence, or refusing to renew his license may appeal to the Minister and the decision of the Minister thereon shall be final.

PART IV
OFFENCES AND PENALTIES

- | | |
|--|--|
| Obstruction | <p>16. Any person who willfully obstructs or hinders the Committee or any member thereof in the performance of its duties or the exercise of its authority under these Regulations commits an offence.</p> |
| Licences not assignable | <p>17. (1) Except as provided in subregulation (4) of Regulation 13, no person to whom a licence has been granted under these Regulations shall transfer or assign it to any other person, or in any way alter, deface or destroy such licence before the date of expiration thereof.</p> <p>(2) Any person who contravenes or fails to comply with the provisions of this Regulation commits an offence.</p> |
| Breach of conditions of licence | <p>18. (1) Any person who contravenes or fails to comply with the terms and conditions of a valid licence granted to him under these Regulations commits an offence, and the court, by or before which he is convicted may, in addition to any penalty it may impose, order the licence in relation to which the offence was committed to be forfeited and cancelled.</p> <p>(2) An order of forfeiture and cancellation of a licence made under subregulation (1) of this section shall be deemed for the purpose of any appeal to be part of the sentence for the offence; and the licence shall not be forfeited or cancelled under that order-</p> <p>(a) until the date of expiration of the period within which notice of appeal against the conviction or sentence may be given;
or</p> |

(b) if notice of appeal against the conviction or sentence is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal.

(3) Where a licence is forfeited and cancelled in pursuance of an order made by the Court under this Regulation, the Clerk of the Court by which the order was made, or the Registrar of the Supreme Court, as the case may be, shall send a copy of the order to the Minister for his information.

19. (1) A person convicted of an offence under these Regulations is liable on summary conviction to a fine not exceeding twenty five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment;

General
Penalty

(2) Where an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate is guilty of that offence and liable to be proceeded against and punished accordingly.

(3) Where a corporation is charged with an offence under these Regulations, such corporation may appear and plead to the charge by its representative, by entering a plea in writing; and, if either the corporation does not appear by its representative, or though it does so appear, fails to enter any plea, the court shall cause a plea of not guilty to be recorded and the trial shall proceed accordingly.

(4) In this Regulation, the expression "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this

Regulation authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

(5) A representative for the purposes of this Regulation need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this Regulation shall be admissible without further proof as prima facie evidence that that person has been so appointed.

EnforcementV

20. (1) If any magistrate or Justice of the Peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence under these Regulations is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any police officer to enter those premises, if necessary by force, at any time within fourteen days from the time of the issue of the warrant and search them; and any police officer who enters the premises under the authority of the warrant may seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the said premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence.

(2) The court by or before which any person is convicted of any offence as aforesaid may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and dealt with in such manner as the court may order.

PART V
GENERAL

21. (1) Notwithstanding anything contained in the Gambling Prevention Act or any other rule of law, no objection to any contract, bill of exchange, cheque, promissory note or other transaction of any kind entered into in the course of licensed online gaming under these Regulations shall be taken or allowed in any court of law on the ground that such contract, bill of exchange, cheque, promissory note or other transaction is under any law in force in Belize directly or indirectly 'tainted with illegality or is against public policy.

Validity of contracts, etc. CAP. 109

(2) Any person to whom any winnings, wagers, prize money or money's worth of any kind becomes due and payable from any licensee licensed under these Regulations may recover the same from the person liable to pay and shall be entitled to bring any proceedings necessary to recover any such winnings, wagers, prize money or money's worth.



22. (1) Notwithstanding the provisions of provisions Regulation 4 above, any person who, at the date of the entry into force of these Regulations, is lawfully conducting any online gaming in or from within Belize shall, subject to subregulation (2) below, be deemed to have been licensed under these Regulations.

Transitional provisions



(2) A licence under subregulation (1) shall remain in force until the 31st December, 2004.

23. These Regulations shall come into force on the 1st day of October, 2004.

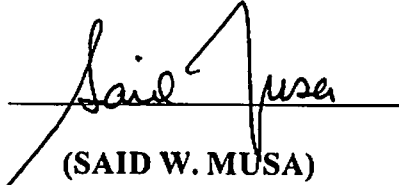
Commencement

MADE by the Gaming Control Board this 1st day of October, 2004.



**CRESCENCIO SOSA)
CHAIRMAN
GAMING CONTROL BOARD**

APPROVED by the Minister this 1st day of October,
2004.



**(SAID W. MUSA)
MINISTER RESPONSIBLE FOR
GAMING CONTROL**

FIRST SCHEDULE
[Regulation 41
APPLICATION FOR ONLINE GAMING LICENCE
PART A
GENERAL NOTES AND INFORMATION
TO APPLICANTS

1. All applications for an online gaming licence are governed by the provisions of the Act and these Regulations.
2. The Board shall not be liable for any adverse public notices, embarrassment, criticism or financial loss to the applicant which may result from action taken with regard to this application.
3. The applicant shall be responsible for the payment of any expenses incurred by the Board during the course of processing the application.
4. The applicant is responsible for furnishing to the Board, with this application, the following support documents, namely:-
 - ✓ (a) the Memorandum and Articles of Association of the applicant;
 - ✓ (b) copies of the audited accounts of the applicant comprising balance sheets and profit and loss accounts for the last three years, including the most recent;
 - ✓ (c) if the applicant is a holding company with subsidiary companies, the Memorandum and Articles of Association of each such subsidiary company;
 - ✓ (d) if the applicant is a subsidiary company of a holding company, the Memorandum and Articles of

Association of the holding company and each subsidiary company of the holding company;

(e) particulars of each person who is a shareholder, director, partner, secretary or manager of the applicant if the applicant is a company;

- ✓ (f) particulars of every person not referred to in paragraph (e) above who has any financial interest, direct or indirect, in the subject of this application;
- ✓ (g) a full set of fingerprints of the persons referred to in paragraph (e) and (f) above;
- ✓ (h) a copy of the personal identification card and two recent black and white photographs of each of the persons referred to in paragraphs (e) and (f) above;
- (i) where a person referred to in paragraphs (e) and (f) above is a naturalized citizen or permanent resident of another country, a copy of the naturalization documents.

5. Applicants are warned that the discovery of any material falsification or omission of information required may result in the Board's refusal to grant a licence. Where false particulars are discovered after the grant of a licence, such licence may be cancelled.

6. Any change in the particulars furnished in respect of an application should forthwith be communicated to the Board if such change occurs before the grant of a licence.

7. An applicant should specify the name, postal address, telephone number, fax number and e-mail address of the person with whom the Board should communicate in respect of the application.

8. When completed, all the documents related to this application should either be personally delivered to the Board or sent thereto by prepaid registered mail addressed to the attention of the Chairman at the following address:-

**The Chairman
Gaming Control Board
c/o Ministry of Finance
(revenue)
New Administration Building
Belmopan
BELIZE, C.A.**

**PART B
SPECIFIC COMPANY DETAILS**

9. State the full name of the Company.
10. State the principal place of business of the company, and the company's registered office.
11. State the date of incorporation of the company in Belize (N.B. Remember that the Memorandum and Articles of Association of the company will accompany this application).
12. State the amount of the registered capital of the company in Belize dollars, and the amount of the paid up capital in Belize dollars.
13. If the company a holding company? Does it hold a controlling or other interest in any other company. Answer: (Yes No). If Yes, provide details of the subsidiary companies, or the interest your company has in any other company.
14. Is the company a subsidiary of another company. Answer: (Yes No). If Yes, give full particulars of the holding company, including its registered office, and principal place of business, and address and attach a copy each of its Memorandum and Articles of Association.
15. If the answer to 14 is No, attach a full list of the names and addresses, telephone and fax numbers and e-mail addresses of the shareholders, debenture holders, mortgage holders and others with a financial interest in the company. In the case of those whose interest exceed 1% of the paid up share capital of the company, state the amount of their interest.
16. Has the company ever been convicted of any offence in any country? Answer (Yes: No:). If Yes, give full details of the court, the date of judgment, and the sentence passed.

17. Has the company ever received a civil judgment against it in any country? Answer: (Yes: No.). If Yes, give full details of the court, the date of judgment and the award given.
18. Has the company ever been the subject of a winding-up petition? Answer: (Yes: No:). If Yes, give full details.
19. Give the name and address of the company's accountants and/or auditors.
20. Give a list of all bank accounts held by the company in the past and at present.

PART C
PARTICULARS OF PREMISES

21. Name under which premises are, or will be known.
22. Full postal address of the premises.
23. List the online games which will be played if the licence is approved (state ALL if all games will be played).
24. If the licence is approved, is it intended to raise additional capital to operate the online gaming business? Answer: (Yes: No.). If Yes, state the amount to be raised, and give full details of the source and supporting documents.
25. If the licence is approved, would the online gaming business be financially or otherwise connected with any other type of business? Answer: (Yes: No.). If answer is Yes, please provide details of the other business, and the nature and extent of the connection.
26. List the names and addresses of all persons not listed

in paragraph 15 above who will receive, directly or indirectly, any compensation or other benefit based on a percentage or share of the proceeds of the online gaming. Attach a copy of all related agreements.

27. Are the proposed premises where the online gaming will be conducted owned or leased by the applicant? Attach copies of certificates of title or lease agreements, and give full name and address of lessor or landlord and state the terms on which the premises are leased or rented, and whether the applicant is the lessee.

28. Who will have the day to day powers and responsibilities of controlling admissions into, and exclusions from the premises where the online gaming will be conducted from? Give full names and addresses of such persons.

29. Give the full names and addresses of those persons who, if a licence is granted, will exercise actual day-to-day control and/or management of over the premises where the online gaming will be conducted from?

30. Has the applicant any previous management experience in controlling and managing online gaming operations? Answer: (Yes, No). If Yes, please provide details, including the dates, and the particulars of any related licences (if any) issued.

PART D

FURTHER INFORMATION AND DECLARATION

31. Do you have any further information connected to this application which you wish to be taken into account by the Board when considering this application?

Answer: (Yes: No.). If Yes, please specify.

32. The following declaration must be signed by the applicant's Chairman of the Board of Directors and any other Director, or by any two senior officials of the applicant.

DECLARATION

I, WE hereby certify to the best of my/our knowledge and belief that the information given in this Application is complete and correct in all respects.

FURTHER I/WE undertake to inform the Gaming Control Board within seven calendar days whenever any of the information given in this application ceases to be valid either wholly or in part, and/or whenever any of the particulars given in this Application are altered in any form whatsoever.

1. DATED _____

SIGNED _____

TITLE (DR.) (MR.) (MRS.) (MISS) (MS.) _____

2. DATED _____

SIGNED _____

TITLE (DR.) (MR.) (MRS.) (MISS) (MS.) _____

SECOND SCHEDULE**[Regulation 9] 91****FEEES**

1. The fee for the grant of an online gaming licence shall be US\$10,000.00

2. The fee for the renewal of an online gaming licence shall be US\$10,000.00

THIRD SCHEDULE**[Regulation 91****ONLINE GAMING LICENCE****BELIZE:****WE** _____ **, THE GAMING****CONTROL BOARD**, hereby grant to _____

/or to _____ a Company duly incor

porated under the laws of Belize and having its registered office

at this **ONLINE GAMING LICENCE** authorizing the said /

Company to conduct online gaming from Belize.

THIS LICENCE is granted subject to the following special conditions (if any):-

THIS LICENCE is issued subject to the provisions of the Gaming Control Act, and shall be in force from the

No. 162]

Gaming Control

27

_____ day of 20 ____ to the day of
_____ 20__.

DATED this _____ day of 20

GIVEN under my hand and the seal of the Gaming Control
Board.