

No. 20 of 1999.

The Betting and Gaming (Control) Act, 1999.

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**SAINT CHRISTOPHER AND NEVIS**  
**No. 20 of 1999**

AN ACT to legalise and regulate physical gaming, computer internet gaming, horse or greyhound betting and sports book betting and in that connection to establish a Gaming Board, and to provide for related or incidental matters.  
(24<sup>TH</sup> December, 1999.)

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

**PART 1**  
**PRELIMINARY**

1 . This Act may be cited as the Betting and Gaming (Control) Act, 1999. (short title)

2. In this Act, unless the context otherwise requires,

“appropriate resources” mean financial resources that (a) are adequate, in the Ministers opinion, to ensure the financial viability of operations conducted under a gaming license, and (b) are available from a source that is not, in the Minister's opinion, tainted with illegality;

“Board” means the St. Christopher and Nevis Gaming Board established under section 3 of this Act;

“control system” means a system of internal control administrative and accounting procedures for the conduct of games by a licensee; means physical gaming, internet gaming, horse or greyhound betting, or sports betting, as the case may be;

“gaming” means the playing of a game for winnings, prize-money, or money's worth;

“gaming license” means a license issued under this Act authorising a person to carry on the business of physical gaming, internet gaming, horse or greyhound betting or sports book betting, as the case may be;

“internet” means any publicly accessible data transmission network, or any privately-owned data transmission network which is authorised to transmit such data;

“gross win” means total amount bet;

“internet game” means a game in which (a) a prize consisting of money or anything of value is offered or can be won under the rules of the game; and (b) a player (i) enters the game or takes any step in the game by means of an electronic or telecommunication device, and (ii) gives, or undertakes to give, a monetary payment or other valuable consideration to enter, in the course of, or for, the game; and (c) the winner of the prize is decided (i) wholly or partly by chance, or (ii) by a competition or other activity in which the outcome is wholly or partly dependent on the skill of the player or another person;

“licensed gaming premises” means premises in respect of which a licence is for the time being in force;

“Minister” means the Minister responsible for finance;

“physical gaming” means a game in which a player is physically present in licensed premises or casino and wagers on a sporting event or other game of chance;

“players’ account” in relation to internet gaming and sports book betting, means an account (a) that is established with a financial institution or with a prescribed body in the Federation in the name of the licensee, (b) against which a licensee has a right to debit the amount of a wager, and (c) is established on a basis under which the player may only have direct recourse to his account (i) in order to ascertain the balance of funds on the account or to close the account, (ii) in order to obtain the whole or part of an amount paid into the account as a prize in a game, or (iii) as may be authorised by the Minister;

“sports book betting” means betting which is done exclusively by telephone.

## **PART II ESTABLISHMENT OF A GAMING BOARD, ITS FUNCTIONS AND POWERS**

3. There is established, for the purposes of this Act, a Board to be known as the Saint Christopher and Nevis Gaming Board.

4. (1) The Board shall consist of

- (a) a representative of the Ministry of Finance;
- (b) a representative of the Ministry of Trade;
- (c) a representative of the Legal Department;
- (d) one person appointed by the Minister from the gaming industry; and
- (e) one person appointed from the information technology industry.

(2) The two members appointed by the Minister under subsection (1) of this section shall hold office for such period as may be specified in their instruments of appointment, except that their membership may be terminated by the Minister for just cause.

(3) The Chairman of the Board shall be appointed by the Minister in his discretion from among the members.

(4) The Chairman shall preside at all meetings of the Board and in his absence the members present may elect a chairman to preside at that meeting.

(5) Four members of the Board shall form a quorum and each member shall have one vote, except that in the event of an equality of votes, the chairman of that meeting shall have a second or casting vote.

(6) The Minister shall appoint a Secretary to the Board who may issue under his hand licences approved by the Board.

5. (1) The Board shall be responsible for
- (a) controlling and regulating gaming;
  - (b) granting or refusing to grant any gaming licence under this Act;
  - (c) revoking any gaming licence issued under this Act;
  - (d) licence any premises for gaming;
  - (e) performing any other function connected with the above as may, from time to time, be assigned by the Minister.

**PART III**  
**PHYSICAL GAMING, INTERNET**  
**GAMING, HORSE OR GREYHOUND**  
**BETTING AND SPORTS BOOK BETTING**

6. (1) No person shall engage in the business of physical gaming, internet gaming, horse or greyhound betting, or sports book betting in or within the Federation without the relevant licence issued by the Board in that respect.

(2) A person who wishes to engage in any of the businesses specified in subsection (1) of this section shall apply, in the prescribed form, to the Board for grant of the relevant licence by the Board.

(3) The application referred to in subsection (2) of this section shall in the case of a natural person, be accompanied by

- (a) the prescribed fee;
- (b) a written police report about the applicant's character and criminal history;
- (c) a recent photograph of the face of the applicant, certified copy of passport or social security number;
- (d) a sworn declaration by the applicant that he is not a beneficial owner or controller of a bank.

(4) The application referred to in subsection (2) of this section shall, in the case of a corporate body, be accompanied by

- (a) the prescribed fee;
- (b) a certificate of registration issued by the Registrar of Companies in Saint Kitts;
- (c) a written police report about the applicant's character and those of its directors, shareholders and officers;
- (d) a sworn declaration by the applicant, its directors, shareholders and officers that they are not beneficial owners or controller of a bank.

(5) In the case of the business of physical gaming, no licence shall be granted to an applicant in that respect unless he proves to the satisfaction of the Board

- (a) that he owns or manages a hotel of not less than 200 rooms;
- (b) that he has not, or, if the applicant is a company or other body of persons, that each of its directors, senior officers and shareholders has not been convicted in any court in any country of any felony or misdemeanour which involves moral turpitude, and that such person has a good reputation in the Federation and elsewhere;
- (c) that he has the means and the organisation to establish a gaming room or rooms suitable for tourists in the hotel which gives to tourists the freedom of its facilities and which is owned by him or under his management.

(6) The Board may, by notice in writing given to the applicant, require the applicant to supply to the Board such further information or documentation as the Board may reasonably require to give proper consideration to the application.

7. (1) The Board shall, when considering an application consideration submitted to it under subsection (2) of section 6 of this Act, have regard of application to the following matters:

- (a) the applicant's character and business reputation;
- (b) the applicant's current financial position and financial background;
- (c) whether the applicant has, or is able to obtain, appropriate resources and appropriate services;
- (d) whether the applicant has adequate premises in the Federation to conduct his gaming business;
- (e) whether the applicant has the appropriate business ability to conduct the games successfully under the gaming licence;
- (f) in the case of an applicant for a sports book betting licence, the reason why the applicant wishes to use the Federation as his operating base;
- (g) whether grant of the relevant licence to the applicant is in the public interest.

Licence fees.

(2) The Board may refuse to approve an application for a gaming licence if it is satisfied that the applicant does not satisfy the requirements spelt out in subsection (1) of this section.

(3) A person who is aggrieved by the refusal of the Board to approve an application for the relevant licence may appeal to the Minister.

8. (1) Any licence issued under this Act shall be subject to a onetime concession fee and a minimum annual gaming tax as the Minister may, by Order, prescribe.

(2) The fees received by the Board under this section shall be paid to the credit of the Consolidated Fund, except that where an application is refused, any fee which has been paid under subsection (1) of this section shall be refunded subject to the deduction of a reasonable administrative charge levied by the Board.

(3) The fees referred to in subsection (1) of this section may, from time to time, be varied by the Minister by Order published in the Official Gazette.

9. (1) A person to whom a licence is granted under this Act of licence shall, for the performance by him of every obligation in connection with the gaming service, and for the payment of any fine, make a cash deposit as may, by Order, be prescribed by the Minister.

(2) In case the licensee fails to pay any wager won by a player, or any tax or other sum due from him in connection with the wagering service, or to perform any other obligation which he is bound to perform, the Board may deduct from the cash deposit made by such person or may recover from that person by such other means as the law allows such sum of money.

(3) The Minister may, by Order published in the *Official Gazette*, vary the deposit referred to in subsection (1) of this section.

10. (1) Whenever a gaming tax is imposed and becomes payable under this Act, the licensee

shall collect the gaming tax and shall account for it in such a manner as may be prescribed by the Accountant General.

(2) The gaming tax due under this section shall be paid monthly to the Accountant General by the tenth day of every month, or at such other times or intervals as the Accountant General may, from time to time direct, together with the return in such form as may be specified by the Accountant General, and all such tax shall be credited to the Consolidated Fund.

11. (1) Every licensee shall keep and maintain a daily record of the amount of money collected in respect of physical gaming, internet gaming, horse or greyhound betting or sports book betting, as the case may be, and shall, upon request, make such record available to the Accountant General or the Director of Audit for examination and verification. The Accountant General or the Director of Audit may enter any licensed gaming premises and require the production, by the proprietor of the business, of such documents as may be reasonably required to ascertain the amount of the tax due.

12. (1) If any gaming tax remains unpaid for a period of one week after the date when it became due, the licensee shall be charged an additional amount equal to ten per cent of the amount remaining unpaid, and such sum shall be collectable from the licensee in the same manner as if it were part of the tax then due.

(2) For the purpose of levying any distress under this section, any person may, if expressly authorised by writing under the hand of the Accountant General, execute any warrant of distress, and if necessary break upon any building in the day time for the purpose of levying such distress.

(3) A person referred to in subsection (2) of this section may call to his assistance any police officer, and the police officer, when so required, shall aid and assist in the execution of any warrant of distress and in levying the distress.

(4) A distress warrant shall be in the form set out in the Schedule, Schedule to this Act or in such other form as the law allows.

13. (1) Where any goods and chattels of the licensee are distrained upon in accordance with the provisions of section 12 of this Act, the goods and chattels shall be marked and deposited in the same place, or left in the possession of some fit person as the Accountant General may determine.

(2) If the tax in respect of which the levy is made and all the expenses incidental to the levy are not sooner paid, all goods and chattels distrained upon under section 12 of this Act shall be sold at public auction at such place and during such hours as the Accountant General may determine.

(3) No sale under subsection (2) of this section shall take place within five days of the seizure of such goods and chattels unless the same are, in the opinion of the Accountant General of a perishable nature, or the owner of such goods and chattels has requested their earlier sale.

(4) The date, time and place of sale of all goods and chattels distrained upon under section 12 of this Act shall be advertised prior to the date of sale in at least one issue of the Gazette and

a newspaper circulating in Saint Kitts and Nevis unless such goods and chattels are being sold by the Accountant General before the expire of the period of five days under the circumstances referred to in subsection (3) of this section.

(5) The proceeds of sale of the goods and chattels shall be applied toward the payment of the expenses incidental to their seizure and sale and the payment of the tax in respect of which the ere seized and the balance, if any, shall be paid to the licensee from whom the goods and chattels were distrained upon.

14. (1) In addition to the procedure prescribed by sections 12 and 13 of this Act, the gaming tax may be recovered as a debt to the Crown from the licensee by such other lawful means.

(2) In any proceedings under this section; a certificate purporting to be signed by the Accountant General certifying the amount of tax due shall be regarded as *prima facie* evidence of that fact.

15. (1) A person who holds a licence in respect of internet gaming shall conduct internet gaming only if

- (a) the licensee has obtained approval of a control system and his entire operations from the Board: and
- (b) his operations are conducted in compliance with the control system.

(2) The Board may grant approval to a control system if it is satisfied that the licensee has provided adequate information about

- (a) the following things to be used for the conduct of his games:
  - (i) accounting systems and procedures and chart of accounts.
  - (ii) administrative systems and procedures.
  - (iii) computer software, where applicable,
  - (iv) standard forms and terms:
- (b) the general procedures to be followed for the conduct of games;
- (c) the procedures and standards for the maintenance, security, storage and transportation of equipment to be used for the conduct of games;
- (d) the procedures for recording and paying prizes won in games; and
- (e) the procedures for using and maintaining security facilities.

16. (1) A person who holds a licence in respect of internet gaming or sports book betting shall establish a master player's account with a bank licensed under the Banking Act 1991 for the purpose of processing the transactions of the players.

(2) The licensee referred to in this section shall not be directly or indirectly the beneficial owner or controller of a bank.

(3) An internet gaming player or sports book betting player shall hold an account with the licensee.

(4) An internet gaming player or sports book betting player shall place on deposit on the said account funds sufficient to cover any wager the player may place.

(5) The licensee shall identify means as may be acceptable to the Board, the funds placed on deposit for each player.

(6) Deposits on players' accounts shall only be made by cheque, cashier's cheque, money order, wire transfer, credit card or other electronic means.

(7) Any payment to a player shall be made only by cheque, cashier's cheque, money order, wire transfer or other electronic means except that payment may be made in cash in the case of a physical player.

(8) There shall be no limit on the amount of funds a player may deposit into a players' account.

(9) There shall be no limit on the amount which a player may wager, except that the total of all wagers placed by a player at any given time shall not exceed the total amount of the funds he has deposited into the players' account.

(10) The licensee may be required by the Board to provide a daily account of all gaming transactions and balances of each player.

(11) The licensee may charge a service fee for the processing of each player's transactions, which fee shall not exceed 5% of each transaction by a player, or the sum of US\$20.00, whichever is greater.

17. If no transaction is recorded on a players' account for the prescribed period of time, the licensee shall remit any remaining balance to the player, or if the player cannot be found, to an account at the department designated for the purpose under any regulations made under this Act.

18. (1) A licensee shall, where a player who is required to have an account wins a prize, immediately credit the amount of the prize to the player's account or to the player, as the case may be.

(2) A licensee shall, where a player wins a non-monetary prize, have the prize delivered personally or by post to the player or give the player written notice of an address in the Federation at which the prize may be collected.

(3) A person to whom any wagers, winnings, prize money or money's worth of any kind becomes due and payable from a licensee under this Act may recover the same from the person liable to pay and may institute proceedings in court to recover such wagers, winnings, prize money, or money's worth.

19. (1) A licensee shall prepare financial statements and accounts giving a true and fair view of the licensee's financial situation.

(2) The financial statements and accounts shall include the following:

- (a) statements in respect of each client's account:
- (b) profit and loss accounts for each financial year:
- (c) a balance sheet as at the end of each financial year.

20. (1) A licensee shall, at the end of each financial year, cause books, accounts and financial statements to be audited by an auditor, and shall provide the Board with a certified copy of the audited financial statement and accounts together with the auditor's report.

(2) Upon receipt of copies of the audited financial statements and accounts as required by subsection (1) of this section, the Board may, by written notice given to the licensee, require the licensee to give the Board such further information as is specified in the notice about any matter relating to the licensee's operations that is mentioned in the audit report.

#### **PART IV MISCELLANEOUS PROVISIONS**

21. (1) A licensee shall not permit a person to participate as a player in a game unless the person is registered with the licensee as a player and a person shall not participate as a player in a game unless he is registered as a player.

(2) An employee of a licensee shall not take part in a game conducted by his employer.

22. (1) A licensee shall only register a person as a player on receipt of an application for registration in that respect in a form approved by the Board.

(2) A person shall not be eligible for registration as a player unless he produces evidence that satisfies the licensee of the person's identity and place of residence and that he is at least 18 years of age.

(3) A licensee shall not register a player unless he is satisfied of the player's credentials as provided in subsection (2) of this section.

23. A player who participates in any game shall comply with the rules of the game as notified to the player under the conditions on which the game is conducted.

24. A licensee shall not provide credit to a player or act as agent for a credit provider to facilitate the provision of credit to a player.

25. (1) A licensee shall not conduct any business of physical gaming unless the premises from which the game is to be conducted are licensed for that purpose by the Board.

(2) A person who contravenes the Provisions of subsection (1) of this section commits an offence and shall be liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or both.

26. (1) Any person who

(a) fails to account for, or to pay the tax due under this Act; or

(b) furnishes any document that is required to be furnished under this Act that is false in any material particular; commits an offence and is liable, on summary conviction, to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding three years or both.

27. Any person who obstructs or hinders the Accountant General or any officer authorised by him in the performance of his duty or the exercise of his authority under this Act commits an

offence and shall be liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or both.

28. Where a person convicted of an offence under this Act is a body corporate, any person who at the date of the commission of the offence was a director or officer of the body corporate shall also be deemed to have committed that offence unless he proves that the offence was committed without his knowledge.

29. (1) Where a corporation is charged with all offence under this Act, or any regulations made under this Act, the 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.

(2) In this section 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 section authorised to do so, 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.

(3) A representative for the purposes of this section 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 having, or being one of the persons managing 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 section shall be admissible without further proof as *prima facie* evidence that the person has been so appointed.

30. A person who contravenes or fails to comply with the terms and conditions of a licence granted under this Act commits an offence and shall be liable, on summary conviction, to a fine not exceeding twenty-five thousand dollars, or to imprisonment for a period not exceeding three years or both.

31. (1) if a Magistrate or Justice of the Peace is satisfied, on information on oath, that there is reasonable ground for suspecting that all offence under this Act or under any Regulations made under this Act is being, has been or is about to be committed on any licensed gaming premises, he may

(a) 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;

(b) order any police officer who enters the premises under the authority of the warrant to seize and remove any document, money or valuable thing, or any instrument or other thing whatsoever found on the said premises which the police officer has reasonable cause to believe may be required as evidence for the purpose of proceedings in respect of any of the offence.

(2) The court before which any person is convicted of any offence under this Act may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited.

32. (1) No person to whom a licence has been granted under this Act shall transfer or assign it to any other person, or in any way alter, deface or destroy such licence before the date of expiration of the licence.

(2) Any person who contravenes or fails to comply with the provisions of this section commits an offence and shall be liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or both.

33. (1) The Board may suspend a licence issued under this Act if

- (a) the licensee is not, or is no longer, in the opinion of the Board, a suitable person to hold the licence;
- (b) the licensee is convicted of an offence under this Act;
- (c) the licensee is convicted of any serious offence under any other Act;
- (d) the licensee contravenes a condition attached to the licence;
- (e) the licensee fails to discharge his financial commitments under this Act;
- (f) the licensee is bankrupt, compounds with creditors or otherwise takes or applies to take advantage of any law of bankruptcy;
- (g) the licensee is affected by control action under the Companies Act, 1996;
- (h) the licensee obtained his licence by a materially false or misleading representation or in some other improper way;
- (i) the Minister requires that the licence be suspended to ensure that the public interest is not affected in an adverse and material way, or the integrity of the conduct of gaming is not jeopardised in any way.

(2) A suspension under this section shall

- (a) be effected by written notice given to the licensee;
- (b) take effect when the notice is given; and
- (c) be for such period of time as may be specified in the notice.

34. (1) The Board shall, by notice in writing to a licensee, cancel the licence if the Board is satisfied that a ground referred to in subsection (1) of section 25 exists.

(2) Cancellation of a licence shall take effect when the notice is given or, if the notice specifies a later day, on the later day.

(3) A person who is aggrieved by the decision of the Board to cancel his licence may appeal to the Minister.

35. (1) A licensee may, by written notice, surrender his licence.

(2) The surrender shall become effective.

- (a) if the Board approves in writing a day on which the surrender shall become effective and gives written notice of the fact to the licensee;
- (b) where there is no date approved by the Board, after three months from the date on which the notice of surrender is submitted to the Board.

36. Notwithstanding anything contained in any rule of law, no objection to any contract, bill or exchange, cheque, promissory note or other transaction relating to a gaming service licensed under this Act shall be taken or allowed in any court of law on the ground that such contract is directly or indirectly tainted with illegality or is against public policy.

37. (1) If, after making a wager in a game conducted by a licensee, a player's participation in the game is interrupted by a failure of an equipment or telecommunication system that presents the player from continuing with the game, the licensee shall give the player a chance to complete the game at first available opportunity.

(2) Where on the occurrence of the event referred to in subsection (1) of this section a player refuses to exercise the option to complete the game the player's bet shall be forfeited and the licensee shall pay the same to the gaming Board within seven days.

38. (1) A licensee who has reason to believe that the result of a game has been affected by an illegal activity shall withhold a prize in the game and inform the Board accordingly.

(2) Any money arising from the illegality referred to in subsection (1) of this section shall be paid into the escrow account of the Board.

39. (1) The Minister may, after consultation with the Board, make regulations generally for the purpose of controlling gaming and betting in the Federation.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister may make regulations for the following purposes, that is to say,

- (a) prescribing the form and content of the application for a gaming licence;
- (b) prescribing the criteria for eligibility for obtaining a gaming licence;
- (c) prescribing the terms and conditions to be attached to a gaming licence;
- (d) prescribing the fees to be charged for the issue of a gaming licence;
- (e) providing for the cards, tokens or other articles to be used in gaming, and for the supply or the inspection by the Accountant General of such cards, tokens or articles as aforesaid;
- (f) prescribing the records to be kept by the holders of physical gaming licences under this Act;
- (g) prescribing the accounts to be kept by the holders of physical gaming licences under this Act and requirements for the audit of such accounts;
- (h) providing for the supply to the Minister of information regarding premises licensed under this Act and the activities of any person upon such premises;
- (i) with respect to the stationing of inspectors or other officers upon premises licensed under this Act and the functioning of such officers;
- (j) prescribing maximum stakes which may be permitted in any physical gaming, at premises licensed under this Act;
- (k) verifying and checking the amount of takings on any day or during any period at premises licensed under this Act;
- (l) for any purpose for which regulations are authorised or required to be made under this Act;
- (m) prescribing anything authorised or required by this Act to be prescribed;
- (n) prescribing the manner in which disputes between the licensee and any other person may be determined;

(3) Regulations made under this section may provide for offences for breach of any regulation so made and may provide for a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding three years or both where a person is, on summary conviction convicted of the offence.

40. The Betting and Gaming Act, No. 17 of 1969 is repealed, except that any regulations made under that Act shall remain in force in respect of physical gaming until new regulations are made under this Act.

Passed by the National Assembly this 7<sup>TH</sup> day of December 1999.

Alphonso Lewis

Clerk to the National Assembly

**SCHEDULE  
DISTRESS WARRANT**

TO \_\_\_\_\_  
(person authorised) and to all Police Officers

I, \_\_\_\_\_ Accountant General of Saint Kitts and Nevis, by virtue of the power vested in me by section 12 of the Gaming and Betting (Control) Act, do hereby authorise you to collect and recover the several amounts due for a gaming tax from the licensees specified in the list attached hereto, together with the additional sum of ten per cent accruing under the Act, and for the recovery thereof.

I further authorise you that you, with the aid, if necessary, of your assistants and calling to your assistance any Police Officer, if necessary, which assistance they are hereby required to give, do forthwith levy by distress such sums, together with the additional sum of ten percent and also the costs and charges of and incidental to the taking and keeping of such distress, on the hoods, chattels, or other distrainable things, of the licensee charged with such tax or sum. and for the purpose of levying such distress you are hereby authorised, if necessary, with such assistance as mentioned before, to break any building in the daytime and for so doing this shall be your warrant.

Give under my hand and seal at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
ACCOUNTANT GENERAL