BELIZE

COMPUTER WAGERING LICENSING ACT
CHAPTER 149

REVISED EDITION 2020

SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

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CHAPTER 149

COMPUTER WAGERING LICENSING

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CHAPTER 149

COMPUTER WAGERING LICENSING

21 of 1996.
S.I. 75 of 1996.

[9th January, 1996]

PART I

Preliminary

Short title.

1. This Act may be cited as the Computer Wagering Licensing Act.

Interpretation.

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

"Bank" means any financial institution which is licensed to carry on banking business in Belize under the Banks and Financial Institutions Act, Cap. 263;

"Board" means the Belize Computer Wagering Licensing Board established under section 4 of this Act;

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

"computer user" or "user" means any person who is accessing information through the computer internet;

"computer wagering service" means computer service which allows computer users to wager on sporting events or other games of chance against each other through the computer internet;

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"licence" means a licence issued under this Act authorising the operation or provision of a computer wagering service;

"licence holder" means a person who has been granted a licence under this Act;

"Minister" means the Minister for the time being responsible for computer wagering.

PART II

Control of Computer Wagering

Provision of computer wagering service without a licence unlawful.

3.-(1) No person shall provide, or in any way assist in providing, a computer wagering service unless he obtains a licence so to do in accordance with this Act and in such manner and in compliance with such conditions as may be prescribed by the Board.

(2) Any person who contravenes the provisions of subsection (1) of his section, commits an offence.

Establishment of Belize Computer Wagering Licensing Board.

4.-(1) There shall be established for the purposes of this Act a Board called the "Belize Computer Wagering Licensing Board", consisting of the Accountant General, the Auditor General, the Chief Executive Officer to the Ministry for the time being responsible for computer wagering, and three other persons appointed by the Minister, one of whom shall be appointed on the recommendation of the Leader of the Opposition.

(2) The three members appointed by the Minister under subsection (1) of this section, shall hold office for such period as may be specified in the instrument of appointment but may be removed earlier by the Minister for fit and proper cause,

Provided that the member who was appointed on the recommendation of the Leader of the Opposition shall not be

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removed by the Minister except at the request of the Leader of the Opposition.

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

(4) The Chairperson shall preside at all meetings of the Board and in his absence the members present may elect a Chairperson 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 Chairperson 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.

(7) Any application for a licence and all other matters connected therewith shall be made or referred to the Board.

Functions of the Board.

5.-(1) The duties and powers of the Board shall be to control and regulate persons who provide computer wagering services.

(2) For the purpose of performing its functions under subsection (1) of this section, the Board shall have power,

(a) to grant written licences to such persons to provide a computer wagering service;

(b) to make regulations for the following purposes,

(i) prescribing the conditions to be observed by the person providing such computer wagering service and the liability of any such person;

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(ii) prescribing the form and contents of the application for a licence to provide such computer wagering service and of any other document connected therewith;

(iii) controlling and regulating all matters connected with or incidental to the provision of computer wagering services licensed under this Act;

(iv) prescribing the manner in which disputes between computer users and licence holders may be determined.

(3) Regulations made by the Board under this Act shall not come into force until they have been approved by the Minister.

(4) Such regulations may provide that any breach thereof shall be punishable on summary conviction by a fine not exceeding five thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and term of imprisonment.

Application for a licence.

6.-(1) Every person who intends to provide a computer wagering service shall, before taking any steps for that purpose, apply to the Board for a licence to do so.

(2) Subject to the provisions of this Act, the Board may grant to any fit and proper person,

(a) a licence to provide a computer wagering service;

(b) with the prior approval of the Minister, an exclusive licence to provide a computer wagering service for a period not exceeding two years.

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(3) A licence to provide a computer wagering service shall not be granted to any person who,

(a) is under the age of 18 years;

(b) has been convicted in a court of law (whether in Belize or elsewhere) in the three years immediately preceding the date of his application of any offence involving dishonesty;

(c) is known to be of bad character; or

(d) in the opinion of the Board, is for good reason an undesirable person, the Board stating its reasons for the opinion at the time of refusing the licence.

(4) Any person who is aggrieved by the refusal of the Board to grant him a licence to provide a computer wagering service may appeal to the Minister whose decision thereon shall be final.

Fees payable.

7.-(1) Upon application to provide a computer wagering service, the applicant shall pay to the Board,

(a) in respect of a licence to provide a computer wagering service, a fee of one hundred thousand dollars;

(b) in respect of an exclusive licence to provide a computer wagering service, a fee of two hundred thousand dollars per year for each year of exclusivity.

(2) An annual licence shall commence on 1st April of any year and shall expire on 31st March of the following year.

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(3) The fees received by the Board under this Act shall be paid to the credit of the Consolidated Revenue Fund,

Provided 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.

(4) The fees payable under this section may from time to time be varied by the Minister by Order published in the *Gazette*.

Security for performance of obligations by the licensee.

8.-(1) Every person to whom a licence is granted under this Act shall, for the performance by him of every obligation of whatever kind in connection with the computer wagering services, and for the payment of any fine, make a cash deposit of five hundred thousand United States dollars.

(2) In case the licence holder fails to pay any wagers won by the computer users, or any tax or other sum due from him in connection with the computer wagering service, or to perform any other obligations which he is bound to perform, the Board may deduct such money from the cash deposit made by such person or may recover it from that person by such other means as the law allows.

Maintenance of accounts and computer users' deposits.

9.-(1) Every licence holder shall establish an account with a bank for the purpose of processing the transactions of computer users.

(2) Each computer user shall place on deposit in the said account funds sufficient to cover any wager the computer user may place.

(3) The licence holder shall identify, by such means as may be acceptable to the Board, the funds on deposit for each computer user.

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(4) There shall be no cash deposits by any computer user and funds may be placed on deposit only by cheque, cashier's cheque, money order, wire transfer or other electronic means.

(5) No funds shall be paid to any computer user in cash out of his deposit and shall be payable only by cheque, cashier's cheque, money order, wire transfer or other electronic means.

(6) There shall be no limit on the amount of funds a computer user may deposit into his account.

(7) There shall be no limit on the amount which a computer user may wager against other users of computer internet provided that the total of all wagers placed by a computer user at any given time does not exceed the total amount of funds he has deposited into his account.

(8) The licence holder may be required by the Board to provide a daily account of all computer user transactions, and balances of each computer user.

(9) The licence holder may charge a service fee for the processing of each computer user's transactions of an amount not exceeding 5 per cent of each transaction by a computer user, or the sum of US$20. whichever is greater. The service fee so imposed may be deducted from the computer user's funds on deposit at the time a wager is confirmed.

PART III

Miscellaneous

Offences in connection with computer wagering services.

10.-(1) Every person who contravenes or fails to comply with any provision of this Act commits an offence.

(2) Every person who provides or assists in providing a computer wagering service without being licensed to do so under this Act shall be liable to a fine not exceeding fifty

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thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

(3) Subject to subsection (2) of this section, every person who violates any other provision of this Act shall, unless any other penalty is specifically provided, be liable to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

(4) Where a person convicted of an offence under this Act is a body corporate, every 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 be guilty of that offence unless he proves that the offence was committed without his knowledge.

(5) All proceedings for offences under this Act shall be taken under and in accordance with the Summary Jurisdiction (Offences) Act, Cap. 98 and Summary Jurisdiction (Procedure) Act, Cap. 99.

Revocation of licence.

11-(1) A licence granted under this Act may at any time be revoked by the Board without compensation, for breach of any provision of this Act, of any regulations made thereunder, or of any condition attached to the licence, without prejudice to any other penalties imposed by or under this Act.

(2) Any person who is aggrieved by the decision of the Board to revoke the licence may appeal to the Minister whose decision thereon shall be final.

Collection of income tax on wagers.

12.-(1) Every person who pays any wagers, winnings or prize won by computer users shall, before paying any such wagers, winnings or prizes, deduct therefrom tax at the rate of fifteen per cent of such wagers, winnings or prize, and shall forthwith pay over to the Commissioner of Income Tax the amount of tax so deducted, and every such amount shall be a debt owing from him to the Government and shall be recoverable as such.

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(2) Whoever fails or neglects to deduct the tax or to pay the same to the Commissioner of Income Tax as provided in subsection (1) of this section, without prejudice to any other remedy available to the Commissioner of Income Tax, 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 to both such fine and term of imprisonment.

Validity of contracts, etc.

13.-(1) Notwithstanding anything contained in the Gambling Prevention Act, Cap. 109, or any other rule of law, no objection to any contract, bill of exchange, cheque, promissory note or other transaction of any kind relating to a computer wagering service licensed under this Act 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.

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

Power to issue search warrant.

14.-(1) Any magistrate or Justice of the Peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are being used for the purpose of the commission of an offence under this Act in connection with a computer wagering service or proposed computer wagering service, may grant a warrant under his hand authorising any police officer at any time or times within fourteen days from the date thereof to enter, if necessary by force, the said premises and every part thereof, and to search for, seize and remove any documents, money or valuable thing therein which he has reasonable ground to suspect are on those premises for any purpose which constitutes an infringement of any provision of this Act or regulations made thereunder.

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(2) The court before which a person is proved to have committed any offence under this Act in relation to a computer wagering service or proposed computer wagering service shall order to be forfeited any money or valuable thing produced to the court which is shown to the satisfaction of the court to be related to the offence and shall order to be destroyed all documents produced to the court which are shown to the satisfaction of the court to relate to the computer wagering service.

Regulations.

15. The Minister may, after consultation with the Board, make regulations for the better carrying out of the provisions of this Act and for prescribing anything that needs to be prescribed.

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