

GAMBLING REGULATORY AUTHORITY ACT

Act 9 of 2007 – 10 September 2007

(unless otherwise indicated)

Amended GN 170/11; GN 171/11; 37/11; GN 122/12 (cio 16/6/12); 26/12 (cio 22/12/12; 1/3/13 – s.10(w); 1/7/13 – s. 10(i), (v)); 26/13 (cio 31/1/14); 9/15 (cio 14/5/15, 1/7/15, 1/6/16); 18/16 (cio 7/9/16; 1/10/16); 10/17 (cio 24/7/17, 6/10/17 – ss. 23(a), (d), (e), (h), (l) to (u), (v) insofar as it relates to s. 108C, (w) to (z), (zb) (zd) and (ze); NIF); 10/17 (s23(f) and (g) – cio 1/1/18); 10/17 – P14/18 (cio 12/4/18); 11/18 (cio 1/3/18, 1/8/18, 9/8/18, 1/3/19); 11/18 – P31/18 (cio 30/11/18); P5/19 (s. 28(5) cio 1/2/19); 10/17 – P1/19 (cio 30/1/19);13/19 – P30/19 (cio 31/7/19, 31/10/19, 2/3/2020, 1/8/2020); 1/2020 (cio 23/3/2020); 5/2020 (cio 9/7/2020, partly NIF); 7/2020 (cio 23/3/2020, 31/8/2020, 1/11/2020, partly NIF); 15/21 (cio 31/8/2020, 5/8/21, 1/9/21, 1/10/21, NIF)

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GAMBLING REGULATORY AUTHORITY ACT

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Gambling Regulatory Authority Act.

2. Interpretation

In this Act—

“agent of a foreign pool promoter” means a licensee that promotes the activities of a foreign pool promoter;

[RR. 10/17 (cio 6/10/17).]

“amusement machine” means an electromechanical or other device which, on insertion of a coin, bank note, electronic credit, token or similar object or on payment of any other consideration,

enables any person to play a game whereby the person, by reason of skill or of skill coupled with an element of chance, may win a prize which is limited to—

- (a) more than one opportunity to play a further game;
- (b) one or more non-cash prizes with a combined retail monetary value not exceeding 500 rupees or such other amount as may be prescribed;
- (c) tickets or tokens redeemable for one or more non-cash prizes with a combined retail monetary value not exceeding 500 rupees or such other amount as may be prescribed; or
- (d) cash equivalent to the amount the player inserts in the machine to play;

“approved auditor” has the same meaning as in the Companies Act;
[Inserted 10/17 (cio 6/10/17).]

“Authority” means the Gambling Regulatory Authority established under section 3;

“beneficial owner” –

- (a) means the natural person who ultimately owns or controls the person on whose behalf an application for the issue or renewal of a licence is made; and
- (b) includes the natural person who exercises ultimate effective control over the person on whose behalf an application for the issue or renewal of a licence is made;

[Inserted 5/2020 (cio 9/7/2020).]

“bet” means—

- (a) stake, or stake on behalf of another person; or
 - (b) expressly or impliedly, undertake, promise or agree to stake on behalf of another person, any money or money's worth on any event or contingency;
- “bet-related service” means any activity or service, including, but not limited to, any digital, electronic or financial service which facilitates the placing or offering of bets in Mauritius;

[Inserted 7/2020 (cio 31/8/2020).]

“bill validator” means a device designed to interface with a gaming machine for the purpose of validating currency;

[Inserted 5/2020 (cio 9/7/2020).]

“Board” means the Gambling Regulatory Board referred to in section 5;

“bookmaker” means a licensee who receives or negotiates bets on the basis of fixed odds on the result of an event or contingency;

“bookmaker's clerk” means a person registered under section 49;

“cash” –

- (a) means money, in notes or coins, of Mauritius or in any other currency; and
- (b) includes any cheque which is neither crossed nor made payable to order, whether in Mauritius currency or in any other currency;

[Inserted 10/17 (cio 6/10/17).]

“casino” means any premises approved by the Board, where casino games are played or are

available to be played;

“casino game” means any game specified in Part I of the First Schedule;

“casino operator” means a company licensed to operate a casino;

“Chairperson” means the Chairperson of the Board;

“Chief Executive” means the Chief Executive of the Authority referred to in section 13;

“collector” means a person that transacts pool betting activities on behalf of, a local pool promoter, or an agent of a foreign pool promoter;

[RR. 10/17 (cio 6/10/17); amended 13/19 (cio 31/7/19).]

“company” has the same meaning as in the Companies Act;

[Inserted 5/2020 (cio 9/7/2020).]

“Director-General” means the Director-General of the Mauritius Revenue Authority;

“duty”—

(a) means the duty payable under section 114(5), (6) and (7); and
[Amended 9/15 (cio 1/7/15); 18/16 (cio 7/9/16).]

(b) includes any penalty and any interest imposed under this Act; but

(c) does not include any fine;

“employee” means a person employed by the Authority pursuant to section 14;

“event or contingency” means—

(a) any sporting event; or

(b) any prescribed event or contingency, the outcome of which is uncertain or unknown to any person;

“financial institution” has the same meaning as in the Banking Act;

“FIU” has the same meaning as in the Financial Intelligence and Anti-Money Laundering Act;

[Inserted 26/12 (cio 22/12/12).]

“fixed odds bet” means a bet on any event or contingency in which odds are agreed at the time the bet is placed;

“foreign pool promoter” means a person authorised, in a country outside Mauritius, to carry on the business of receiving or negotiating bets by way of pool betting on any event or contingency taking place outside Mauritius, including a combination of horse races;

[RR 13/19 (cio 31/7/19).]

“foreign race” means a horse race organised at a racecourse outside Mauritius;

“foreign race inter-totalisator betting” means betting through a totalisator in Mauritius on a foreign race, where the money bet on each pool is combined with the money bet on the corresponding pool of an organisation operating outside Mauritius and conducting totalisator betting on the foreign race to form one pool, from which the dividends are calculated, declared and paid;

“gambling”—

(a) means paying or staking consideration, directly or indirectly, on the outcome of something with a view to winning money when the outcome depends wholly or partly on chance; and

- (b) includes—
- (i) playing any casino game, gaming house game or on any gaming machine or limited payout machine;

[Amended 37/11 (cio 15/12/11).]

- (ii) pool betting; and
- (iii) betting, paying, or staking consideration on the outcome of any event or contingency;

“gaming house” means any premises approved by the Board where gaming house games are played or are available to be played;

“gaming house game” means any game specified in Part II or III of the First Schedule;

“gaming house operator” means, in the case of —

(a) a gaming house “A” licence, a company licensed to operate the gaming house; or

(b) a gaming house “B” licence, any person licensed to operate the gaming house;

“gaming machine” –

(a) means an electro-mechanical or other device which, on insertion of a coin, bank note, electronic credit, token or similar object or on payment of any other consideration, is available to be played or operated and the playing or operation of which, by reason of the skill of the player or operator or through an element of chance or both, may deliver, or entitle the person playing or operating the machine, or any other person, to receive cash, cheques, credit, electronic credits, debits, tokens, tickets or prizes; and

(b) includes a machine—

(a) which produces a random combination of symbols on reels; or

(b) on which a player is able to play roulette, bingo, 21, blackjack, chemin de fer, baccarat, poker, Chinese roulette, keno or on horse racing or games of similar type,

(c) but does not include an amusement machine or limited payout machine;

[Amended 37/11 (cio 15/12/11).]

“gaming machine operator” means a person licensed to operate a gaming machine;

[Amended 18/16 (cio 7/9/16).]

“gaming technician” –

(a) means a person employed by a casino operator or gaming machine operator for the purpose of –

(i) assisting a customer to operate a gaming machine; or

(ii) maintaining, repairing or servicing a gaming machine; and

(b) includes a croupier or dealer;

[Inserted 10/17 (cio 6/10/17).]

“General Fund” means the General Fund set up under section 11;

“gross proceeds” means the turnover less any refund of cancelled bets;

[Inserted 15/21 (cio 5/8/21).]

“gross stakes”, in respect of –

- (a) fixed odd betting, means the total amount collected as stakes net of betting tax and refunds or cancelled bets;
- (b) pool betting and totalisator betting, means the gross amount placed as bets, including any reinvestment less any refund in respect of cancelled bets;

[Inserted 15/21 (cio 5/8/21).]

“gross taking” means the gross amount staked less any winning payable;

[Inserted 15/21 (cio 5/8/21).]

“horse race” includes the conduct or presentation of any form of racing in which horses participate;

“Horse Racing Division” means the Horse Racing Division established under section 15A;

[Inserted 15/21 (NIF).]

“horse racing organiser” means a public limited company set up with the object of organising horse races in Mauritius;

[Amended 5/2020 (cio 9/7/2020).]

“hotel” has the same meaning as in the Tourism Authority Act;

[Inserted 11/18 (cio 1/8/18).]

“hotel casino” means a hotel holding a licence to operate casino games;

[Inserted 11/18 (cio 1/8/18).]

“hotel casino game” means –

[Inserted 11/18 (cio 1/8/18).]

- (a) a game specified in Part I or II of the First Schedule;
- (b) such games as the Board may approve; or
- (c) a game played on a hotel casino gaming machine;

[Inserted 11/18 (cio 1/8/18).]

“hotel casino gaming machine” means a gaming machine operated exclusively in a hotel casino;

[Inserted 11/18 (cio 1/8/18).]

“hotel casino operator” means a person holding a licence to operate hotel casino games within a hotel casino;

[Inserted 11/18 (cio 1/8/18).]

“IFRS” has the same meaning as in the Financial Reporting Act;

[Inserted 10/17 (cio 6/10/17).]

“inspector”—

- (a) means a person employed as such by the Authority under section 14 (1); and

- (b) includes –
- (i) any person authorised in writing by the Chief Executive under section 14(2); and
 - (ii) the Director-General or any officer under the Mauritius Revenue Authority Act, authorised in writing by the Director-General to act as inspector;

[Repealed and replaced 26/12 (cio 22/12/12).]

“interactive gambling” means any prescribed game, whether by way of virtual online gambling or gambling on a separate physical event, that involves an element of chance and an element of skill or an element of chance only, played or available to be played through the internet or such other electronic communication system as may be approved by the Board;

“interactive gambling operator” means a company licensed under this Act to operate interactive gambling;

“jockey” –

- (a) means a person qualified to ride a horse; and
- (b) includes a jockey or a professional jockey, apprentice and a track rider, duly licensed by the Horse Racing Division;

[RR 15/21 (cio 5/8/21).]

“levy” means the levy payable under section 114;

[Inserted 18/16 (cio 7/9/16).]

“licence” means any licence issued under this Act;

“licensed equipment” means an equipment or a machine in respect of which a licence is issued under this Act;

[Inserted 11/18 (cio 1/8/18).]

“licensee” means a person issued with a licence;

“limited payout machine” means –

- (a) an electromechanical machine;
- (b) a virtual, multiplayer station or stand-alone roulette machine; or
- (c) any other device,

which complies with such technical standards as the Board may approve and which, on insertion of a coin, bank note, player card, electronic credit, token, or similar object or on payment of any other consideration, enables a person to play a game approved by the Authority, whereby the person, by reason of skill, or through an element of chance or both, receives electronic credits, tokens, jackpots or tickets that are exchangeable in return for prizes and that are limited to –

- (i) one opportunity or more to play a further game;
- (ii) electronic credits, tokens, jackpots or tickets for one or more cash prizes with a combined retail monetary value not exceeding 10,000 rupees or such other amount as may be prescribed; or
- (iii) cash equivalent to the amount that the person inserts in the machine; “limited payout

“machine operator” means a person licensed to operate a limited payout machine;
[RR 7/2020 (cio 31/8/2020).]

“limited payout machine technician” means a person employed by a limited payout machine operator for the purpose of –

- (a) assisting a customer to operate a limited payout machine; or
- (b) maintaining, repairing or servicing a limited payout machine;
[Inserted 18/16 (cio 7/9/16).]

“local pool promoter” means a licensee who carries on the business involving the receiving or negotiating of bets by way of pool betting in Mauritius;

“local race” means a horse race organised at a racecourse in Mauritius;

“local race inter-totalisator betting” means betting through a totalisator on a local race, where the money bet on each pool of an organisation operating outside Mauritius and conducting such betting is combined with the money bet on the corresponding pool of the totalisator in Mauritius to form one pool, from which the dividends are calculated, declared and paid;

“lottery”—

- (a) means a scheme or device for the distribution by chance of prizes or of any right to, or share in, a prize depending upon, or to be determined by, lot or drawing, whether out of a box or other receptacle, or by cards, token, coin or dice, or by any machine, ticket, envelope or device or any other chance whatsoever, where, in order to participate in the scheme or device, a person is required to hold a ticket which he has to purchase, or obtains freely or on purchase of goods or services or is given a right to the chance by any other means; and
- (b) includes a competition scheme for the distribution of prizes, or of any right to, or share in, a prize where—
 - (i) in order to participate in the scheme, a person is required—
 - (A) to fill an entry form, which he obtains freely, whether on purchase of goods or services or not; or
 - (B) to use a remote communication system; and
 - (ii) the distribution depends, at any stage of the scheme, upon a genuine or purported display of knowledge or skill, notwithstanding that the distribution also depends, at some stage of the scheme, on an element of chance; but
- (c) does not include sweepstakes or lottery games;
[Amended 11/18 (cio 1/8/18).]

“lottery game” means any game, scheme, system, plan, promotion, competition, instant-win game other than instant lottery game organised in connection with trade promotion, online lottery or other arrangement for distributing prizes by lot or by chance, as may be prescribed to form part of the Mauritius National Lottery;

“lottery retailer” means a person who holds a registration certificate under Sub-Part B of Part XV;

“Lotto Fund” means the Lotto Fund set up under section 85;
[Inserted 18/16 (cio 7/9/16).]

“Managing Committee” means the Managing Committee referred to in section 11B;
[Inserted 18/16 (cio 7/9/16).]

“Mauritius National Lottery” means the lottery games that are prescribed to form part of the Mauritius National Lottery;

“Mauritius Revenue Authority” means the Mauritius Revenue Authority established under the Mauritius Revenue Authority Act;

“member”—

- (a) means a member of the Board; and
- (b) includes the Chairperson and the Vice-chairperson;

“Minister” means the Minister to whom responsibility for the subject of Gambling Regulatory Authority is assigned;

[Amended 9/15 (cio 14/5/15).]

“NIC number” has the same meaning as in the Civil Status Act;

[Inserted 13/19 (cio 31/7/19).]

“National Solidarity Fund” means the National Solidarity Fund established under the National Solidarity Fund Act;

“net proceeds” means the gross proceeds less sums paid out for prizes;

[Inserted 15/21 (cio 5/8/21).]

“Operator” means a company promoted by the State Investment Corporation Ltd and licensed to operate the Mauritius National Lottery and video lottery terminals;

“owner” means a person who holds –

- (a) a part or full interest in one or more horses; and
 - (b) a Personal Management Licence;
- [Inserted 15/21 (cio 5/8/21).]

“player card” means a card issued for the purpose of transacting a bet in excess of such amount as may be prescribed;

“player card account” means an account held by a licensee for the purpose of operating a player card;

[Inserted 10/17 (cio 6/10/17).]

“pool betting”—

- (a) means a form of betting where—
 - (i) a person participates in a competition for making a forecast on any event or contingency on coupons or other forms in any manner as the Board may approve;
 - (ii) a person pays stakes for his participation; and
 - (iii) the stakes for each competition are aggregated and dividends are declared and paid to winners on the result of any event or contingency and determined by reference to the stake money paid by those persons; but
- (b) does not include lottery games;

“premises” includes any house, building, ship, boat, vehicle and any open or enclosed area;

“promoter's commission”, in relation to pool betting, means the amount by which the aggregate

total stakes in all the competitions exceed the sum of—

- (a) the aggregate prizes in the competitions;
- (b) the aggregate pool betting duty and tax payable in respect of the competitions; and
- (c) the expenses actually incurred by the promoter in the conduct of the competitions, excluding any expenses properly chargeable to capital and any interest on borrowed money, and in particular, excluding any provision for depreciation of buildings or equipment, any emoluments payable to the promoter, or any emoluments payable to any other person whether or not those emoluments depend to any extent on the profits of the promoter;

“proscribed organisation” has the same meaning as in the Prevention of Terrorism Act; [Inserted 10/17 (cio 6/10/17).]

“punter” means a person who places a bet with a bookmaker or totalisator operator;

“racecourse” means premises approved by the Board, which are designed, used or adapted for use for horse racing;

“race meeting” means an event at which horse races are conducted at a racecourse;

“racing fixtures” means such fixtures as the Horse Racing Division may determine; [Inserted 15/21 (NIF).]

“racing steward” means a person to whom responsibility is assigned by a horse racing organiser for detecting and sanctioning any malpractice in horse racing;

“remote communication” means communication using the internet, telephone or such other electronic communication system as the Board may approve;

“Responsible Gambling and Capacity Building Fund” means the Responsible Gambling and Capacity Building Fund set up under section 11A;

[Inserted 18/16 (cio 7/9/16).]

“Revenue Laws” has the same meaning as in the Mauritius Revenue Authority Act;

“Rules of Racing” means the Rules of Racing made by a horse racing organiser governing the organisation, conduct, regulation, control, supervision and management of horse racing;

“specified licensee” means a licensee having reported earnings of not less than 10,000,000 rupees in one financial year;

[Inserted 10/17 (cio 6/10/17).]

“sporting event” means a horse-race or football league which takes place outside Mauritius;

[RR 18/16 (cio 7/9/16); RR 7/2020 (cio 31/8/2020).]

“stand”, in relation to a racecourse in Mauritius, means an area where the public is admitted on presentation of an admission ticket issued by a horse racing organiser;

“suspicious transaction” means a transaction which –

- (a) gives rise to a reasonable suspicion that may involve –
 - (i) the laundering of money or the proceeds of any crime; or

- (ii) funds linked or related to, or to be used for, the financing of terrorism or proliferation financing or, any other activity or transaction related to terrorism as specified in the Prevention of Terrorism Act or under any other enactment, whether or not the funds represent the proceeds of a crime;
- (b) is made in circumstances of unusual or unjustified complexity;
- (c) appears to have no economic justification or lawful objective;
- (d) is made by, or on behalf of, a person whose identity has not been established to the satisfaction of the person with whom the transaction is made; or
- (e) for any other reason, gives rise to suspicion;
[RR 15/21 (cio 5/8/21).]

“sweepstake” means a form of lottery where the winner is determined by a draw and on the result of such horse race as the Board may approve;
[RR. 10/17 (cio 6/10/17).]

“sweepstake organiser” means a company licensed to organise sweepstakes;

“sweepstake retailer” means a person who holds a registration certificate granted under section 52B;
[Inserted 11/18 (cio 1/8/18).]

“tax”—

- (a) means the tax payable under section 114(1), (1A), (2), (3) and (8); and
[Amended 18/16 (cio 7/9/16); 11/18 (cio 1/8/18).]
- (b) includes –
 - (i) any sum due under section 60(1A); and
 - (ii) any penalty and any interest imposed under this Act; but

[Repealed and replaced 26/12 (cio 22/12/12).]

- (c) does not include any fine;

“totalisator”—

- (a) means a scheme or system by means of which bets are accepted and aggregated and dividends are calculated, declared and paid on a proportional basis dependent on the result of a horse race or a series of horse races in accordance with such formulae as the Board may approve; and
- (b) includes a device, instrument, machine, computer or other thing used to effect the aggregation of bets and the distribution of dividends;

“totalisator operator” means a public company licensed under this Act to operate a totalisator;

“veterinarian” means a veterinarian licensed by the Horse Racing Division to provide veterinary services to horses;
[Inserted 15/21 (NIF).]

“video lottery terminal” or “VLT”—

- (a) means an electromechanical machine which, on insertion of a coin, bank note, electronic credit, token or similar object or by means of a voucher or on payment of any other

consideration, enables a person to play a game whereby the person receives vouchers or tickets representing cash prizes won, based on the determination of the video lottery central computer system; and

- (b) includes an electromechanical machine to play—
 - (i) a game where players compete against each other from the same set of numbers for a common prize;
 - (ii) a random-number generated game where each game is at random and is generated by the video lottery central computer system; and
 - (iii) an electric-instant lottery game which is similar to a paper-based scratch lottery card delivered electronically through the video lottery machine; but
- (c) does not include an amusement machine, an limited payout machine or a gambling machine.

[Amended 37/11 (cio 15/12/11).]

[S. 2 amended by s. 9 (a) of Act 20 of 2009 w.e.f. 1 January 2011; s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 21 of Act 9 of 2015 w.e.f. 14 May 2015, 1 July 2015; s. 25 of Act 18 of 2016 w.e.f. 7 September 2016; s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 32 of Act 11 of 2018 w.e.f. 1 August 2018; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019; s. 11 of Act 5 of 2020 w.e.f. 9 July 2020; s. 25 of Act 7 of 2020 w.e.f. 31 August 2020; s. 35 of Act 15 of 2021 w.e.f. 5 August 2021; partly NIF]

PART II – THE GAMBLING REGULATORY AUTHORITY

3. Establishment of Authority

(1) There is established for the purposes of this Act the Gambling Regulatory Authority which shall be a body corporate.

(2) The Authority shall comprise—

- (a) the Office of the Chief Executive; and
- (b) the Inspectorate Division, Investigations Division, Internal Audit Division and such other divisions as the Board may set up.

4. Objects of Authority

The objects of the Authority shall be to—

- (a) regulate and control gambling activities and the organisation of lottery games, sweepstakes and lotteries;
- (b) regulate and monitor the organisation of horse racing;
- (c) promote public confidence in the integrity of the gambling industry and the horse racing industry;
- (d) ensure that gambling is conducted in a fair and transparent manner;
- (e) foster responsible gambling in order to minimise harm caused by gambling;
- (f) promote tourism, employment and economic development generally; and
- (g) promote the welfare and leisure of the race-going public.

5. The Board

(1) The Authority shall be administered and managed by a Gambling Regulatory Board which shall consist of—

- (a) a Chairperson;

- (b) a Vice-Chairperson;
- (c) a representative of the Prime Minister's Office;
- (d) a representative of the Attorney-General's Office;
- (e) a representative of the Ministry responsible for the subject of finance;
- (f) a representative of the Ministry responsible for the subject of tourism;
- (g) a representative of the Commissioner of Police; and
- (h) 3 other members having adequate experience in economics, accountancy, law, scientific or business administration.

(2) The Chairperson, Vice-Chairperson and the 3 members referred to in subsection (1) (h) shall be appointed by the Minister on such terms and conditions as he may determine.

(3) Where the Chairperson is absent or unable to exercise his functions for any reason, the Vice-Chairperson shall act in his stead.

(4) No person having had or having any direct or indirect interest in any activity regulated by this Act in the previous 5 years shall be appointed as a member.

(5) Every member shall be paid by the Board such fees as the Board may, with the approval of the Minister, determine.

6. Functions of Board

The Board shall have such functions as are necessary to further most effectively the objects of the Authority and in particular to—

- (a) ensure that a horse racing organiser effectively discharges its responsibilities regarding the organisation of horse racing in all its aspects, including safety, comfort and standards of hygiene, security, discipline and the prevention of fraud;
- (aa) ensure, where a horse racing organiser is paid such amount as the Board may determine by a totalisator operator, a bookmaker, a sweepstakes organiser or an operator of dart games to use its race cards and fixtures, that the horse racing organiser does not prevent the totalisator operator, bookmaker, sweepstakes organiser or operator of dart games from using its race cards and fixtures;

[Inserted 10/17 – P14/18 (cio 12/4/18).]

- (b) ensure that there is transparency and good governance in the conduct of gambling, lottery games, sweepstakes and lotteries and in the organisation of horse racing;

[Amended 11/18 (cio 30/11/18).]

- (c) regulate and control the operations of gambling, lottery games, sweepstakes and lotteries;
- (d) initiate, develop and implement strategies conducive to the development of gambling, horse racing, lottery games, sweepstakes or lotteries and the protection of the public in relation thereto;

[Amended 11/18 (cio 30/11/18).]

- (e) coordinate with the *Police des Jeux* for the prevention of illegal gambling and other malpractices in any activity regulated under this Act and for the detection of fraud in gambling, horse racing, lottery games, sweepstakes or lotteries;

[Amended 11/18 (cio 30/11/18).]

- (f) do such things as are incidental or conducive to the performance of any of its functions under this section; and
- (g) advise the Minister on any matter relating to gambling, horse racing, lottery games,

sweepstakes or lotteries.

[S. 6 amended by s. 23(b) of Act 10 of 2017 w.e.f. 12 April 2018.]

7. Powers of Board

(1) The Board shall have such powers as are necessary to enable it to effectively discharge its functions and in particular to—

- (a) issue, renew, suspend or revoke any licence;
- (aa) extend, during the COVID-19 period, the validity of any licence for such period and on such terms and conditions as the Board may determine;
[Inserted 1/20 (cio 23/3/2020).]
- (ab) enforce compliance with a licence issued by the Horse Racing Division;
[Inserted 15/21 (cio 5/8/21).]
- (b) register, or cancel the registration of, a lottery retailer and a bookmaker's clerk;
- (c) issue directives to licensees and impose terms and conditions on licences;
- (d) issue guidelines to licensees, including guidelines pertaining to measures to be implemented to prevent the laundering of money and the financing of terrorism;
- (da) take disciplinary action against its licensees for failing to comply with the anti-money laundering and terrorism financing and proliferation guidelines issued by the Authority;
[Inserted 15/21 (cio 5/8/21).]
- (e) approve rules of gambling, lottery games, sweepstakes and lotteries;
- (f) approve, for implementation by licensees, rules in respect of internal control systems, including accounting and reporting procedures and any other procedures or systems;
- (g) approve a racecourse or the use of a racecourse, the frequency and number of race meetings in a year and the number of races at a race meeting;
- (ga) on receipt of a complaint, or on its own initiative, set up an appeal committee in such manner as may be prescribed;
[Inserted 10/17 (cio 30/1/19); RR 13/19 (cio 31/10/19); RR 7/2020 (cio 31/8/2020).]
- (h) approve any event or contingency on which betting is to be conducted;
- (i) supervise and control the conduct and operation of any activity regulated under this Act;
- (j) impose any financial penalty for non-compliance with the conditions of a licence, rules, directions or guidelines;
- (k) require a licensee or any other person to furnish such information or documents as may be specified by the Board or to attend before the Board at such time as may be specified for the purpose of being examined in respect of any transaction or matter relating to any gambling activity licensed under this Act;
- (l) deal with complaints;
- (m) ensure the protection of the public through the regulation and supervision of gambling, lottery games, sweepstakes and lotteries;
- (ma) ensure that licensees comply with the relevant guidelines issued by the Authority and by FIU under the Financial Intelligence and Anti-Money Laundering Act;
[Inserted 26/12 (cio 22/12/12); amended 5/2020 (cio 9/7/2020).]
- (n) carry out investigations into any illegal, dishonourable or improper practice in relation to

any activity regulated under this Act and take such appropriate action as it thinks fit; and

(o) generally do such acts and things as may be necessary for the purposes of this Act.

(1A) (a) The Authority may, during the COVID-19 period, direct any licensee to temporarily cease its operations.

(b) Where, pursuant to paragraph (a), a licensee ceases its operations, no licence fee shall be payable for the period of cessation of operation any the licence fee already paid for that period shall be deducted from the licence fee payable in a subsequent year.

[Inserted 1/20 (cio 23/3/2020).]

(2) –

[R 7/2020 (cio 31/8/2020).]

(3) The Minister may, in relation to the exercise by the Board of any of its powers under this Act, give such directions of a general character to the Board as the Minister considers necessary in the public interest.

(4) Where a direction is given under subsection (3), the Board shall comply with the direction.

[S. 7 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s.23 of Act 10 of 2017 w.e.f. 30 January 2019; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019; s. 22 of Act 1 of 2020 w.e.f. 23 March 2020; s. 11 of Act 5 of 2020 w.e.f. 9 July 2020; s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

8. Meetings of Board

(1) The Board shall meet as often as is necessary but at least once every month and at such time and place as the Chairperson may determine.

(2) In the absence of the Chairperson or the Vice-Chairperson at a meeting of the Board, the members present shall elect a member to act as Chairperson for that meeting.

(3) At any meeting of the Board, 6 members shall constitute a quorum.

(4) The validity of any act or thing authorised or required to be done by the Board shall not be affected by any vacancy in its membership.

(5) The Board may co-opt such other person as may be of assistance in relation to any matter before the Board.

(6) Any person co-opted under subsection (5) shall have no right to vote on any matter before the Board.

(7) Subject to this section, the Board shall regulate its meetings in such manner as it thinks fit.

9. Disclosure of interest

Every member shall, in relation to any matter before the Board, in which he or any person related to him by blood or marriage has a pecuniary or other material interest—

(a) disclose the nature of that interest in writing at or before the meeting convened to discuss that matter; and

(b) not take part in any deliberations of the Board relating to that matter.

10. Delegation of powers

Subject to such instructions of a general nature as it may give, the Board may delegate to the Chairperson, the Chief Executive or a Division such of its powers and functions as may be necessary

for the effective management of the Authority other than the power to—
[Amended 15/21 (cio 5/8/21).]

- (a) borrow money;
- (b) raise loans;
- (c) enter into any transaction in respect of capital expenditure which exceeds one million rupees; or
- (d) issue directives or guidelines.

[S. 10 amended by s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

11. General Fund

(1) The Authority shall set up a General Fund—

- (a) into which shall be paid—
 - (i) all sums received from the Consolidated Fund;
 - (ii) all loans, interest or other sums, other than licence fees, which may lawfully accrue to the Authority; and
 - (iii) all sums from any other source as may be approved by the Minister; and
- (b) out of which all payments required to be made by the Authority and all charges on the Authority shall be effected.

(2) Any licence fee collected by the Authority shall, as soon as is reasonably practical, be paid by the Chief Executive into the Consolidated Fund.

(3) The Board shall, not later than 3 months before the commencement of each financial year, submit to the Minister an estimate of its income and expenditure for that financial year.

(4) For the purposes of section 5 of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Authority.

(5) Sections 5, 7, 8 and 9 of the Statutory Bodies (Accounts and Audit) Act shall, in so far as they relate to audited accounts, not apply to the first financial year of the Authority.

(6) The auditor to be appointed under section 5 (1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

11A. Responsible Gambling and Capacity Building Fund

The Authority shall set up a Responsible Gambling and Capacity Building Fund –

- (a) into which shall be paid the levy raised from licensees; and
- (b) out of which shall be paid such sums as the Managing Committee may approve for –
 - (i) developing and implementing a responsible gambling programme for the public;
 - (ii) identifying and addressing the ills associated with the gambling industry;
 - (iii) capacity building at the Authority;

(iv) ensuring integrity and best practices in the gambling industry;

(v) any other purpose as the Board may determine.

[S. 11A inserted by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

11B. Administration of Responsible Gambling and Capacity Building Fund

(1) The Responsible Gambling and Capacity Building Fund shall be administered by a Managing Committee which shall consist of a chairperson and not more than 4 other persons, to be appointed by the Board after consultation with the Minister.

(2) The Managing Committee shall hold its meetings at such time and place as the Chairperson may determine.

(3) The Managing Committee shall regulate its meetings and proceedings in such manner as it may determine.

(4) Notwithstanding subsections (2) and (3), the Managing Committee shall, where required by the Minister or Board –

(a) furnish information in respect of its activities; and

(b) comply with such directions of a general character as the Minister or Board considers necessary in the public interest.

[S. 11B inserted by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

12. Annual report

(1) The Board shall, not later than 6 months after the close of every financial year, cause to be published a report of the activities of the Authority together with its audited accounts in respect of the previous financial year.

(2) The Board shall forward a copy of the report referred to in subsection (1) to the Minister.

(3) The Board shall furnish to the Minister such information with respect to the activities of the Authority, in such manner and at such time, as the Minister may specify.

(4) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Authority before the National Assembly.

PART III – ADMINISTRATION

13. Chief Executive

(1) There shall be a Chief Executive who shall be the chief executive officer of the Authority charged with responsibility for the execution of the policy of the Board and for the control and management of the day to day business of the Authority.

(2) The Board shall, with the approval of the Minister, appoint the Chief Executive from amongst suitable candidates, on a fixed term performance contract.

(3) The Chief Executive shall, in the exercise of his functions, act in accordance with such directives as he may receive from the Board.

(4) The Chief Executive shall, unless otherwise directed by the Board, attend every meeting of the

Board and may take part in its deliberations but shall not have the right to vote.

14. Staff of Authority

(1) The Board may, on such terms and conditions as it may determine, employ such persons as inspectors or other employees as may be necessary for the proper discharge of the functions of the Authority.

(2) The Chief Executive may authorise in writing any person to perform the duties of an inspector for such period and on such terms as he may determine.

(3) Every person employed under subsection (1) or authorised under subsection (2) shall be under the administrative control of the Chief Executive.

(4) The Board may make provision to govern the conditions of service of employees and, in particular, to deal with—

- (a) the appointment, discipline, dismissal, pay and leave of, and the security to be given by, employees;
- (b) appeals by employees against dismissal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to those schemes and the benefits derived from them.

15. Declaration of assets

(1) Every person shall, on accepting an offer of appointment by the Board, lodge—

[Amended 9/15 (cio 14/5/15).]

- (a) in the case of a person applying for the post of the Chief Executive, with the Chairperson, a declaration of assets by way of an affidavit in the form set out in Part I of the Second Schedule; or
- (b) in the case of a person applying for the post of an employee, with the Chief Executive, a declaration of assets in the form set out in Part II of the Second Schedule,

in relation to himself, his spouse, his minor children and grandchildren, and subject to subsection (2), children of age.

(2) The declaration shall, in relation to children of age, specify any property sold, transferred or donated to each one of them in any form or manner whatsoever including income or benefits from any account, partnership or trust.

(3) Every person referred to in subsection (1) shall make a fresh declaration of assets by means of an affidavit or declaration, as the case may be, every 3 years, and also on the expiry or termination of his employment on any ground.

(4) The Head of the Investigations Division of the Authority, or any employee deputed by him, may, for the purpose of verifying any declaration lodged under this section, call for any oral or written information from an employee or a prospective employee.

[S. 15 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

PART IIIA – HORSE RACING DIVISION

[Inserted 15/21 (NIF)

15A. Establishment and objects of Horse Racing Division

(1) There is established, within the Authority, a Horse Racing Division which shall –

- (a) regulate, control and monitor the organisation of horse racing activities;

- (b) promote public confidence in the integrity of the horse racing industry by ensuring proper standards of conduct and competence;
- (c) ensure that horse racing is fair, clean and free from corruption or malpractice;
- (d) ensure that there is a clear and transparent framework for access to participation in horse racing;
- (e) promote the welfare and leisure of the racegoing public.

(2) Subject to section 10, the Board may delegate to the Horse Racing Division such powers and functions as the Board may determine to enable the Division to fulfil its objects.

(3) The Horse Racing Division shall, in respect of administrative and policy matters, report to the Chief Executive.

[S. 15A inserted by s. 35 of Act 15 of 2021 (NIF).]

15B. Horse Racing Committee

(1) The Horse Racing Division shall be administered and managed by a Horse Racing Committee which shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) The Horse Racing Committee shall consist of –

- (a) a chairperson, to be known as the Head of the Horse Racing Division;
- (b) a vice-chairperson, to be known as the Integrity Officer;
- (c) a veterinarian;
- (d) an operations officer;
- (e) an accountant;
- (f) a legal officer;
- (g) a communication and media officer; and
- (h) such other officers as the Board may appoint.

(3) At a meeting of the Horse Racing Committee, where –

- (a) the chairperson is absent or unable to discharge his functions for any reason, the vice-chairperson shall chair that meeting;
- (b) the chairperson and vice-chairperson are absent or unable to discharge their functions for any reason, the other members of the Horse Racing Committee shall elect another member to chair that meeting.

(4) No person shall be appointed as a member of the Horse Racing Committee where that person had, 3 years before his appointment, any direct or indirect interest in an activity regulated under this Act.

(5) Every member of the Horse Racing Committee shall be paid such fees as the Board may determine.

[S. 15B inserted by s. 35 of Act 15 of 2021 (NIF).]

15C. Functions of Horse Racing Committee

- (1) The Horse Racing Committee shall –
 - (a) ensure that a horse racing organiser effectively discharges its responsibilities regarding the organisation of horse racing in all its aspects, including safety, comfort and standards of hygiene, security, discipline and the prevention of fraud;
 - (b) ensure that there is transparency and good governance in the organisation of horse racing;
 - (c) protect the integrity of horse racing;
 - (d) initiate, develop and implement strategies conducive to the development of horse racing and the protection of the public in relation to risks inherent to horse racing;
 - (e) coordinate with the *Police des Jeux* for the prevention of illegal acts in connection with horse racing;
 - (f) be responsible for horse race planning, including the preparation and publication of the horse race calendar, fixtures lists, nominations and racecards;
 - (g) conduct disciplinary proceedings that may arise in relation to the conduct of horse racing;
 - (h) issue personal management licences under section 93B;
 - (i) set and enforce standards of medical care for jockeys and other participants in horse races;
 - (j) approve and licence equestrian centres and workout programmes;
 - (k) approve the importation of racehorses;
 - (l) set and enforce standards for racecourses;
 - (m) conduct research and development in equine science and welfare;
 - (n) issue and enforce the Rules of Racing, other rules and guidelines and directions;
 - (o) set up panels of racing stewards;
 - (p) register stables and owners;
 - (q) register trainers, jockeys, riders and other horse racing professionals;
 - (r) employ and issue directions to racecourse officials;
 - (s) issue rules, directions and guidelines to any horse racing organiser to –
 - (i) provide for veterinary services;
 - (ii) ensure the safety and security of racehorses;
 - (iii) ensure anti-doping measures; and

- (iv) procure laboratory services for testing of equine blood, urine and other samples;
- (t) licence equine veterinarians;
- (u) advise the Minister on any matter relating to the organisation of horse racing;
- (v) undertake such other functions as may be prescribed.

(2) The Horse Racing Committee may set up such units as may be necessary to conduct such functions as the Committee may determine.

(3) The Minister may make such regulations as he thinks fit for the purpose of enabling the Horse Racing Committee in the discharge of its functions.

[S. 15C inserted by s. 35 of Act 15 of 2021 (NIF).]

15D. Rules of racing

(1) A horse racing organiser shall implement the Rules of Racing, as well as any other rule, direction or guideline, issued by the Horse Racing Division, that affect the organisation of horse racing.

(2) The Rules of Racing, any other rule, direction or guideline issued by the Horse Racing Division shall be consistent with –

- (a) this Act;
- (b) the regulations made under section 164;
- (c) the directions given under section 100; and
- (d) such international best practices as the Horse Racing Committee may approve.

[S. 15D inserted by s. 35 of Act 15 of 2021 (NIF).]

15E. Financing of Horse Racing Division

(1) The activities of the Horse Racing Division shall be financed out of the Responsible Gambling and Capacity Building Fund.

(2) The Board shall approve the annual budget of the Horse Racing Division and may, where necessary, authorise that the activities of the Horse Racing Division be financed out of the General Fund.

- (3) The Horse Racing Division shall maintain, with a bank, an account through which –
 - (a) owners shall pay keep money;
 - (b) payment for acquisition of horses shall be made; and

- (c) jockeys shall be paid.

[S. 15E inserted by s. 35 of Act 15 of 2021 (NIF).]

PART IV – CASINOS

16. Licensing of casinos

(1) No person shall operate a casino unless he holds a casino licence.

(2) No casino licence shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(S. 16 came into operation on 6 December 2007.)

16A. Casino Digital Game

(1) A casino operator may conduct digital gaming in such manner as may be prescribed.

(2) No casino operator shall conduct digital gaming unless he holds a digital gaming licence.

(3) No digital gaming licence for casino operator shall be issued unless the appropriate licence fee specified in the Third Schedule to this Act is paid to the Authority.

[S. 16A inserted by s. 35 of Act 15 of 2021 (NIF).]

17. Restriction on use of word “casino”

No person shall use the word "casino" as a name or as part of the name, of any trade or business premises unless the premises are licensed as a casino.

(S. 17 came into operation on 6 December 2007.)

18. Authorised casino games

No game shall be played or authorised to be played in a casino except those specified in Part I of the First Schedule.

(S. 18 came into operation on 6 December 2007.)

19. Rules of casino games

(1) Every casino operator shall submit to the Board a certified copy of its rules of casino games including a list of casino games available to be played and the maximum stakes permitted for each game, for approval.

(2) Where a casino operator proposes to amend its rules of casino games, it shall submit to the Board a copy of the proposed amendment for approval.

(S. 19 came into operation on 6 December 2007.)

20. Display of licence and rules

Every casino operator shall, at all times when the casino is open for the playing of casino games, display in a conspicuous place in the casino—

- (a) its licence and the conditions of the licence;
- (b) the casino games authorised to be played and the maximum stakes approved by the Board; and
- (c) its rules of casino games.

(S. 20 came into operation on 6 December 2007.)

20A. Authorised transactions at casino

(1) Subject to subsection (2), transactions in currency, player card or debit card shall be carried out at a main cash desk set up by the casino.

(2) Notwithstanding subsection (1), transactions by chips may be carried out at a live game table.

(3) No transaction shall be carried out by credit card at a casino.

[S. 20A inserted by s. 11 of Act 5 of 2020 (NIF).]

(S. 20A not in operation)

21. Access to casinos

(1) No premises shall have access, directly or indirectly, to a casino.

(2) Nothing in subsection (1) shall be construed so as to prevent the issue of any other licence in respect of a casino under any other enactment.

(S. 21 came into operation on 6 December 2007.)

22. Recovery of gambling debts at casino

[Inserted 11/18 (cio 1/8/18).]

Notwithstanding article 1965 of the Code Civil Mauricien, an action shall lie for the recovery of any gambling debt incurred by any person at a casino in respect of gambling at the casino.

(S. 22 came into operation on 6 December 2007.)

Part IVA – HOTEL CASINOS

22A. Licensing of hotel casinos

(1) No hotel shall operate a hotel casino unless it holds a hotel casino licence.

(2) No hotel casino licence shall be issued unless the hotel pays the appropriate licence fee specified in the Third Schedule to the Authority.

(3) No person shall use the word "hotel casino" as a name or as part of the name of any trade or business premises unless the premises are licensed as a hotel casino.

(4) A hotel casino shall be operated in a specifically designated confined space approved by the Board.

(5) No game, other than a hotel casino game, shall be played in a hotel casino.

[S. 22A inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

22B. Licensing of hotel casino operators

(1) No person shall operate hotel casino games within a hotel casino unless he holds a hotel casino operator licence.

(2) No hotel casino operator licence shall be issued unless the person pays the appropriate licence fee specified in the Third Schedule to the Authority.

[S. 22B inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

22C. Licensing of hotel casino gaming machines

(1) No hotel casino operator shall operate a hotel casino gaming machine unless he holds a gaming machine licence in respect of that hotel casino gaming machine.

(2) No hotel casino gaming machine licence shall be issued unless the hotel casino operator pays the appropriate licence fee specified in the Third Schedule to the Authority.

(3) A hotel casino gaming machine –

(a) may be installed only at such place as the Board may approve and it shall not be transferred to any other place without the prior approval of the Board;

(b) shall not be replaced without the prior approval of the Board.

[S. 22C inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

22D. Identification plate affixed to hotel casino gaming machine

(1) No hotel casino gaming machine shall be operated unless there is an identification plate which is permanently affixed by the manufacturer of the machine to the front or side of its exterior cabinet.

(2) An identification plate referred to in subsection (1) shall –

(a) be made of metal or any equally resilient material; and

(b) contain the following information in respect of the hotel casino gaming machine –

(i) the name of its manufacturer;

(ii) its serial number;

(iii) its model number; and

(iv) its date of manufacture.

[S. 22D inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

22E. Technical standards for hotel casino gaming machines

Every hotel casino operator shall ensure that the hotel casino gaming machines installed at the hotel casino comply with such technical standards as, the Board may approve and, published in the Gazette.

[S. 22E inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

22F. Rules of hotel casino games

(1) Every hotel casino operator shall submit to the Board a certified copy of the list of hotel casino games available to be played at the hotel casino, the maximum stakes permitted for each hotel casino game and a certified copy of the rules of the hotel casino games, for approval.

(2) Where a hotel casino operator proposes to amend the rules of a hotel casino game referred to in subsection (1), he shall submit to the Board a copy of the proposed amendment for approval.

[S. 22F inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

22G. Display of licence and rules

Every hotel casino operator shall, at all times, when the hotel casino is open for the playing of hotel casino games, display in a conspicuous place in the hotel casino—

- (a) his licence and the conditions of the licence;
- (b) the list of hotel casino games approved by the Board;
- (c) the maximum stakes permitted and approved by the Board; and
- (d) the rules of hotel casino games approved by the Board.

[S. 22G inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

22GA. Authorised transactions at hotel casino

(1) Subject to subsection (2), transactions in currency, player card or debit card shall be carried out at a main cash desk set up by the hotel casino.

(2) Notwithstanding subsection (1), transactions by chips may be carried out at a live game table.

(3) No transaction shall be carried out by credit card at a hotel casino.

[S. 22GA inserted by s. 11 of Act 5 of 2020 (NIF).]

(S. 22GA not in operation)

22H. Recovery of gambling debts at hotel casinos

Notwithstanding article 1965 of the Code Civil Mauricien, an action shall lie for the recovery of any gambling debt incurred by any person at a hotel casino in respect of gambling at the hotel casino.

[S. 22H inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

PART V – GAMING HOUSES

23. Licensing of gaming houses

(1) No person shall operate a gaming house unless he holds the appropriate gaming house licence.

(2) No gaming house licence shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(S. 23 came into operation on 6 December 2007.)

23A. Gaming House Digital Game

(1) A gaming house operator may conduct digital gaming in such manner as may be prescribed.

(2) No gaming house operator shall conduct digital gaming unless he holds a digital gaming licence.

(3) No digital gaming licence for gaming house operator shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

[S. 23A inserted by s. 35 of Act 15 of 2021 (NIF).]

24. Authorised gaming house games

No game shall be played or authorised to be played in a gaming house except those specified in Part II or Part III of the First Schedule in respect of the licence issued for that gaming house.

(S. 24 came into operation on 6 December 2007.)

25. Rules of gaming house games

(1) Every gaming house operator shall submit to the Board a certified copy of its rules of gaming house games, including a list of gaming house games available to be played and the maximum stakes permitted for each game, for approval.

(2) Where a gaming house operator proposes to amend its rules of gaming house games, it shall submit to the Board a copy of the proposed amendment for approval.

(S. 25 came into operation on 6 December 2007.)

26. Display of licence and rules

Every gaming house operator shall, at all times when the gaming house is open for the playing of gaming house games, display in a conspicuous place in the gaming house—

- (a) its licence and the conditions of the licence;
- (b) the gaming house games authorised to be played and the maximum stakes approved by the Board; and
- (c) its rules of gaming house games.

(S. 26 came into operation on 6 December 2007.)

26B. Authorised transactions at gaming house

(1) Subject to subsection (2), transactions in currency, player card or debit card shall be carried out at a main cash desk set up by the gaming house.

(2) Notwithstanding subsection (1), transactions by chips may be carried out at a live game table.

(3) No transaction shall be carried out by credit card at a gaming house.

[S.26B inserted by Act 5 of 2020 (NIF).]

(S. 26B not in operation)

27. Access to gaming houses

(1) No premises shall have access, directly or indirectly, to a gaming house.

(2) Nothing in subsection (1) shall be construed so as to prevent the issue of any other licence in respect of a gaming house under any other enactment.

(S. 27 came into operation on 6 December 2007.)

PART VI – GAMING MACHINES

28. Licensing of gaming machines

(1) No person shall operate a gaming machine unless he holds a gaming machine licence in respect of that gaming machine.

(Subsec. (1) came into operation on 6 December 2007.)

(2) No gaming machine licence shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(Subsec. (2) came into operation on 6 December 2007.)

(2A) A gaming machine operator shall not carry out, or cause to be carried out, any other business activity at the place where he operates gaming machines.
[Inserted 18/16 (cio 7/9/16).]

(3) A gaming machine shall –

- (a) be installed at such place as the Board may approve and not be transferred to any other place without the prior approval of the Board;
- (b) be operated for such time as may be prescribed from the date of first licensing; and
- (c) not be replaced without the prior approval of the Board.

[RR 18/16 (cio 7/9/16); [RR 13/19 (cio 1/8/2020).]

(Subsec. (3) came into operation on 6 December 2007.)

(4) Each terminal or player station of a multi-terminal or multi-player gaming machine shall be treated as one gaming machine.

(Subsec. (4) came into operation on 6 December 2007.)

(5) Every gaming machine operator shall connect—

- (a) forthwith any gaming machine brought into operation on or after 10 September 2007; and
- (b) any gaming machine in operation before 10 September 2007 within such time as may be determined by the Board,

to a server located at such place designated by the operator and approved by the Board.

(Subsec. (5) came into operation on 1 February 2019.)

[S. 28 amended by s. 23 of Act 13 of 2019 w.e.f. 1 August 2020.]

28A. Identification plate affixed to gaming machine

(1) No gaming machine shall be operated unless there is an identification plate which is permanently affixed by the manufacturer of the machine to the front or side of its exterior cabinet.

(2) An identification plate referred to in subsection (1) shall –

- (a) be made of metal or any equally resilient material; and
- (b) contain the following information in respect of a gaming machine –
 - (i) the name of its manufacturer;
 - (ii) its serial number;
 - (iii) its model number; and
 - (iv) its date of manufacture.

[S. 28A inserted by s. 24 of Act 18 of 2016 w.e.f. 1 October 2016.]

28B. Technical standards for gaming machines

(1) Every gaming machine operator shall ensure that every gaming machine on its premises complies with such technical standards as the Board may approve and publish in the Gazette.

[Ss (1) RR Act 7/2020 NIF]

(2) (a) All gaming machines and their jackpot systems shall be tested against such laboratory test as the Board may approve and publish in the Gazette.

(b) The laboratory test under paragraph (a) shall include an examination of the software and all games on a gaming machine.

(c) A certificate of any test under paragraph (a) shall be submitted to the Authority.

[RR 7/2020 (cio 1/11/2020).]

(3) The operator of any gaming machine shall install a firewall –

(a) certified by an international gaming laboratory approved by the Authority; and

(b) designed to prevent –

(i) remote access to the hardware, software and server of gaming machine; and

(ii) the tampering with a gaming machine controlled remotely.

[RR 7/2020 (cio 1/11/2020).]

(4) Every gaming machine operator shall seek the approval of the Authority to –

(a) update, erase, delete or clear data; or

(b) change the software,

in a gaming machine.

(5) The mechanical meters, game box, jackpot system and logic area of any gaming machine shall be sealed by inspectors of the Authority.

[S. 28B inserted by s. 32 of Act 11 of 2018 w.e.f. 1 March 2019; repealed and replaced by s. 25 of Act 7 of 2020 w.e.f. 31 August 2020, 1 November 2020.]

28C. Prohibition on use of bill validator

No gaming machine shall be fitted with a bill validator.

[S. 28C inserted by s. 11 of Act 5 of 2020 w.e.f. 9 July 2020.]

29. Display of licence

Every gaming machine operator shall, at all times when its premises are open, display in a conspicuous place at the premises its licence and the conditions of the licence.

(S. 29 came into operation on 6 December 2007; amended by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017.)

PART VIA – LIMITED PAYOUT MACHINES

[Amended 37/11 (cio 15/12/11).]

[Part VIA inserted by s. 9 (b) of Act 20 of 2009 w.e.f. 1 January 2011.]

29A. Licensing of limited payout machines

- (1) No person shall operate a limited payout machine unless he holds a limited payout machine operator licence in respect of that limited payout machine.

[Amended 37/11 (cio 15/12/11); 18/16 (cio 7/9/16).]

- (2) No licence under subsection (1) shall be issued unless—

- (a) the applicant is a company; and
- (b) the appropriate licence fee specified in the Third Schedule is paid to the Authority.

- (3) A limited payout machine may only be installed at such place as may be approved by the Board.

[Amended 37/11 (cio 15/12/11).]

- (4) –

[R 7/2020 (cio 31/8/2020).]

[S. 29A inserted by s. 9 (b) of Act 20 of 2009 w.e.f. 1 January 2011; amended 37/11 (cio 15/12/11); s. 32 of Act 11 of 2018 w.e.f. 1 August 2018; s. 25 of Act 7 of 2020 w.e.f. 31 August 2020.]

29AA.Limited Payout Machines Digital Game

- (1) A limited payout machine operator may conduct digital gaming in such manner as may be prescribed.

- (2) No limited payout machine operator shall conduct digital gaming unless he holds a digital gaming licence.

- (3) No digital gaming licence for a limited payout machine operator shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

[S. 29AA inserted by s. 35 of Act 15 of 2021 (NIF).]

29B. Display of licence

Every limited payout machine operator shall, at all times when his premises are open, display in a conspicuous place at his premises his licence and the conditions of the licence.

[S. 29B inserted by s. 9 (b) of Act 20 of 2009 w.e.f. 1 January 2011; amended 37/11 (cio 15/12/11); s. 23 of Act 10 of 2017 w.e.f. 6 October 2017.]

29C. Operation of limited payout machine

- (1) A limited payout machine operator shall not –

- (a) install a limited payout machine on a site, or allow such a machine to be made available for playing, unless that machine has been registered with the Authority; or
- (b) move a limited payout machine from one site to another without notifying the Authority. A limited payout machine operator shall, during the licensed hours of operation, maintain adequate control and supervision over all his limited payout machines.

[RR 7/2020 (cio 31/8/2020).]

(2) A limited payout machine operator shall pay the licence fee specified in the Third Schedule.

[Added 26/13 (cio 31/1/14).]

(3) A limited payout machine operator shall pay the licence fee specified in the Third Schedule.

(4) A limited payout machine operator shall ensure that all limited payout machines found on his premises comply with such technical standards as the Board may approve and publish in the Gazette.

[Added 7/2020 (NIF)]

[S. 29C inserted by Act 37 of 2011 w.e.f. 15 December 2011; amended by s. 8(a) of Act 26 of 2013 w.e.f. 31 January 2014; s. 25 of Act 7 of 2020 w.e.f. 31 August 2020.]

PART VIB – GAMING TECHNICIAN AND LIMITED PAYOUT MACHINE TECHNICIAN

[Inserted 18/16 (cio 7/9/16); Amended 10/17 (cio 1/1/18).]

29D. Registration of gaming machine technician

(1) No casino operator or gaming machine operator shall employ a gaming machine technician unless that technician is registered with the Authority.

(2) No technician shall be registered under subsection (1) unless he –

(a) is of the age of 21 or above; and

(b) is a fit and proper person.

(3) Any registration under this section shall be subject to such terms and conditions as the Board may determine.

(4) (a) Where a technician is registered as a gaming machine technician with the Authority, he shall be issued with an identification card.

(b) Every gaming machine technician shall, at all times in the course of his employment, have in his possession his identification card.

[S. 29D inserted by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; s23(g) of Act 10 of 2017 w.e.f. 1/1/18.]

29E. Registration of limited payout machine technician

(1) No limited payout machine operator shall employ a limited payout machine technician unless that technician is registered with the Authority.

(2) No technician shall be registered under subsection (1) unless he –

(a) is of the age of 21 or above; and

(b) is a fit and proper person.

(3) Any registration under this section shall be subject to such terms and conditions as the Board may determine.

(4) (a) Where a technician is registered as a limited payout machine technician with the Authority, he shall be issued with an identification card.

(b) Every limited payout machine technician shall, at all times in the course of his employment, have in his possession his identification card.

[S. 29E inserted by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

PART VIC – AMUSEMENT MACHINES

[Inserted 10/17 (cio 6/10/17).]

29F. Licensing of amusement machines

(1) No person shall operate an amusement machine unless he holds an amusement machine licence in respect of that amusement machine.

(2) No licence under subsection (1) shall be issued unless –

(a) the applicant is a company; and

(b) the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(3) An amusement machine shall be installed at such place as the Board may approve.

(4) No person shall install a multi-terminal amusement machine at his premises.

[S. 29F inserted by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017.]

29G. Display of licence

Every amusement machine operator shall, at all times when his premises are open, display in a conspicuous place at his premises his licence and the conditions of the licence.

[S. 29F inserted by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017.]

29H. Operation of amusement machine

(1) An amusement machine operator shall not –

(a) install an amusement machine on a site, or allow such machine to be made available for playing, unless that machine has been registered with the Authority; or

(b) move an amusement machine from one site to another –

(i) without the prior approval of the Authority; and

(ii) otherwise than under the supervision, and in presence, of a representative of the Authority.

(2) An amusement machine operator shall, during the licensed hours of operation, maintain adequate control and supervision over his amusement machines.

(3) An amusement machine operator shall pay the licence fee specified in the Third Schedule.

(4) Every amusement machine operator shall ensure that his amusement machines comply with such technical standards as, the Board may approve and, published in the Gazette.

[Added 11/18 (cio 1/3/19).]

[S. 29F inserted by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; amended by s. 32(f) of Act 11 of 2018 w.e.f. 1 March 2019.]

PART VII – HORSE RACING ORGANISER

30. Licensing of horse racing organiser

(1) No person shall be a horse racing organiser unless he holds a horse racing organiser licence.

(2) No horse racing organiser licence shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(S. 30 came into operation on 6 December 2007.)

31. Responsibility of horse racing organiser

(1) A horse racing organiser shall, in relation to the racecourse it manages, be responsible, subject to this Act and regulations made under section 164 and directions given pursuant to section 100, for—

[Amended 13/19 (cio 31/7/19).

- (a) organising horse racing;
- (aa) issuing race cards and fixtures;

[Inserted 10/17 (cio 30/1/19).]

- (b) enforcing the Rules of Racing;
- (c) promoting integrity and fair play in horse racing;

[Amended 13/19 (cio 31/10/19); 5/2020 (cio 9/7/2020).]

- (d) properly managing the racecourse infrastructure and amenities and training facilities; and
- [Amended 13/19 (cio 31/10/19); added 5/2020 (cio 9/7/2020).

- (e) ensuring that all payments to jockeys by stables, stable managers and owners to be paid through a specific bank account to be managed by the horse racing organiser.

[Amended 10/17 (30/1/19); 13/19 (cio 31/7/19); 5/2020 (cio 9/7/2020).]

(2) For the purposes of subsection (1) (a), the responsibilities of a horse racing organiser shall include—

- (a) the conduct of race meetings;
- (aa) the free and simultaneous dissemination to the press and any sports publication of information on race meetings, including fixtures and race cards;

[Inserted 10/17 (cio 30/1/19); RR 13/19 (cio 31/7/19).]

- (b) the registration of stables and stable managers;
- (c) the registration of owners of race horses and ensure that –

- (i) all registered owners pay their respective share of keep money and such payment be effected solely by cheque or electronic transfer through a specific bank account to be managed by the horse racing organiser; and
- (ii) all acquisitions of horses are closely monitored and payment for such acquisitions are made through a specific bank account managed by the horse racing organiser;

[RR 5/2020 (cio 9/7/2020).]

- (d) the registration of trainers, jockeys, riders and other horse racing professionals;

- (e) the employment of, and the issue of directions to, racecourse officials;
- (f) the veterinary arrangements, anti-doping measures and laboratory services;
- (g) the registration, safety and security of race horses;
- (h) the exercise of disciplinary powers in respect of the persons referred to in this subsection; and
- (i) the promotion of leisure activities for the race-going public.

(3) A horse racing organiser shall comply with the Code of Corporate Governance and guidelines issued under the Financial Reporting Act.

(4) In providing information on race meetings, a horse racing organiser shall afford equal treatment to all licensees requiring that information to carry out the activities under this Act.

[Added 13/19 (cio 31/7/19).]

(S. 31 came into operation on 6 December 2007; s.23 of Act 10 of 2017 w.e.f. 30 January 2019; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019 and 31 October 2019; s.11 of Act 5 of 2020 w.e.f. 9 July 2020.)

32. Rules of Racing

(1) (a) A horse racing organiser shall submit to the Board for approval a certified copy of its Rules of Racing, as well as any other rule, direction or guideline that affects the organisation of horse racing.

(b) The Rules of Racing, as well as any other rule, direction or guideline under paragraph (a) shall be consistent with –

- (i) this Act;
- (ii) regulations made under section 164;
- (iii) directions given under section 100; and
- (iv) international norms.

(2) Where the Board issues a direction under section 100(3)(c), a horse racing organiser shall forthwith review and, where so required, amend its Rules of Racing.

(3) A horse racing organiser shall not amend its Rules of Racing without having given notice to and received the approval of the Board.

[RR 13/19 (cio 31/7/19).

[S. 32 came into operation on 6 December 2007; s. 23 of Act 10 of 2017 w.e.f. 30 January 2019; repealed and replaced by s. 23 of Act 13 of 2019 w.e.f. 31 July 2019.]

33. Payment of fees to Horse Racing Organiser

A totalisator operator, a bookmaker, a sweepstakes organiser or an operator of dart games shall pay to a horse racing organiser such fees as the Board may, from time to time, determine.

[S. 33 repealed and replaced by s.23(k) of Act 10 of 2017 w.e.f. 12 April 2018; s.35 of Act 15 of 2021 w.e.f. 5 August 2021.]

PART VIII – TOTALISATORS

34. Licensing of totalisator operator

(1) No person shall operate a totalisator unless he holds a totalisator operator licence.

(2) The Board may, on application made, issue to a totalisator operator a licence authorising it to operate—

- (a) at the racecourse;
- (b) at such other place outside the racecourse as the Board may approve; or
- (c) through remote communication at such place outside the racecourse as the Board may approve.

(3) No totalisator operator licence shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(4) A totalisator operator licensed under subsection (2) (c)—

- (a) may apply to the Board for authorisation to provide facilities in connection with its activities at places other than the place in respect of which it is licensed; and
- (b) on being authorised by the Board to provide facilities at such other place as the Board may specify, shall pay such licence fee in respect of such other place as may be specified in the Third Schedule.

(S. 34 came into operation on 6 December 2007.)

35. Rules of totalisator betting

(1) Every totalisator operator shall submit to the Board a certified copy of its rules of totalisator betting for approval.

(2) Where a totalisator operator proposes to amend its rules of totalisator betting, it shall submit to the Board a copy of the proposed amendment for approval.

(S. 35 came into operation on 6 December 2007.)

36. Betting on horse races conducted by totalisator operator

No betting on horse races shall be conducted by a totalisator operator except those referred to in its rules of totalisator betting approved by the Board.

(S. 36 came into operation on 6 December 2007.)

37. Display of licence and rules

Every totalisator operator shall, at all times when the premises are open for its betting activities or for providing facilities in connection with its betting activities, display in a conspicuous place at the premises—

- (a) its licence issued under this Act and the conditions of the licence; and
- (b) the rules of totalisator betting approved by the Board.

(S. 37 came into operation on 6 December 2007.)

38. Conduct of betting operations

(1) Every totalisator operator shall—

- (a) conduct its betting operations after approval of the scheme or system by the Board and in

accordance with the rules of totalisator betting;

(b) seek prior approval of the Board for —

[Amended 9/15 (cio 14/5/14).]

- (i) the number of terminals used;
- (ii) the place at which the terminals are installed;
- (iii) the transfer of any terminal from one place to another place; and
- (iv) the closure of any terminal; and

(b) at the request of the Board, move a terminal from one place to another place or close a terminal.

(1A) No totalisator operator shall operate a terminal under subsection (1) unless it holds the appropriate totalisator operator licence in respect of that terminal and pays to the Authority the appropriate licence fee specified in the Third Schedule.

[Inserted 9/15 (cio 14/5/15).]

(2) A totalisator operator may, subject to the approval of the Board, carry out its activities through remote communication.

(S. 38 came into operation on 6 December 2007.)

[S. 38 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

39. Authorisation for combination of totalisator pool

(1) No totalisator operator shall combine any of its pools with the corresponding pool of another totalisator operator unless it obtains a written authorisation of the Board to that effect.

(2) The Board may, on written application made, authorise a totalisator operator to combine any of its pools with the corresponding pool of another totalisator operator on such terms and conditions as the Board may approve.

(3) A totalisator operator shall, in an application made under subsection (2)—

- (a) provide evidence of an agreement between the totalisator operator and the other totalisator operator for the combination of any pool; and
- (b) state the types of bets and submit the rules of betting in respect of which pools are to be combined.

(4) Where an authorisation is given under subsection (2), the money bet on each pool of a totalisator operator shall be combined with the money bet on the corresponding pool of the other totalisator operator to form one pool from which the dividends are uniformly calculated, declared and paid.

(S. 39 came into operation on 6 December 2007.)

PART IX – LOCAL RACE INTER-TOTALISATOR BETTING

(Part IX not in operation.)

40. Licensing of local race inter-totalisator betting

(1) No person shall conduct local race inter-totalisator betting unless—

- (a) the person is a totalisator operator; and
- (b) it holds a licence to conduct that type of betting.

(2) A totalisator operator shall, in its application in respect of each horse race organised in Mauritius on which it proposes to conduct local race inter-totalisator betting—

- (a) submit the name and address of—
 - (i) the organisation outside Mauritius conducting the foreign race betting; and
 - (ii) the governing body that regulates the foreign race betting; and
- (b) provide the Board with evidence of an agreement between the totalisator operator and the organisation outside Mauritius conducting the foreign race betting for the conduct of local race inter-totalisator betting, and submit the relevant information relating to—
 - (i) the types of bets that are proposed to be offered;
 - (ii) the rules of betting in respect of which pools are to be combined;
 - (iii) the amount to be deducted from each pool in respect of each type of bet that the totalisator operator proposes to offer, including the amount to be paid to the foreign organisation; and
 - (iv) the method of calculation that the totalisator operator and the foreign organisation propose to use for each pool that is combined.

(3) The Board may, on receipt of an application under subsection (2), issue to a totalisator operator a licence authorising it to conduct local race inter-totalisator betting at such place as may be approved by the Board.

(4) No licence under this section shall be issued unless—

- (a) the services, facilities and equipment for conducting the local race inter-totalisator betting have been—
 - (i) inspected by an inspector or at the expense of the applicant, by some other competent person acceptable to the Board; and
 - (ii) approved by the Board; and
- (b) the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(S. 40 not in operation.)

41. Conduct of local race inter-totalisator betting

(1) No local race inter-totalisator betting shall be conducted unless it is conducted in accordance with the rules of the local totalisator operator, approved by the Board.

(2) A totalisator operator shall ensure that the numbers that it assigns to the horses in a local race for the purpose of local race inter-totalisator betting are the same as those assigned to those horses for betting by the organisation operating outside Mauritius and conducting betting on the local race.

(S.41 came into operation on 15 March 2010.)

PART X – FOREIGN RACE INTER-TOTALISATOR BETTING

(Part X not in operation.)

42. Licensing of foreign race inter-totalisator betting

(1) No person shall conduct foreign race inter-totalisator betting unless—

- (a) the person is a totalisator operator; and
- (b) it holds a licence to conduct that type of betting;

(2) A totalisator operator shall, in its application in respect of each foreign race on which it proposes to conduct foreign race inter-totalisator betting—

- (a) submit the name and address of—

- (i) the racecourse at which the foreign race is scheduled to be held;
 - (ii) the organisation conducting the foreign race and the foreign race betting; and
 - (iii) the governing bodies which regulate the foreign race and the foreign race betting;
- (b) provide the Board with evidence of an agreement between the totalisator operator and the organisation outside Mauritius conducting the foreign race betting for the conduct of foreign race inter-totalisator betting, and submit the relevant information relating to—
- (i) the types of bets proposed to be combined and offered;
 - (ii) the amount to be deducted from each pool in respect of each type of bet that the totalisator operator proposes to offer, including the amount to be paid to the organisation outside Mauritius conducting the foreign race betting; and
 - (iii) the method of calculation that the totalisator operator and the organisation outside Mauritius conducting the foreign race betting propose to use for each pool that is combined; and
- (c) provide the Board with details of the communication system to be used to ensure the accurate and timely exchange of race information between the totalisator operator and the organisation outside Mauritius conducting the foreign race betting.

(3) The Board may, on receipt of an application under subsection (2), issue to a totalisator operator a licence authorising it to conduct foreign race inter-totalisator betting at such place as the Board may approve.

(4) No licence under this section shall be issued unless—

- (a) the services, facilities and equipment for conducting the foreign race inter-totalisator betting have been—
 - (i) inspected by an inspector or, at the expense of the applicant, by some other competent person acceptable to the Board; and
 - (ii) approved by the Board; and
- (b) the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(S. 42 not in operation.)

43. Conduct of foreign race inter-totalisator betting

(1) No foreign race inter-totalisator betting shall be conducted unless—

- (a) it is conducted in accordance with the rules of the foreign totalisator operator; and
- (b) a copy of those rules is submitted to the Board.

(2) A totalisator operator shall ensure that the numbers that it assigns to the horses in a foreign race for the purpose of foreign race inter-totalisator betting are the same as those assigned to those horses for betting by the organisation operating outside Mauritius and conducting betting on the foreign race.

(S. 43 not in operation.)

PART XI – BOOKMAKERS

44. Licensing of bookmakers

(1) No person shall operate fixed odds betting unless he holds the appropriate bookmaker licence.

(Subsec. (1) came into operation on 6 December 2007.)

(2) The Board may, on application made for the conduct of fixed odds betting on local races, issue a bookmaker licence authorising the applicant to operate at the racecourse.

[RR 13/19 (cio 31/7/19).

(3) –.

[R 13/19 (cio 31/7/19).

(4) The Board may, on application made for the conduct of fixed odds bet through remote communication, issue a bookmaker licence authorising the applicant to operate through remote communication at such place as the Board may approve.

[Amended 10/17 (cio 6/10/17).]

(5) The Board may, on application made for the conduct of fixed odds bet on football matches taking place outside Mauritius, issue a bookmaker licence authorising the applicant to operate at such place as the Board may approve

[Amended 26/12 (cio 22/12/12); [RR 13/19 (cio 31/7/19); [RR 7/2020 (cio 31/8/2020)].

(6) No bookmaker licence to conduct fixed odds betting on a local race shall be issued to a totalisator operator.

(Subsec. (6) came into operation on 6 December 2007.)

(7) No bookmaker licence under subsection (2), (4) or (5) shall be issued unless the applicant is a company.

[Amended 13/19 (cio 2/3/2020).]

(Subsec. (7) came into operation on 6 December 2007.)

(8) Subject to subsection (10), no bookmaker licensed under subsection (4) shall, in relation to his activities as bookmaker, carry on any activity or provide any facility in connection with his activities at any place other than the place in respect of which he is licensed.

(Subsec. (8) came into operation on 6 December 2007.)

(9) No bookmaker licence shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(Subsec. (9) came into operation on 6 December 2007.)

(10) A bookmaker licensed under subsection (4) or (5) —

[Amended 9/15 (cio 14/5/15).]

(a) may apply to the Board for authorisation to provide facilities in connection with his activities at a place other than the place in respect of which he is licensed; and

(b) on being authorised by the Board to provide facilities at such other place as the Board may specify, shall pay such licence fee in respect of such other place as may be specified in the Third Schedule.

(Subsec. (10) came into operation on 6 December 2007.)

(11) A bookmaker may, for the purposes of his business as bookmaker and with the approval of the Board, receive bets from, or negotiate bets with, another bookmaker on such terms and conditions as the Board may approve.

(Subsec. (11) came into operation on 11 November 2009.)

[S. 44 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 21 of Act 9 of 2015 w.e.f. 14 May 2015; s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019; s.23(f)(iv) of Act 13 of 2019 w.e.f. 2 March 2020; s. 25 of Act 7 of 2020 w.e.f. 31 August 2020.]

45. Betting on football matches taking place outside Mauritius

No betting on football matches taking place outside Mauritius shall be conducted by a bookmaker except for those football matches referred to in his rules of fixed odds bet approved by the Board.

[RR 7/2020 (cio 31/8/2020).]

(S. 45 came into operation on 6 December 2007; repealed and replaced by s. 25 of Act 7 of 2020 w.e.f. 31 August 2020.)

46. Conduct of betting operations

(1) Every bookmaker shall conduct his betting operations in accordance with the rules of fixed odds betting approved by the Board.

(2) The Board may authorise a bookmaker to accept deposits from members of the public for the purpose of placing bets with him on such terms and conditions as may be approved by the Board.

(3) Every bookmaker who operates at a place outside the racecourse shall—

- (a) seek prior approval of the Board for the transfer of his place of operation from one place to another; or
- (b) at the request of the Board, move or transfer his place of operation from one place to another place or close down his place of operation.

(S. 46 came into operation on 6 December 2007.)

(4) Every bookmaker may operate, within his approved premises and at any time during his working hours, not more than 3 terminals, out of which one shall be used exclusively for making payouts.

[Added 15/21 (5/8/21).]

[S. 46 amended by s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

47. Prohibition of other wagers

No person shall place a wager of any kind with a bookmaker, and no bookmaker shall accept, or offer to accept, a wager of any kind from any person, other than a bet.

(S. 47 came into operation on 6 December 2007.)

48. Display of licence and rules

Every bookmaker shall, at all times when the premises are open for his betting activities or for providing facilities in connection with his betting activities, display in a conspicuous place at the premises—

- (a) his licence issued and the conditions of the licence; and
- (b) the rules of fixed odds betting approved by the Board.

(S. 48 came into operation on 6 December 2007.)

49. Registration of bookmaker's clerk

(1) No bookmaker, other than a bookmaker operating through remote communication, shall employ any person to assist him in the conduct of his betting operations unless he registers that person with the Board as a bookmaker's clerk.

(2) No person shall be registered under subsection (1) unless he—

- (a) is of the age of 21 or above; and
- (b) is a fit and proper person.

(3) Any registration under this section shall be subject to such conditions as may be determined by the Board.

(4) Every bookmaker's clerk shall, at all times in the course of his employment, have in his possession his registration certificate issued by the Board.

(S. 49 came into operation on 6 December 2007.)

50. Cancellation of registration

(1) Where a bookmaker's clerk ceases to be employed, the bookmaker shall forthwith notify the Board in writing of the termination of the employment.

(2) Where a notice is given under subsection (1), the Board shall cancel the registration of the clerk.

(3) The Board shall cancel the registration of a bookmaker's clerk where it is satisfied that the clerk is no longer a fit and proper person.

(S. 50 came into operation on 6 December 2007.)

PART XII – SWEEPSTAKES

51. Licensing of sweepstake organiser

(1) No person shall organise a sweepstake unless he holds a sweepstake organiser licence.

(2) The Board may, on application made, issue to the applicant a licence authorising him to organise sweepstakes.

(3) No sweepstake organiser licence shall be issued unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(S. 51 came into operation on 6 December 2007.)

52. Display of licence

Every sweepstake organiser shall display his licence in a conspicuous place at his premises.

(S. 52 came into operation on 6 December 2007.)

52A. Registration of sweepstake retailers

(1) Where a sweepstake organiser appoints a person as a sweepstake retailer, it shall apply to the Board for the registration of that person.

(2) An application under subsection (1) shall be made in such form and manner as the Board may approve.

[RR 7/2020 (cio 31/8/2020).]

(3) The Board may require the sweepstake organiser to furnish such information as may be reasonably necessary in order to enable the Board to properly consider the application.

[S. 52A inserted by s.32(h) of Act 11 of 2018 w.e.f. 1 January 2019; amended by s. 25 of Act 7 of 2020 w.e.f. 31 August 2020.]

52B. Grant or refusal of registration certificate

(1) The Board may grant a registration certificate subject to such terms and conditions as it may determine.

- (2) No registration certificate shall be granted unless the Board is satisfied that the person is a fit and proper person to sell sweepstakes.
- (3) No registration certificate shall be granted to a person –
 - (a) who is under the age of 21;
 - (b) who has, within the 10 years preceding the date of application, been convicted of any offence involving fraud or dishonesty, or is a body corporate of which any director, manager or officer has been so convicted; or
 - (c) who was the holder of a registration certificate which has been cancelled.
[S. 52B inserted by s.32(h) of Act 11 of 2018 w.e.f. 1 January 2019.]

52C. Display of registration certificate

Every sweepstake retailer shall display in a conspicuous place at his business premises his registration certificate.

[S. 52C inserted by s.32(h) of Act 11 of 2018 w.e.f. 1 January 2019.]

52D. Prohibition to transfer registration certificate

No sweepstake retailer shall assign or transfer his registration certificate.

[S. 52D inserted by s.32(h) of Act 11 of 2018 w.e.f. 1 January 2019.]

52E. Cancellation of registration certificate

(1) Where a sweepstake organiser terminates the appointment of a sweepstake retailer, it shall forthwith notify the Board of the termination.

(2) Where a notice is given under subsection (1), the Board shall cancel the registration certificate of the sweepstake retailer.

(3) Subject to subsections (4) and (5), the Board may cancel a registration certificate where it is satisfied that –

- (a) the information given to the Board for the registration of the sweepstake retailer is false or misleading in a material particular;
- (b) the sweepstake retailer has contravened this Act;
- (c) the sweepstake retailer is not, or is no longer, a fit and proper person to be a sweepstake retailer; or
- (d) the sweepstake retailer has been convicted under this Act, the Financial Intelligence and Anti-Money Laundering Act or under any other enactment of an offence involving fraud or dishonesty.

(4) Where the Board is of the opinion that a registration certificate should be cancelled, it shall give notice of its intention, in writing, to the sweepstake retailer and the sweepstake organiser together with its grounds.

(5) The Board shall, in the notice under subsection (4), require the sweepstake retailer to show cause in writing, within such time as may be specified in the notice, why the registration certificate should not be cancelled.

(6) The Board shall, after considering the explanations of the sweepstake retailer, inform him in writing of its decision and the reasons for its decision.

[S. 52E inserted by s.32(h) of Act 11 of 2018 w.e.f. 1 January 2019.]

52F. Suspension of registration certificate

Without prejudice to its powers under section 52E, the Board may suspend the registration certificate of a sweepstake retailer for a period not exceeding 3 months on any ground on which it would have been entitled to cancel the registration certificate under that section.

[S. 52F inserted by s.32(h) of Act 11 of 2018 w.e.f. 1 January 2019.]

PART XIII – POOL BETTING

53. Licensing of pool betting

(1) No person shall be—

(a) a local pool promoter; or

[Amended 13/19 (cio 31/10/19).

(b) an agent of a foreign pool promoter,

[Amended 13/19 (cio 31/10/19).

(c) –

[Amended 13/19 (cio 31/10/19).

unless he holds the appropriate licence.

(2) The Board may, on application made, issue to the applicant a licence authorising him to carry on the business of a local pool promoter or of an agent of a foreign pool promoter, as the case may be.

[RR 13/19 (cio 31/10/19).

(3) No licence shall be issued under this Part, unless –

(a) the applicant is a company; and

(b) the appropriate licence fee specified in the Third Schedule is paid to the Authority.

[RR 15/21 (cio 5/8/21).

(4) –

[R 13/19 (cio 31/7/19).

[S. 53 amended by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019; s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

53A. Registration of collector

(1) Where a local pool promoter or an agent of a foreign pool promoter, as the case may be, appoints a collector, he shall apply to the Board for the registration of that collector.

(2) An application under subsection (1) shall be made in such form and manner as the Board may approve.

[RR 7/2020 (cio 31/8/2020).]

(3) The Board may require the local pool promoter or an agent of a foreign pool promoter, as the case may be, to furnish such information as may be reasonably necessary in order to enable the Board to properly consider the application.

[S. 53A inserted by s. 23 of Act 13 of 2019 w.e.f. 31 October 2019; amended by s. 25 of Act 7 of 2020 w.e.f. 31 August 2020.]

53B. Grant or refusal of registration certificate

(1) The Board may grant a registration certificate in respect of a collector subject to such terms and conditions as it may determine.

(2) No registration certificate shall be granted unless the Board is satisfied that the collector is a fit and proper person to act as collector.

(3) No registration certificate shall be granted to a collector where that collector –

(a) is under the age of 21;

(b) has, within the 10 years preceding the date of application, been convicted of any offence involving fraud or dishonesty, or is a body corporate of which any director, manager or officer has been so convicted; or

(c) was the holder of a registration certificate which has been cancelled.

[S. 53B inserted by s. 23 of Act 13 of 2019 w.e.f. 31 October 2019.]

53C. Display of registration certificate

Every collector shall display his registration certificate in a conspicuous place at his business premises.

[S. 53C inserted by s. 23 of Act 13 of 2019 w.e.f. 31 October 2019.]

53D. Prohibition to transfer registration certificate

No collector shall assign or transfer his registration certificate.

[S. 53D inserted by s. 23 of Act 13 of 2019 w.e.f. 31 October 2019.]

53E. Cancellation of registration certificate

(1) Where a local pool promoter or an agent of a foreign pool promoter, as the case may be, terminates the appointment of a collector, it shall forthwith notify the Board of the termination.

(2) Where a notice is given under subsection (1), the Board shall cancel the registration certificate of the collector.

(3) Subject to subsections (4) and (5), the Board may cancel a registration certificate where it is satisfied that –

(a) the information given to the Board for the registration of the collector is false or misleading in a material particular;

- (b) the collector has contravened this Act;
- (c) the collector is not, or is no longer, a fit and proper person to act as collector;
or
- (d) the collector has been convicted under this Act, the Financial Intelligence and Anti-Money Laundering Act or under any other enactment of an offence involving fraud or dishonesty.

(4) Where the Board is of the opinion that a registration certificate should be cancelled, it shall give notice of its intention, in writing, to the collector and the local pool promoter or the agent of a foreign pool promoter, as the case may be, together with its grounds.

(5) The Board shall, in the notice under subsection (4), require the collector to show cause in writing, within such time as may be specified in the notice, why the registration certificate should not be cancelled.

(6) The Board shall, after considering the explanations of the collector, inform him in writing of its decision and the reasons for its decision.

[S. 53E inserted by s. 23 of Act 13 of 2019 w.e.f. 31 October 2019.]

53F. Suspension of registration certificate

Without prejudice to its powers under section 53E, the Board may suspend the registration certificate of a collector for a period not exceeding 3 months on any ground on which it would have been entitled to cancel the registration certificate under that section.

[S. 53F inserted by s. 23 of Act 13 of 2019 w.e.f. 31 October 2019.]

53G. Savings for person formerly licensed as collector

(1) Subject to subsection (2), a person formerly licensed as a collector under the repealed section 53(2) may continue to operate as a collector pending the determination of an application for his registration under section 53A.

(2) Where a person formerly licensed as a collector under the repealed section 53(2) has not been registered as a collector within 3 months of the coming into operation of sections 53A to 53F, that person shall forthwith cease activities.

[S. 53G inserted by s. 23 of Act 13 of 2019 w.e.f. 31 October 2019.]

54. Conduct of pool betting

(1) No local pool promoter or agent of a foreign pool promoter shall conduct, promote or organise pool betting on any event or contingency unless the event or contingency is approved by the Board—

- (a) on any event or contingency unless the event or contingency is approved by the Board;
and
- (b) more than once a week on the same event or contingency.

(2) Every local pool promoter or agent of a foreign pool promoter shall conduct his pool betting operations in accordance with the rules referred to in section 55.

(3) No local pool promoter or agent of a foreign pool promoter shall conduct its pool betting business through any person other than a collector.

[S. 54 amended by s. 19 (a) of Act 14 of 2009 w.e.f. 30 July 2009.]

(S. 54 came into operation on 6 December 2007.)

55. Rules of pool betting

(1) Every local pool promoter shall submit to the Board a certified copy of its rules of pool betting for approval.

(2) Where a local pool promoter proposes to amend its rules of pool betting, it shall submit to the Board a copy of the proposed amendment for approval.

(3) Every agent of a foreign pool promoter shall submit to the Board a certified copy of the rules of pool betting of the foreign pool promoter and any amendment to those rules.

(S. 55 came into operation on 6 December 2007.)

56. Display of licence and rules

Every local pool promoter, agent of a foreign pool promoter or collector shall, at all times, display in a conspicuous place at his premises—

- (a) his licence and the conditions of the licence; and
- (b) the relevant rules of pool betting.

(S. 56 came into operation on 6 December 2007.)

PART XIV – DART GAMES

57. Licensing of dart games

(1) Subject to subsection (2), no person shall operate dart games for gain.

(2) No person shall operate dart games for gain—

- (a) within the precincts of the racecourse unless he holds a dart game licence issued by the Board; or
- (b) at a funfair, fancy fair or similar event unless he obtains the prior approval of the Commissioner of Police.

(3) No licence under subsection (2) (a) shall be issued unless—

- (a) the rules for operating the dart games are approved by the Board; and
- (b) the appropriate licence fee specified in the Third Schedule is paid to the Authority.

(4) Where a licence under subsection (2) (a) is issued, the licensee shall operate dart games on the days and times specified in the Third Schedule.

(S. 57 came into operation on 6 December 2007.)

PART XV – MAURITIUS NATIONAL LOTTERY

58. Interpretation of Part XV

In this Part—

“participant” means a person who is in possession of a ticket of a lottery game;

“ticket” means any symbol, sign, token, coupon, warrant, card, printed paper, document or list or any other means or device which confers or purports to confer the right to take part in a lottery game, and which is issued by the Operator.

(S. 58 came into operation on 6 December 2007.)

[S. 58 amended by s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

Sub-Part A – The Mauritius National Lottery Operator

59. Licensing of Operator

(1) Notwithstanding any other enactment, there shall, at no time, be more than one Operator holding a licence for the purposes of this Part.

(2) (a) The Board shall issue a licence to the Operator authorising it to operate the Mauritius National Lottery on behalf of the Government of Mauritius but subject to paragraph (b).

(b) The Operator shall not be deemed to be the agent of Government for the purpose of any liability of any nature towards a third party and arising out of the operation of the Mauritius National Lottery.

(c) The operator may conduct lottery and lottery games through remote communication on such terms and conditions as the Board may approve.

[Added 15/21 (NIF).]

(3) A licence issued under this section shall be valid for a period not exceeding 10 years.

[Amended 9/15 (cio 14/5/15).]

(4) Upon an application made by the Operator to the Board at least one year prior to the expiry of the licence, the Board may, upon being satisfied of the satisfactory operation of the Mauritius National Lottery by the Operator, renew the licence for one or more period not exceeding 5 years, subject to such terms and conditions as the Board may deem fit to impose.

(5) A licence issued under this section shall be subject to the payment of the appropriate licence fee specified in the Third Schedule.

(S. 59 came into operation on 6 December 2007.)

[S. 59 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015; S. 35 OF Act 15 of 2021 (NIF).]

60. Conditions of Operator's licence

(1) The licence issued under section 59 shall be subject to such terms and conditions as the Board may impose and may require the Operator to—

- (a) obtain the consent of the Board before doing any specific act or thing otherwise permitted under the licence;
- (b) refer matters specified in the licence to the Board for approval;
- (c) provide to the Board at specified times with such information as the Board may require;
- (d) pay any sum out of the net proceeds, at the rate specified in the Fifth Schedule, to the Director-General at such times as may be specified in the licence;

[Amended 26/12 (cio 22/12/12); 18/16 (cio 7/9/16).]

- (e) obtain the approval of the Board for any lottery game, and the rules of the game, before that lottery game is conducted;
- (f) secure a written undertaking from any person controlling the Operator in any way not to change such control without the consent of the Board;
- (g) give an undertaking not to permit, require or compel any of its employees or lottery retailers to knowingly sell a ticket, or to award or to pay any prize to any person specified in subsection (2) as a person to whom this paragraph applies;
- (h) adopt an appropriate system for the verification of the validity of lottery game tickets and claims for prizes; or

(i) inform the Board forthwith where it terminates an agreement with a lottery retailer.

(1A) For the purposes of subsection (1)(d), the Operator shall, not later than 7 days after the end of every quarter, submit a return in a form approved by the Director-General and at the same time pay any sum due.

[Inserted 26/12 (cio 22/12/12).]

(1B) Where the Operator fails to submit a return or pay any sum due in accordance with subsection (1A), it shall be liable to pay to the Director-General, in addition to the sum due, a penalty representing 5 per cent of the sum due and interest at the rate of 0.5 per cent per month or part of a month on the sum due and the penalty from the date the sum due is payable to the date of payment.

[Inserted 26/12 (cio 22/12/12); amended 9/15 (cio 14/5/15).]

(1C) Where the Operator has obtained pursuant to subsection (1)(e) the approval of the Board to operate Instant-Win Scratch Games, also known as “*cartes à gratter*”, that approval shall be withdrawn with effect from 30 June 2015.

[Inserted 9/15 (cio 14/5/15).]

(2) A person to whom subsection (1) (g) applies shall be—

- (a) a director of the Operator or a director of a holding or shareholder company of the Operator, an employee or consultant of the Operator;
- (b) a person who prints or in any other way manufactures a ticket for the Mauritius National Lottery, or any of its directors or employees; or
- (c) a person who supplies, operates, maintains or repairs any computers or any other electronic device or system of any kind, or software for those computers or devices, for the Operator, or any of its directors or employees.

(S. 60 came into operation on 6 December 2007.)

[S. 60 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

61. Display of Operator’s licence

The Operator shall display in a conspicuous place at its business premises its licence and the conditions of the licence.

(S. 61 came into operation on 6 December 2007.)

62. Duties of Operator

The duties of the Operator shall be to—

- (a) devise and operate lottery games authorised under this Act in accordance with rules as the Board may approve;
- (b) —
[Repealed 9/15 (cio 14/5/15).]
- (c) pay all prizes;
- (d) pay such proportion of the net proceeds from lottery games to the Director-General in accordance with the terms and conditions of the licence;

[Amended 26/12 (cio 22/12/12).]

- (e) perform all other duties necessary for the successful operation of the Mauritius National Lottery, including the establishment of, and operating as the fiduciary custodian without

proprietary rights in, a Prize Fund Account into which shall be paid the gross proceeds, and out of which shall be paid all prizes; and

- (f) organise, initiate, supervise and administer the operation of the Mauritius National Lottery relating to the categories of lottery games and the conduct of the games pursuant to this Act.

(S. 62 came into operation on 6 December 2007.)

[S. 62 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012.]

63. Obligations of Operator

The Operator shall, for the purposes of this Act—

- (a) conduct necessary or appropriate market research;

[Repealed and replaced 9/15 (cio 14/5/15).]

- (b) select and contract with lottery retailers;

- (c) enter into contracts on the terms and conditions determined by the Operator, except that it shall not enter into a contract for the purpose of assigning or transferring the organisation and conduct of the Mauritius National Lottery; and

[Amended 9/15 (cio 14/5/15).]

- (d) enter into written agreements with one or more other States for the operation, participation in marketing and promotion of a joint lottery or joint lottery games, subject to the approval of the Board.

[Amended 9/15 (cio 14/5/15).]

- (e) – (f) –

[Repealed 9/15 (cio 14/5/15).]

(S. 63 came into operation on 6 December 2007.)

Sub-Part B – Lottery Retailers

64. Prohibition to sell Mauritius National Lottery

No person, other than the Operator, shall sell, offer or expose for sale or have in his possession for sale, any lottery game ticket, unless he holds a registration certificate issued by the Board.

(S. 64 came into operation on 6 December 2007.)

65. Registration of lottery retailers

(1) Where the Operator appoints a person as a lottery retailer to sell lottery game tickets, it shall apply to the Board for the registration of that person.

(2) An application under subsection (1) shall be made in such form and manner as the Board may approve.

[RR 7/2020 (cio 31/8/2020).]

(3) The Board may require the Operator to furnish such information which may be reasonably necessary in order to enable the Board to properly consider the application.

(S. 65 came into operation on 6 December 2007; amended by s. 25 of 7 of 2020 w.e.f. 31 August 2020.)

66. Grant or refusal of registration certificate

(1) The Board may grant a registration certificate subject to such terms and conditions as it may determine.

(2) No registration certificate shall be granted unless the Board is satisfied that the person is a fit and proper person to sell lottery game tickets.

(3) No registration certificate shall be granted to a person—

- (a) who is under the age of 21;
- (b) who has, within the 10 years preceding the date of application, been convicted of any offence involving fraud or dishonesty, or is a body corporate of which any director, manager or officer has been so convicted; or
- (c) who was the holder of a registration certificate which has been cancelled.

(S. 66 came into operation on 6 December 2007.)

67. Display of registration certificate

Every lottery retailer shall display in a conspicuous place at his business premises his registration certificate and the National Lottery rules of the Operator.

(S. 67 came into operation on 6 December 2007.)

68. Prohibition to transfer registration certificate

No lottery retailer shall assign or transfer his registration certificate.

(S. 68 came into operation on 6 December 2007.)

69. Cancellation of registration certificate

(1) Where the Operator terminates the appointment under which a lottery retailer is authorised to sell lottery game tickets, it shall forthwith notify the Board of the termination.

(2) Where a notice is given under subsection (1), the Board shall cancel the registration certificate of the lottery retailer.

(3) Subject to subsections (4) and (5), the Board may cancel a registration certificate where it is satisfied that—

- (a) the information given to the Board for the registration of the lottery retailer is false or misleading in a material particular;
- (b) the lottery retailer has contravened this Act or any rules made under section 77;
- (c) the lottery retailer is not, or is no longer, a fit and proper person to be a lottery retailer; or
- (d) the lottery retailer has been convicted of an offence under this Act, the Financial Intelligence and Anti-Money Laundering Act, or under any other enactment where the offence is one involving fraud or dishonesty.

(4) Where the Board is of opinion that a registration certificate should be cancelled, it shall give notice of its intention, in writing, to the lottery retailer and the Operator together with its reasons for so doing.

(5) The Board shall, in the notice under subsection (4), require the lottery retailer to show cause in writing, within such time as may be specified in the notice, why the registration certificate should not be cancelled.

(6) The Board shall, after considering the explanations of the lottery retailer, inform him in writing of its decision and the reasons for its decision.

(S. 69 came into operation on 6 December 2007.)

70. Suspension of registration certificate

Without prejudice to its powers under section 69, the Board may suspend the registration certificate of the lottery retailer for a period not exceeding 3 months on any ground on which it would have been entitled to cancel the registration certificate under section 69.

(S. 70 came into operation on 6 December 2007.)

Sub-Part C – Mauritius National Lottery Prizes

71. Prize Fund Account

- (1) The Operator shall maintain and operate with a local bank a Prize Fund Account.
- (2) There shall be paid into the Prize Fund Account all sums staked on lottery games.
- (3) There shall be paid out of the Prize Fund Account—
 - (a) all prizes set for the respective lottery games in accordance with the rules made under section 77;
 - (b) any amount due to the Operator under the terms and conditions of its licence; and
 - (c) to the Director-General, the proportion of the net proceeds referred to in section 62 (d).

[Amended 26/12 (cio 22/12/12).]

(S. 71 came into operation on 6 December 2007.)

[S. 71 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012.]

72. Entitlement to prizes

(1) The Operator shall pay to every participant the prize to which the participant is entitled in accordance with the official results of the draw of the lottery game and in accordance with the rules made under section 77.

(2) Where, after the draw of a lottery game, no person is, or becomes, entitled to a prize offered in the lottery game, the amount of the prize shall be used for the allocation, in accordance with rules made under section 77, of bigger prizes for the subsequent draw of the same lottery game.

(S. 72 came into operation on 6 December 2007.)

73. Lottery prize claims

(1) A participant to a lottery who is entitled to a lottery prize may be required to submit evidence of his entitlement to the Operator, in accordance with rules made under section 77.

(2) Where the Operator is satisfied that the participant is entitled to the prize, the Operator shall pay to the participant the amount of the prize.

(3) (a) Where the Operator is not satisfied that a participant is entitled to the prize claimed, the Operator shall retain the amount of the prize in the Prize Fund Account, until such time as the participant satisfies the Operator of his entitlement, or as a Court determines the entitlement of the participant.

(b) Where it is determined that a participant is entitled to the prize, the Operator shall pay the amount of the prize in accordance with the determination.

(c) Where it is determined that no person is entitled to a prize, the Operator shall forthwith pay the amount of the prize into the National Solidarity Fund.

(4) Notwithstanding this section, a claim to a prize in respect of—

- (a) an instant-win game made later than 3 months after the date of closure of that instant-win game; or
- (b) any other lottery game made later than 6 months after the draw of the lottery game to which it relates,

shall not be entertained, unless the time periods specified in this subsection are extended, on a case to case basis, by the Authority where such time periods expire during a time of national confinement, disaster or calamity.

[Amended 15/21 (cio 5/8/21).]

(S. 73 came into operation on 6 December 2007.)

[S. 73 amended by s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

74. Lottery proceeds

(1) Unless otherwise agreed with the Operator, every lottery retailer who sells any lottery game tickets shall pay the proceeds that accrue from the sale of the lottery games into the Prize Fund Account.

(2) Every lottery retailer shall keep all lottery proceeds separate from his other funds in a separate bank account in a local bank.

(S. 74 came into operation on 6 December 2007.)

75. Draw of lottery games

(1) The draw of every lottery game, other than an instant-win game, shall be held by the Operator in public and in the presence of an inspector designated by the Board.

(2) The Operator shall publicly notify or announce, in any manner that it thinks fit—

- (a) the time and place of the draw; and
- (b) in the case of a draw that is to be broadcast, the time at which and the channel or station on which the draw is to be broadcast.

(3) The Operator shall publish in 2 daily newspapers the date of closure of any instant-win game.

(S. 75 came into operation on 6 December 2007.)

76. Official result

The Operator shall, immediately after the draw of any lottery game, announce or display the official result in accordance with the rules for the type of lottery game to which the draw relates.

(S. 76 came into operation on 6 December 2007.)

77. National Lottery rules

(1) The Operator may, with the approval of the Board, make such rules not inconsistent with this Act for, or in relation to, the conduct and operation of lottery games and the establishment and distribution of prize funds.

(2) The Operator shall publish the rules made under subsection (1) in the *Gazette* and in 2 daily newspapers.

(3) Any rule made under this section shall take effect as from the date of the last publication referred to in subsection (2), or on such other date as may be specified in the rules.

(4) Notwithstanding the Interpretation and General Clauses Act, rules made under subsection (1) shall not be required to be laid before the National Assembly.

(S. 77 came into operation on 6 December 2007.)

78. Protection of product names

(1) No person, other than the Operator shall, either alone or with any other person, promote, organise or conduct any lottery game under—

- (a) such product name as may be prescribed; or
- (b) any other name, knowing that the name so resembles a prescribed product name that is likely to mislead any person.

(2) No person, other than the Operator or a person authorised to do so by it, shall, subject to any other enactment, for the purposes of any lottery other than the Mauritius National Lottery, make use of the names “Mauritius National Lottery” or “National Lottery” or of any name so closely resembling either of the names as to be reasonably capable of leading to the belief that either of those 2 names is being referred to.

(3) Any person who contravenes subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(S. 78 came into operation on 6 December 2007.)

79. Copyright with respect to Mauritius National Lottery

Any copyright, trademark, service mark or logo and enforcement of rights with respect to the Mauritius National Lottery are the sole property of the Government of Mauritius.

(S. 79 came into operation on 6 December 2007.)

Sub-Part D – Control Procedures

80. Control procedure

(1) The Operator shall not conduct a lottery game unless it has a control procedure approved by the Board for conducting the lottery game.

(2) Where the Operator contravenes an approved control procedure, or changes the approved control procedure other than under a direction under section 84 or with the approval of the Board under section 83, the Operator shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees.

(S. 80 came into operation on 6 December 2007.)

81. Submission of control procedure

(1) The Operator shall, not later than 3 months before it proposes to start conducting lottery games under its licence, submit its control procedure in writing to the Board for approval.

(2) Notwithstanding the period specified in subsection (1), the Operator may submit its control procedure to the Board for approval at such later time as the Board may allow.

(3) The control procedure shall describe and explain the Operator’s control procedure and shall include information about—

- (a)
 - (i) the accounting systems and procedures;
 - (ii) the administrative systems and procedures;
 - (iii) the computer software and systems; and
 - (iv) the standard forms and terms,
to be used for the conduct of the lottery games;
- (b) the general procedures to be followed for the conduct of the lottery games;

- (c) the procedures and standards for the maintenance, security, storage and transportation of equipment to be used for the conduct of the lottery games;
- (d) the procedures for the recording and paying of prizes won in lottery games; and
- (e) the procedures for using and maintaining security facilities.

(S. 81 came into operation on 6 December 2007.)

82. Change in control procedure

(1) Where the Operator intends to change an approved control procedure, it shall make a written application to the Board.

(2) An application under subsection (1) shall be made in writing not later than 3 months before the Operator intends to start conducting lottery games under the proposed new control procedure.

(3) Notwithstanding the period specified in subsection (2), the Operator may submit its application at such later time as the Board may allow.

(4) An application made under this section shall contain particulars of the proposed changes to the Operator's approved control procedure.

(S. 82 came into operation on 6 December 2007.)

83. Consideration of application

(1) On receipt of an application under section 81 or 82, the Board may either approve, or refuse to approve, the Operator's proposed control procedure or the proposed change in the approved control procedure.

(2) In considering an application, the Board may—

- (a) by written notice given to the Operator, require it to give to the Board additional information in relation to the application that is necessary to enable the Board to make a decision about the application; and
- (b) consult such other person or authority as it thinks fit.

(3) In considering whether to approve an application, the Board shall have regard to—

- (a) whether the application satisfies this Sub-Part; and
- (b) whether the Operator's proposed control procedure is capable of providing satisfactory and effective control over the conduct of lottery games.

(4) The Board may refuse to approve a proposed control procedure where the Operator fails to comply with subsection (2) (a).

(5) The Board shall promptly notify the Operator in writing of its decision to approve or not to approve an application under this section.

(6) Where the Board refuses to approve an application, the notice referred to in subsection (5) shall contain the reasons for its decision and where the Board is of the opinion that the application can be rectified to enable the Board to approve such application, the notice shall also—

- (a) explain how the application may be changed; and
- (b) invite the Operator to re-apply after making the appropriate changes.

(S. 83 came into operation on 6 December 2007.)

84. Direction to change approved control procedure

(1) The Board may, in writing, direct the Operator to change an approved control procedure

within such time and in such way as may be specified in the notice.

(2) The Operator shall comply with the notice referred to in subsection (1).

(3) Where the Operator fails to comply with a direction under subsection (1), it shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees.

(S. 84 came into operation on 6 December 2007.)

Sub-Part E – Remittance of Money into Lotto Fund and Consolidated Fund

[RR. 18/16 (cio 1/10/16).]

85. Lotto Fund

There is set up for the purpose of this Sub-part a Lotto Fund which shall be administered as a Special Fund under the Finance and Audit Act.

[S. 85 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; repealed and replaced by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

(S. 85 came into operation on 6 December 2007.)

PART XVA – VIDEO LOTTERY TERMINALS

[Part XVA inserted by s. 9 (c) of Act 20 of 2009 w.e.f. 1 January 2011.]

85A. Remittance of money into Lotto Fund and Consolidated Fund

(1) On receipt of the proportion of the net proceeds referred to in sections 71(3)(c) and 85B(3), the Director-General shall, as soon as is practicable –

- (a) remit 50 per cent, or such other percentage as may be prescribed, of the net proceeds into the Lotto Fund to finance projects and schemes in respect of community development, education, health, sports, culture, heritage or arts, and for reimbursement of public debt of Government and for such other purposes as may be prescribed; and
- (b) remit the remaining percentage of the proportion of the net proceeds into the Consolidated Fund.

[S. 85A inserted by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

85B. Regulation of video lottery terminals (VLTs)

[Amended 18/16 (cio 1/10/16).]

(1) The Operator shall be issued with a licence authorising it to operate VLTs on payment of the appropriate prescribed licence fee to the Authority.

(2) The Operator shall operate VLTs in accordance with rules approved by the Board.

(3) The Operator shall pay such proportion of the net proceeds from VLTs to the Director-General in accordance with the terms and conditions of the licence.

(4) –

[Inserted 26/12 (cio 22/12/12); repealed 18/16 (cio 1/10/16).]

[S. 85A inserted by s. 9 (c) of Act 20 of 2009 w.e.f. 1 January 2011; amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

PART XVI – LOTERIE VERT OPERATOR

86. Interpretation

In this Part –

“operator” means the holder of the exclusive right to the mark “*Loterie Vert*”.

87. Licensing of operator

The Board shall, on payment of the appropriate licence fee specified in the Third Schedule, issue a *Loterie Vert* licence to the operator on such terms and conditions as it may determine.

88. Payment to Director-General

(1) The Loterie Vert operator shall –

- (a) at such time as may be specified in the Fifth Schedule, pay to the Director-General the percentage of its net proceeds specified in that Schedule; and
- (b) at the same time, submit a return to the Director-General in such form as he may approve.

(2) Where the operator fails to submit a return or pay any sum due in accordance with subsection (1), it shall be liable to pay to the Director-General, in addition to the sum due, a penalty representing 5 per cent of the sum due and interest at the rate of 0.5 per cent per month, or part of a month on the sum due, and the penalty from the date the sum due is payable to the date of payment.

[Part XVI repealed 11/18 (cio 30/11/18); inserted by s. 35 of Act 15 of 2021 w.e.f. 31 August 2020.]

86. –

[S. 89 repealed by s. 32 (i) of Act 11 of 2018 w.e.f. 30 November 2018.]

87. –

[S. 89 repealed by s. 32 (i) of Act 11 of 2018 w.e.f. 30 November 2018.]

88. –

[S. 88 amended by s. 8(b) of Act 26 of 2013 w.e.f. 21 December 2013; repealed by s. 32(i) of Act 11 of Act 2018 w.e.f. 30 November 2018.]

89. –

[S. 89 repealed by s. 32 (i) of Act 11 of 2018 w.e.f. 30 November 2018.]

89A. –

[S. 89A inserted by s. 21 of Act 9 of 2015 w.e.f. 14 Mqy 2015; repealed by s. 32(i) of Act 11 of Act 2018 w.e.f. 30 November 2018.]

PART XVII – OTHER LOTTERIES

90. Organisation of other lotteries

(1) Subject to subsection (3), no person shall organise a lottery unless he holds a lottery licence under this Act.

- (2) No lottery licence shall be issued unless—
- (a) the purposes for which the lottery is organised have been approved by the Board; and
 - (b) the appropriate licence fee specified in the Third Schedule is paid to the Authority.
- (3) Subject to subsection (4), subsection (1) shall not apply to a lottery organised—
- (a) by a holder of a licence under the Independent Broadcasting Authority Act through a remote communication system where the total amount or value of the prizes for each competition does not exceed 3,000 rupees or such other amount as may be prescribed; or
[Amended 11/18 (cio 1/8/18).]
 - (b) for a charitable, benevolent, religious or educational purpose.

(4) A lottery under subsection (3) (b) shall not be organised unless it has been approved by the Commissioner of Police.

(S. 90 came into operation on 6 December 2007.)

[S. 90 amended by s. 32 of Act 32 of 2018 w.e.f. 1 August 2018.]

PART XVIIIA – AD HOC LICENCE

90A. Interpretation in this Part

In this Part –

“specified event” means –

- (a) a wedding of a non-citizen;
- (b) an international poker game competition; or
- (c) such other event as the Board may determine.
[RR 7/2020 (cio 31/8/2020).]

[S. 90A inserted by s. 8(c) of Act 26 of 2013 w.e.f. 21 December 2013.]

90B. Application for ad hoc licence

(1) A person who wishes to carry out a gambling activity at a specified event shall apply to the Authority for an ad hoc licence.

- (2) A person who makes an application under subsection (1) shall make that application –
- (a) not later than 15 days before the date of the specified event;
 - (b) to the Chief Executive; and
 - (c) in such form and manner as the Chief Executive may determine.

[S. 90A inserted by s. 8(c) of Act 26 of 2013 w.e.f. 21 December 2013.]

90C. Issue of ad hoc licence

(1) The Board may, on application made under section 90B, issue to the applicant an ad hoc licence specifying –

- (a) the nature of the specified event;

- (b) the type of gambling activity to be carried out at the specified event;
- (c) the location of the premises where the gambling activity is to be conducted; and
- (d) the period during which the gambling activity is to take place.

(2) No licence shall be issued under this Part unless the appropriate licence fee specified in the Third Schedule is paid to the Authority.

[S. 90A inserted by s. 8(c) of Act 26 of 2013 w.e.f. 21 December 2013.]

PART XVIII – INTERACTIVE GAMBLING

(Part XVIII not in operation.)

91. Regulation of interactive gambling

(1) No person shall operate interactive gambling unless he holds the appropriate licence.

(2) No interactive gambling licence shall be issued unless the appropriate licence fee specified in the regulations is paid to the Authority.

(3) For the purposes of this Part, a person is deemed to be conducting interactive gambling where—

- (a) he takes part in its organisation, management or promotion; or
- (b) he maintains or permits to maintain, in Mauritius any computer or such other electronic communication system by means of which interactive gambling is operated.

(4) The Minister may make regulations to provide for the conduct of interactive gambling operation in Mauritius and for the issue of licences for such operation.

(5) Any regulations made under subsection (4) may—

- (a) provide the games that may be authorised under the licence;
- (b) provide that the operation be under the supervision of the Authority and its inspectors;
- (c) provide for the prevention against money laundering and the financing of terrorism;
- (d) provide for the levying of licence fees and taxes; and
- (e) make such other provision as shall ensure that the games are played fairly, that the operation is run by fit and proper persons and that proper records are kept.

(6) Regulations made under this section may also provide that—

- (a) it shall be an offence for any person operating interactive gambling outside Mauritius to allow a person physically present in Mauritius to have access to the games conducted by him; and
- (b) the Authority may give directions to—
 - (i) any internet service provider in Mauritius, through the Information and Communication Technologies Authority established under the Information and Communication Technologies Act, to block access by persons physically present in Mauritius to interactive gambling sites outside Mauritius;
 - (ii) any financial institution in Mauritius to stop payment made by persons physically present in Mauritius to any person operating interactive gambling outside Mauritius.

(7) Where a direction is given under subsection (6) (b), the internet service provider or the financial institution, as the case may be, shall comply with the direction.

(8) No proceedings shall lie against any internet service provider or financial institution in Mauritius for having complied with a direction given under subsection (6) (b).

(S. 91 not in operation.)

PART XIX – GENERAL LICENSING PROVISIONS

92. Limitation of number of licences

(1) Where the Minister is of opinion that it is necessary in the public interest to limit the number of licences, he may, by order to the Board, limit the number of licences which may be issued.

(2) An order under subsection (1) shall be binding for such district, town, village or other area or for such period as may be specified in the order.

(S. 92 came into operation on 6 December 2007.)

93. Restriction on issue of licences

No licence shall be issued to a person—

- (a) who is under the age of 21;
- (b) unless the person, or in the case of a company or other entity, any of its directors, managers, officers or any person having a direct or indirect beneficial interest in the company or entity, is a fit and proper person;

[RR 10/17 (cio 6/10/17).]

- (c) who has, within the 10 years preceding the date of application, convicted of any offence involving fraud or dishonesty or any other offence as may be prescribed, or is a company or entity of which the director, manager, officer or any other person having a direct or indirect beneficial interest has been so convicted;

[RR 10/17 (cio 6/10/17).]

- (ca) where the person, or in the case of a company or other entity, any of its directors, managers, officers or any person having a direct or indirect beneficial interest in the company or entity, is under investigation for any offence of fraud or dishonesty or any other offence as may be prescribed; or

[Inserted 10/17 (cio 6/10/17).]

- (d) who was the holder of a licence which has been revoked or cancelled.

(S. 93 came into operation on 6 December 2007.)

[S. 93 amended by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017.]

93A. Restriction on renewal of licences

Section 93 shall apply to the renewal of a licence with such modifications, adaptations and exceptions as may be necessary.

[S. 93B inserted by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017.]

93B. Personal management licence

(1) No person shall act as director, manager or officer of a licensee unless he holds a personal management licence.

(2) A personal management licence shall be issued in such manner and under such conditions as may be prescribed.

(3) In this section –

“officer”, in so far as it relates to a licensee, means such other officer as may be prescribed.

[Added 11/18 (cio 1/8/18); amended 15/21 (cio 1/10/21).]

[S. 93B amended by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018; s. 35 of Act 15 of 2021 w.e.f. 1 October 2021.]

94. Application for issue or renewal of licence

(1) An application for the issue or the renewal of a licence shall be made in such form and manner as the Board may determine.

(2) An application under subsection (1) shall, in the case of –

(a) an individual, be accompanied by –

(i) a certified list of the name and addresses of all beneficial owners, directors, managers and other senior officers of the applicant and a list of its shareholders owning 10 per cent or more of its shares;

[RR 5/2020 (cio 9/7/2020).]

(ii) such other document or information as the Board may determine; or

(b) a company or other entity, be accompanied by –

(i) the names of its directors, managers or officers, as the case may be;

(ii) the names of persons having a direct or indirect interest in the company or entity;

(iii) a certificate of character issued not earlier than 3 months from the date of the application in respect of the persons referred to in subparagraphs (i) and (ii); and

(iv) such other document or information as the Board may determine.

[S. 94 repealed and replaced by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 11 of Act 5 of 2020 w.e.f. 9 July 2020.]

94A. Time limit to pay licence fee upon renewal

Where an application for the renewal of a licence is made under section 94, any licence fee specified in the Third Schedule shall –

(a) in respect of a licence running for the period 1 January to 15 August, be paid not later than 15 days before the day of the first race meeting;

[Amended 18/16 (cio 7/9/16).]

(b) in any other case, be paid before the expiry of the period of the licence specified in that

Schedule.

[S. 94A inserted by s. 10 of Act 26 of 2012 w.e.f. 1 July 2013; repealed and replaced by s. 8(d) of Act 26 of 2013 w.e.f. 21 December 2013; amended by s. 25 of Act 18 of 2016 w.e.f. 7 September 2016.]

94B. Penalty for failure to pay licence fee within time limit

(1) Where a person fails to pay the licence fee specified in the Third Schedule within the time limit referred to in section 94A, he shall be liable to pay, in addition to the licence fee payable, a penalty of 50 per cent of the amount of the licence fee payable, provided that payment is “effected –

- (a) in the case of a licence specified in items 7 and 13 of that Schedule, for the period 1 January to 15 August before the day of the first race meeting;
- (b) in any other case, not later than 15 days after the expiry of the licence.

(2) Where the licence fee and the penalty referred to in subsection (1) are not paid within the time limit referred to in that subsection, the person shall cease to carry on business upon expiry of his current licence and shall comply with the requirements of this Act relating to a person who has ceased to carry on business.

[S. 94A inserted by s. 10 of Act 26 of 2012 w.e.f. 1 July 2013.]

94C. Acquisition of interest in licence

(1) No person holding an interest in a licensee shall dispose of that interest without –

- (a) notifying the licensee; and
- (b) obtaining the approval of the Authority where the disposal of the interest will result in a person acquiring a significant interest in the licensee.

(2) Where the disposal of an interest in a licensee results in a person acquiring a significant interest in that licensee, the licensee shall immediately notify the Authority.

(3) The Authority shall, in giving its approval under subsection (1)(b), consider –

- (a) the business background and experience of the person acquiring the interest; and
- (b) whether the person acquiring the interest is a fit and proper person.

(4) In determining whether a person is a fit and proper person under subsection (3)(b), the Authority shall consider whether that person –

- (a) has been convicted of a serious offence;
- (b) is subject to an investigation or court proceedings in respect of a serious offence;
- (c) has been adjudged bankrupt or is subject to bankruptcy proceedings;
- (d) is insolvent or is subject to insolvency proceedings;

- (e) is subject to any process, investigation or proceedings under customs or revenue law.

(5) For the purpose of giving its approval under subsection (1)(b), the Authority may require such information as it thinks fit from a person intending to acquire a significant interest in a licensee.

(6) The Authority shall not grant an approval under subsection (1)(b) where it is of the opinion that the person intending to acquire a significant interest in a licensee –

- (a) does not possess the requisite business background or experience to conduct the affairs of the licensee; or
- (b) is not a fit and proper person.

(7) In this section –

“dispose” means alienate, donate, mortgage, sell, pledge, transfer or otherwise grant a right to a third party;

“serious offence” means murder, manslaughter, an offence involving fraud or dishonesty, a drug-related offence or a sexual offence;

“significant interest” means –

- (a) owning, directly or indirectly, or otherwise having a beneficial interest of, 10 percent or more of the capital or of the voting rights of a licensee; or
- (b) exercising, directly or indirectly, a significant influence over the management of the licensee.

[S. 94C inserted by s. 11 of Act 5 of 2020 w.e.f. July 2020.]

95. Requirement for further information

The Board may require an applicant for a licence to furnish such information which may be reasonably necessary in order to enable the Board to—

- (a) determine whether the applicant, or in the case of a company or other entity, any of its directors, managers, officers or any other person having a direct or indirect interest in the company or entity, is a fit and proper person; and

[RR 10/17 (cio 6/10/17).]

- (b) properly consider the application.

(S. 95 came into operation on 6 December 2007.)

[S. 95 amended by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017.]

96. Issue of licence

(1) Subject to this section and section 92, the Board may, in its discretion, issue or refuse to issue a licence.

(2) The Board may, having regard to section 92, invite applications for a licence by calling for sealed offers in such manner as may be prescribed.

(3) No licence shall be issued where any agreement between an applicant for a licence and any third party in connection with any betting activity contains provisions for the grant of exclusive rights

to the applicant to use its fixtures or to broadcast any sporting event on which bets are conducted.

(4) Subject to subsection (4A), no licence shall be issued unless the premises to which the licence relates are, in the opinion of the Commissioner of Police, suitable for the purposes for which the application is made.

[Amended 13/19 (cio 31/10/19).

(4A) Subsection (4) shall not apply to premises intended for use by –

- (a) a bookmaker licensed under section 44(4);
 - (b) a sweepstake organiser;
 - (c) a sweepstake retailer;
 - (d) a local pool promoter;
 - (e) an agent of a foreign pool promoter;
 - (f) a collector;
 - (g) an operator of dart games;
 - (h) a lottery retailer;
- [Amended 7/2020 (cio 31/8/2020).]

[Inserted 13/19 (cio 31/7/19).

- (i) a limited payout machine operator;
- [Added 7/2020 (cio 31/8/2020); amended 15/21 (cio 5/8/21).]
- (j) an amusement machine operator.
- [Added 15/21 (cio 5/8/21).]

(5) Where a licensee dies or is incapacitated, the surviving spouse, heir or representative, as the case may be, may, with the consent of the Board, carry on his business for the unexpired period of the licence, either personally or by an agent approved by the Board, and that person shall comply with this Act.

[Amended 18/16 (cio 7/9/16).]

(6) Any licence shall, during the period of the licence, remain valid unless it is surrendered, suspended, revoked or cancelled.

(S. 96 came into operation on 6 December 2007.)

[S. 96 amended by s. 25 of Act 18 of 2016 w.e.f. 7 September 2016; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019; s. 25 of Act 7 of 2020 w.e.f. 31 August 2020; s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

97. Conditions of licence

A licence issued shall, at all times, be subject to such terms and conditions as the Board may impose whether at the time of issue or renewal of the licence or during its currency.

(S. 97 came into operation on 6 December 2007.)

97A. Obligation to comply with guidelines issued by the Authority and FIU

[Amended 5/2020 (cio 9/7/2020).]

Every licensee shall comply with the relevant guidelines issued by the Authority and FIU under the Financial Intelligence and Anti-Money Laundering Act.
[Amended 5/2020 (cio 9/7/2020).]

[S. 97A inserted by s. 10 of Act 26 of 2012 w.e.f. 1 July 2013; s. 11 of Act 5 of 2020 w.e.f. 9 July 2020.]

98. Surrender of licence

- (1) A licensee may surrender his licence at any time before its expiry.
- (2) Every licensee who wishes to surrender his licence shall give written notice of his intention to the Board.
- (3) Where a licence is surrendered, no refund of the licence fee shall be made or compensation paid in respect of the unexpired period of the licence.

(S. 98 came into operation on 6 December 2007.)

99. Disciplinary action against licensee

(1) The Board may, at any time, refuse to renew, or suspend for such period as the Board may determine, or revoke or cancel from such date as the Board may determine, any licence where—

- (a) any information furnished by the applicant for the issue or renewal of the licence was, at the time when the information was furnished, false in a material respect or was subject to a material omission;
- (b) any substantial shareholder within the meaning of the Companies Act, or director or manager of the licensee is convicted of an offence against this Act or of any offence involving fraud or dishonesty, or is in breach of regulations made under this Act;
- (c) the licensee knowingly or recklessly supplies to the Board material information that is false or misleading;
- (ca) the licensee fails to submit to the Board any document or information within the time specified by it;

[Inserted 13/19 (cio 31/7/19).

- (d) the licensee, an employee of the licensee or any other person acting on behalf of the licensee has failed to comply with any condition of the licence and has not complied with such condition within such period as the Board may allow after delivery of a written notice by the Board to the licensee requiring such failure to be remedied within a specified period;
- (e) the Board has reasonable grounds to suspect that the licensee has transferred, assigned or sublet the licence or is only nominally the true licensee;
- (f) without the prior written consent of the Board, the licensee sells, alienates or ceases to operate at any of his premises to which the licence relates;
- (g) without reasonable cause, the licensee fails to pay out forthwith or on demand any winnings or prizes under this Act;
- (h) the licensee fails to pay, or furnish security for the payment of, any duty or tax or to fulfil his obligations, under any of the Revenue Laws;
- (i) the licensee, an employee of the licensee or any other person acting on behalf of the licensee has failed to comply with this Act;
- (j) the licensee, or in the case of a company, any director, manager or officer of that company, is no longer a fit and proper person;
- (k) the premises to which the licence relates cease, in the opinion of the Commissioner of

- Police, to be suitable for the purposes for which they were licensed;
- (ka) the licensee fails to comply with the relevant anti-money laundering guidelines issued by the Authority under this Act or FIU under the Financial Intelligence and Anti-Money Laundering Act;

[Inserted 26/12 (cio 22/12/12); RR 15/21 (cio 5/8/21).]

- (l) the licensee is or becomes disqualified from holding a licence;
- (m) the licensee contravenes any provision of this Act or is in breach of any condition of his licence;
- (n) the licensee fails to comply with any direction given by the Board;
- (o) the licensee is convicted of permitting drunkenness or violent, riotous or disorderly conduct on premises to which the licence relates; or
- (p) the Minister so directs in the public interest.

(2) While a licence is suspended, the holder shall not, to the extent of the suspension and during the period of the suspension, be authorised to permit, undertake, participate or engage in the activities specified in the licence.

(3) The Board shall, subject to subsection (4), before the suspension, revocation or cancellation of a licence, by written notice inform the licensee of the reasons for the proposed suspension, revocation or cancellation and request the licensee to submit to the Board, within 14 days of the notification written reasons why the licence should not be suspended, revoked or cancelled.

(4) Where the Board is of opinion that a licence is to be suspended, revoked or cancelled with immediate effect, written notice of the suspension, revocation or cancellation and the reasons therefor shall be given to the licensee forthwith, and the licensee shall be entitled to submit to the Board, within 14 days of the notification written reasons why the licence should be reinstated.

(5) The Board may, at any time, reinstate any licence suspended under subsection (1), but shall not do so unless the reason for the suspension has ceased to exist.

(6) Where the Board revokes or cancels a licence, no refund of the licence fee shall be made or compensation paid in respect of the unexpired period of the licence.

(7) The holder of a licence which has been suspended, revoked or cancelled shall, on receipt of a notification to that effect by the Board, within 7 days, surrender the licence to the Board.

(8) Any person who fails to comply with subsection (7) shall commit an offence.

(9) (a) Notwithstanding subsection (1), the Board may impose a financial penalty on a licensee where he does not comply with –

- (i) any condition of his licence;
- (ii) any rule in respect of gambling, lottery games, sweepstakes or other lotteries; or
- (iii) any guideline or direction issued by the Board.

(b) A financial penalty referred to in paragraph (a) shall –

- (i) in the case of the breach of a condition of a licence relating to the central electronic monitoring system set up under section 109, not exceed 500,000 rupees;
- (ii) in every other case, not exceed 50,000 rupees.

[RR 10/17 (cio 6/10/17).]

(10) The Board shall, before imposing a financial penalty under subsection (9), give written notice to the licensee of the reasons for the proposed financial penalty and require the licensee to submit to the Board, within 14 days of the written notice, the reasons why the penalty should not be imposed.

(11) Where the Board imposes a financial penalty on a licensee, the licensee shall pay the amount of the penalty so imposed to the Authority within the period specified in the notice.

(S. 99 came into operation on 6 December 2007.)

[S. 99 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019; s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

100. Directions

(1) The Board may give to a licensee such directions, not inconsistent with this Act, as the Board thinks fit in relation to the conduct of his business.

(2) Where the Board gives a direction under subsection (1) to a licensee other than a horse racing organiser, a collector or an operator of dart games, the direction may include provisions regarding the manner in which the licensee is to foster responsible gambling in order to minimise harm caused by gambling.

(3) Where the Board gives a direction under subsection (1) to a horse racing organiser, the direction may include provisions for the horse racing organiser to—

- (a) ensure public confidence in the integrity of the racing industry in Mauritius;
- (b) ensure its actions are accountable and its decision-making processes are transparent;
- (c) consider a review of its existing Rules of Racing; or
- (d) disseminate information regarding racing fixtures in a timely manner.

(4) Any direction under subsection (1) may be given generally by notice published in the *Gazette* or to any particular licensee by letter sent by registered post.

(5) Where a direction is given under subsection (1), the licensee shall comply with such direction within the date specified in the notice.

(S. 100 came into operation on 6 December 2007.)

PART XX – SECURITY

101. Security to be furnished to Authority

For the purposes of securing the payment of any debt due to persons playing gaming house games, gaming machines, limited payout machines, sweepstakes, lottery games or VLTs or placing bets or participating in pool betting or lotteries, any person specified in the Fourth Schedule shall, at the time the licence is issued or renewed, furnish to the Authority security by means of a bank guarantee or a deposit in the amount specified in that Schedule corresponding to the licence, for such period as may be approved by the Board.

[S. 101 amended by s. 19 (b) of Act 14 of 2009 w.e.f. 30 July 2009; s. 9 (d) of Act 20 of 2009 w.e.f. 1 January 2011; s. 8(f) of Act 26 of 2013 w.e.f. 21 December 2013.]

(S. 101 came into operation on 6 December 2007.)

102. Security to be furnished to Director-General

(1) The Director-General may, for the purposes of securing the payment of any duty or tax payable under this Act, require any licensee to furnish security by means of a bank guarantee in such amount and for such period as the Director-General may determine.

(2) Any licensee who fails to comply with a requirement under subsection (1) shall commit an offence.

(S. 102 came into operation on 6 December 2007.)

103. Realisation of security

(1) Where the Authority is satisfied that any security furnished under section 101 is to be applied towards payment of any amount due to persons referred to in that section, it may, by written notice served upon the bank, require the bank to pay over to the Authority the amount of the security.

(2) Where a licensee who has furnished a security under section 102 fails to pay any duty or tax within the time specified in the conditions of the security, the Director-General may, by written notice served upon the bank, require the bank to pay over to the Mauritius Revenue Authority the amount of the security.

(3) On receipt of a notice under subsection (1) or (2), the bank shall forthwith pay the amount of the security to the Authority or Director-General, as the case may be.

(4) Where the amount of the security is applied for the purposes specified in subsection (1), no claim shall be receivable in respect of any sum paid by the Authority to any person.

(5) Where any payment is effected pursuant to subsection (4), the Authority shall—

- (a) so inform the licensee in writing; and
- (b) refund to the bank any balance of the amount of the security remaining after the payment.

(6) The licensee shall, pursuant to subsection (5), furnish a fresh security to the Authority in the amount specified in the Fourth Schedule, within such time as may be specified by the Authority.

(7) Where the licensee fails to furnish a fresh security referred to in subsection (6), the Board may revoke his licence.

[S. 103 amended by s. 19 (c) of Act 14 of 2009 w.e.f. 30 July 2009.]

(S. 103 came into operation on 6 December 2007.)

104. Cancellation of security

(1) Where a licensee ceases to carry on business—

- (a) he may apply to the Authority for cancellation of the security furnished by him; or
- (b) the Authority may take such action as it thinks fit where no application is made under paragraph (a).

(2) On receipt of an application under subsection (1), the Authority shall, at the expense of the applicant, by notice published in the Gazette and in 2 daily newspapers, request any person who claims to be entitled to a payment out of the amount of the security to give it notice of his claim within 3 months from the last publication of the notice.

(3) The Authority may accept or reject a claim under subsection (2).

(4) Where, after the expiry of the time specified under subsection (2)—

- (a) no claim has been received; or
- (b) any claim received has been withdrawn or rejected,

the Authority shall give written notice to the bank and the applicant of the cancellation of the security.

(5) Where the Authority accepts a claim under subsection (3), it shall, at the expiry of the time specified under subsection (2)—

- (a) realise the amount of the security in accordance with section 103;
- (b) pay the amount of the claim as accepted by it; and

- (c) refund to the bank any balance of the amount of the security remaining after making the payment under paragraph (b) and all other incidental expenses.

(6) Any payment made by the Authority under subsection (5) shall operate as a valid discharge to the Authority and the Authority shall not be liable in respect of any claim by any person in connection with the payment.

(S. 104 came into operation on 6 December 2007.)

PART XXI – RECORDS, AUDITED ACCOUNTS AND ANNUAL REPORT

105. Keeping of records

(1) Every licensee other than a collector or an operator of dart games shall, for the purposes of this Act, keep in the course of his business—

- (a) a full and true written record whether electronically or otherwise, in the English or French language of every transaction he makes; and
- (aa) a record of the name and NIC number of a person who, on any given date, enters into a cumulative financial transaction equal to or above 20,000 rupees;

[Inserted 13/19 (cio 31/7/19); 5/2020 (cio 9/7/2020).]

- (b) such other documents in relation to his business as the Authority may direct.
[Amended 10/17 (cio 6/10/17).]

(2) Every totalisator operator or bookmaker who accepts a bet otherwise than by remote communication shall issue to the person who places the bet a serially numbered receipt giving such particulars as may be specified in the rules of betting referred to in section 35 or 46, as the case may be, and shall keep a record of such particulars.

(3) Any record or document under subsection (1) shall –

- (a) be kept for not less than 5 years; and
- (b) on request, be produced to the Authority.

[RR 10/17 (cio 6/10/17).]

(4) In this section –

“given date” means a period of 24 hours starting at 10 o’clock in the morning on a day and ending at 10 o’clock in the morning on the following day.

[Added 5/2020 (cio 9/7/2020).]

(S. 105 came into operation on 6 December 2007.)

[S. 105 amended by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019; s. 11 of Act 5 of 2020 w.e.f. 9 July 2020.]

106. Financial statements

Every licensee, other than a collector or an operator of dart games shall –

- (a) prepare his financial statements in accordance with the IFRS; and
- (b) not later than 6 months after the closing of the accounts, submit his audited financial statements to the Authority and Director-General.

[S. 106 repealed and replaced by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017.]

107. Auditor

(1) Subject to this section, a licensee other than a collector or an operator of dart games shall, from time to time, appoint, and at all times have, one or more approved auditors.

[Amended 10/17 (cio 6/10/17).]

(2) No auditor shall be appointed under subsection (1) for a continuous period of more than 5 years.

(3) Where an auditor is appointed for a continuous period of 5 years or less, that auditor shall not be reappointed before a period of 5 years from the date of termination of his last appointment.

(4) Notwithstanding any other enactment, the auditor shall, whenever he furnishes a report or other document or particulars to the licensee, furnish a copy to the Authority and the Director-General.

(5) Where the auditor has reason to believe that any provision of this Act is being contravened in relation to the business of the licensee, he shall report the matter to the Authority and the Director-General.

(S. 107 came into operation on 6 December 2007.)

108. Annual report of licensee

(1) A horse racing organiser and every licensee which is a company shall submit a copy of its annual report to the Authority and the Director-General not later than 6 months after the date of closing of the accounts.

(2) The annual report shall include—

- (a) the audited annual financial statements; and
- (b) information in relation to the activities of the licensee.

(3) The Authority or the Director-General may, from time to time, request the licensee to provide such additional information in respect of the annual report referred to in subsection (2).

(4) The horse racing organiser shall, at the time of submission of its annual report under this section, publish its audited accounts in 2 daily newspapers in wide circulation in Mauritius.

(S. 108 came into operation on 6 December 2007.)

PART XXIA – BETTING OPERATIONS

108A. Limitation on betting in cash

No person shall, other than through a player card, place a bet in cash in excess of the prescribed amount.

[S. 108A inserted by s. 23 of Act 10 of 2017 w.e.f. 30 January 2019.]

108B. Player card account

(1) No person shall operate a player card account or issue a player card without the authorisation of such body as may be prescribed.

(2) The Minister may make such regulations as he thinks fit for the setting up and operation of player card accounts.

[RR 5/2020 (cio 9/7/2020).]

[S. 108B inserted by s. 23 of Act 10 of 2017 w.e.f. 30 January 2019; s. 11 of Act 5 of 2020 w.e.f. 9 July 2020.]

108C. –
[R 5/2020 (cio 9/7/2020).]

[S. 108A inserted by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; repealed by s. 11 of Act 5 of 2020 w.e.f. 9 July 2020.]

PART XXII – ENFORCEMENT, INSPECTION AND INVESTIGATION

109. Central electronic monitoring system

(1) The Director-General shall cause to be set up a central electronic monitoring system—

[Amended 26/12 (cio 22/12/12).]

- (a) to ensure continuous on-line recording, monitoring and control of lottery games, VLTs, gaming machines, limited payout machines, gambling activities and betting transactions; and

[Amended 37/11 (cio 15/12/11).]

(b) to receive and monitor information about—

- (i) the operations of a gaming machine, limited payout machines and betting operations of a totalisator operator or bookmaker;

[Amended 37/11 (cio 15/12/11).]

(ii) the number and location of any equipment;

(iii) the potential of gaming machines and limited payout machines for problem gambling;

[Amended 37/11 (cio 15/12/11).]

(iv) faults with gaming machine and limited payout machines; or

[Amended 37/11 (cio 15/12/11).]

(v) any tampering with gaming machines and limited payout machines.

[Amended 37/11 (cio 15/12/11).]

(2) A gaming machine operator, limited payout machine operator, hotel casino operator, local pool promoter, agent of foreign pool promoter, sweepstakes operator, totalisator operator, bookmaker or the Operator shall—

[Amended 37/11 (cio 15/12/11); 11/18 (cio 1/8/18); 13/19 (cio 31/7/19).]

- (a) link his equipment to the central electronic monitoring system by such date as may be notified in writing by the Director-General;

[Amended 26/12 (cio 22/12/12).]

(b) bear the costs of replacing or upgrading equipment or software in order to enable the linking to the central electronic monitoring system; or

(c) not carry out his lottery games, gaming and betting operations after the date referred to in paragraph (a) unless the equipment is linked to the central electronic monitoring system; or

[Amended 13/19 (cio 31/10/19).]

(d) ensure that a ticket issued displays a bar code that allows the online recording of the payment of any winning on the central electronic monitoring system.

[Added 13/19 (cio 31/7/19).]

(3) (a) The Director-General may provide a standard software for use by all bookmakers to record

betting transactions, on such terms and conditions as the Director-General may determine.

[Amended 26/12 (cio 22/12/12).]

(b) Where a software is provided under paragraph (a), the bookmaker shall, as from a date to be determined by the Director-General, make use of such software to record his betting transactions.

[Amended 26/12 (cio 22/12/12).]

(c) Where a software is not provided under paragraph (a), the bookmaker may use his own software to record his betting transactions on such terms and conditions as the Director-General may approve.

[Amended 26/12 (cio 22/12/12).]

(5) The Authority shall have access to the electronic monitoring system and may impose on a licensee such conditions as may be necessary to ensure compliance with this section.

[Amended 26/12 (cio 22/12/12); RR 10/17 (cio 6/10/17)..]

(5) For the purposes of this section, “equipment” means any gaming machine, limited payout machine, totalisator, including any software used licensee for his betting operations, or server used by the Operator for the conduct of lottery games or operation of VLTs.

[Amended 10/17 (cio 6/10/17).]

[S. 109 amended by s. 9 (e) of Act 20 of 2009 w.e.f. 1 January 2011; amended 37/11 (cio 15/12/11); s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 32 of Act 11 of 2018 w.e.f. 1 August 2018; s. 23 of Act 13 of 2019 w.e.f. 31 October 2019.]

110. Duties of inspector

An inspector shall have such duties as are necessary to ensure compliance with this Act and in particular to—

- (a) inspect and monitor the conduct of gambling, lottery games, VLTs, sweepstakes and lotteries;
- (b) inspect any machine, equipment, books, records, bank statements, data captured in any form or other documents used in connection with any activities licensed under this Act;
- (c) inspect and monitor, to the extent that is necessary, the counting of money and chips in a casino or gaming house;
- (d) conduct compliance audits;
- (e) detect and investigate any malpractices or any contravention of the Act; or
- (f) require any person to call at the office of the Authority for the purpose of being examined in respect of any transaction or matter relating to any activity regulated by this Act.

[S. 110 amended by s. 9 (f) of Act 20 of 2009 w.e.f. 1 January 2011.]

(S. 110 came into operation on 6 December 2007.)

111. Powers of entry, inspection and seizure

(1) Subject to subsection (3), an inspector may, at all times, on showing proof of his identity, enter any premises for the purpose of ensuring that this Act is being complied with and may –

- (a) require any person on the premises to produce for examination or inspection any thing, equipment, book, record, bank statement or other document relating to activities conducted on the premises;
- (b) make copies of, or take extracts from, remove and retain, any book, record, bank statement or other document, for further examination or inspection;

- (c) operate and test any equipment found on the premises which is used or intended to be used for the purpose of any activity under this Act;
- (d) seal, or otherwise secure from such premises, any thing or equipment on or in which any document or data which has a bearing on the conduct of any activity licensed under this Act is stored or captured;
- (e) search the premises and seal or seize, for the purpose of further examination or investigation, any thing or equipment on such premises which has a bearing on the conduct of any activities licensed under this Act;
- (f) require any person on the premises to give all reasonable assistance and to answer all reasonable questions either orally or in writing; and
- (g) take such steps as may be reasonably necessary to protect the integrity and conduct of any activities licensed under this Act.

[RR 13/19 (cio 31/7/19).

(2) Where an inspector finds it necessary to exercise the powers conferred upon him under subsection (1) in a dwelling house or other private premises, he shall only do so on the authority of a warrant issued by a Magistrate.

(3) A Magistrate may, on being satisfied on information upon oath, that the inspector has to exercise the powers and duties conferred upon him under this Act in respect of a dwelling house, issue a warrant authorising the inspector to exercise those powers and duties.

(4) A warrant issued under subsection (3) shall be valid for the period stated in the warrant.

(5) Where any document, record, data or any other item has been seized during the course of an inspection, the inspector shall issue a complete list of such items and data including the date and the time of such seizure to the licensee or person employed by the licensee, or the lottery retailer, or the occupier of the premises.

(6) Every inspector who conducts any search, inspection, or does any other thing in the course of an inspection, shall endeavour to ensure that the ordinary course of legitimate business for which any equipment may be used, is not hampered by such search or inspection and shall not seize any equipment where such seizure will prejudice the conduct of the ordinary course of business for which the equipment is used, unless—

- (a) it is not possible to conduct the inspection on the premises where such equipment is located without such seizure; or
- (b) the seizure of such equipment is necessary to prevent the commission of an offence or the continuance of an offence, or to obtain information which shall otherwise be lost, destroyed, modified or rendered inaccessible.

(7) Where the information requested by the inspector under subsection (1) is stored in a computer, disc, cassette, or on microfilm, or preserved by any mechanical or electronic device, the person to whom the request is made shall be deemed to be required to produce or give access to the information in a form in which it can be taken away and in which it is visible and legible.

(7A)(a) Notwithstanding the Information and Communication Technologies Act, nothing shall prevent the Judge in Chambers, upon an application whether ex parte or otherwise, being made to him, by an inspector, from making an order authorising a public operator under the Information and Communication Technologies Act, or any of its employees or agents, to intercept or withhold a message or disclose to the inspector a message or any information relating to a message.

- (b) An order under paragraph (a) shall –

- (i) not be made unless the Judge is satisfied that the message or information relating to the message is material to any criminal proceedings, whether pending or contemplated in Mauritius;
 - (ii) remain valid for such period, not exceeding 60 days, as the Judge may determine;
 - (iii) specify the place where the interception or withholding shall take place.
- (c) In this subsection –
- “message” has the same meaning as in the Information and Communication Technologies Act.

[Inserted 13/19 (cio 31/7/19).

(8) The Chief Executive or the Director-General shall have and may exercise all the powers of an inspector under this Act.

(S. 111 came into operation on 6 December 2007.)

[S. 111 amended by s. 32 of Act 32 of 2018 w.e.f. 1 August 2018; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019.]

112. Power to access computers and other electronic devices

In the exercise of his duties under this Act, any inspector may, at all reasonable times—

- (a) have access to—
 - (i) any gaming machine, limited payout machine, VLT, computer, computer software, whether installed in the computer or otherwise, electronic till or any other device, used in connection with any document which the person is required to produce; or

[Amended 37/11 (cio 15/12/11).]

- (ii) any information, code or technology which has the capability of retransforming or unscrambling encrypted data contained or available to such gaming machine, limited payout machine, VLT, computer or other device into readable and comprehensive format or text;

[Amended 37/11 (cio 15/12/11).]

- (b) inspect and check the operation of any such gaming machine, limited payout machine, VLT, computer, electronic till or other device and make extracts of any computer software, computer output or such other document used in connection therewith;

[Amended 37/11 (cio 15/12/11).]

- (c) require any person by whom or on whose behalf the gaming machine, limited payout machine, VLT, computer or other electronic device is operated, or any person concerned with the operation of the equipment, to give such assistance as is necessary for the purposes of this section; and

[Amended 37/11 (cio 15/12/11).]

- (d) require any person in possession of decryption information to grant him access to such decryption information necessary to decrypt data required for the purposes of this section.

[S. 112 amended by s. 9 (g) of Act 20 of 2009 w.e.f. 1 January 2011; Act 37 of 2011 w.e.f. 15 December 2011.]

(S. 112 came into operation on 6 December 2007.)

113. *Police des Jeux*

(1) There shall be a *Police des Jeux* which shall be a unit of the Mauritius Police Force comprising police officers designated by the Commissioner of Police, who shall have and may exercise, in addition to any powers under any other enactment, the powers of an inspector under this Act.

(2) Where the *Police des Jeux* has reason to suspect that any premises are used or are likely to be used in contravention of this Act or any other enactment—

- (a) a police officer not below the rank of Assistant Superintendent; or
- (b) a police officer of any other rank, with a warrant or a written authority of the Commissioner of Police,

may enter and search the premises and seal or seize, as applicable any money, security for money, article, gaming machine, limited payout machine or other equipment reasonably suspected to have been used or intended to be used in contravention of this Act or any other enactment, and to arrest and detain any person found on the premises.

[Amended 37/11 (cio 15/12/11); 11/18 (cio 1/8/18).]

(3) Where—

- (a) any money, security for money, article, gaming machine or other equipment referred to in subsection (2) is found on any premises specified in that subsection or any person is found there;
- (b) any person is seen or heard to escape from those premises on the approach or entry of a police officer; or
- (c) a police officer is prevented from or obstructed in entering or approaching those premises,

it shall be presumed, unless the contrary is proved, that the premises are being used in contravention of this Act or any other enactment.

(4) Any person found in or leaving any premises referred to in subsection (2) shall be presumed, unless the contrary is proved, to have been acting in contravention of this Act or any other enactment.

(5) The *Police des Jeux* shall provide the Board such assistance as may be required to enforce this Act.

[S. 113 amended by s. 9 (h) of Act 20 of 2009 w.e.f. 1 January 2011; Act 37 of 2011 w.e.f. 15 December 2011.]

(S. 113 came into operation on 6 December 2007.)

[S. 111 amended by s. 32 of Act 32 of 2018 w.e.f. 1 August 2018.]

PART XXIIA – ANTI-MONEY LAUNDERING

[Inserted 11/18 (cio 1/8/18).]

113A. Additional powers of inspectors and *Police des Jeux*

(1) Nothing shall prevent an inspector or a police officer posted at the *Police des Jeux* from placing bets or from gambling in the course of his duties for the purpose of detecting malpractices or offences under this Act.

(2) The exercise of a power under subsection (1) shall afford no defence to any person charged with an offence under this Act.

[S. 113A inserted by s. 23 of Act 13 of 2019 w.e.f. 31 July 2019.]

113B. Transaction exceeding 10,000 rupees

[Amended 13/19 (cio 31/7/19).]

(1) No stable owner, stable manager, stable trainer, horse owner or jockey shall enter into a cash transaction exceeding 10,000 rupees with one another.

(2) Notwithstanding section 21(2) of the Employment Rights Act, a transaction under subsection (1) includes payment of remuneration.

[S. 113A inserted by s. 32 of Act 32 of 2018 w.e.f. 1 August 2018.]

113C. Registration of Money Laundering Reporting Officer, Deputy Money Laundering Reporting Officer and Compliance Officer

Every licensee falling under item 7 of Part I of the First Schedule to the Financial Intelligence and Anti-Money Laundering Act shall register their Money Laundering Reporting Officer, Deputy Money Laundering Reporting Officer and compliance officer, as the case may be, with the Authority on such terms and conditions as the Board may determine.

[Inserted 5/2020 (cio 9/7/2020).]

[S. 113C inserted by s. 11 of Act 5 of 2020 w.e.f. 9 July 2020).]

PART XXIII – DUTIES, LEVY AND TAXES

[Amended 18/16 (cio 1/10/16).]

114. Imposition of duty, levy and tax

(1) Every licensee of a casino, gaming house, gaming machine or limited payout machine shall, after the end of every month, pay –

- (a) a gaming tax on its gross takings at the rate specified in Part I of the Fifth Schedule; and
- (b) the levy specified in Part II of the Fifth Schedule.

(1A) Every hotel casino operator shall, after the end of every month, pay –

- (a) a gaming tax on his gross takings at the rate specified in Part I of the Fifth Schedule; and
- (b) the levy specified in Part II of the Fifth Schedule.

[Inserted 11/18 (cio 1/8/18).]

(2) Every totalisator operator shall, in respect of each race meeting, pay –

- (a) a betting tax on its gross stakes at the appropriate rate specified in Part I of the Fifth Schedule; and
- (b) the levy specified in Part II of the Fifth Schedule.

(3) Subject to subsection (4), every bookmaker shall, in respect of each horse race or other event or contingency, pay –

- (a) a betting tax on his gross stakes at the appropriate rate specified in Part I of the Fifth Schedule; and
- (b) the levy specified in Part II of the Fifth Schedule.

(4) No betting tax shall be paid in respect of bets placed by one bookmaker with another bookmaker pursuant to section 44(11), provided that the bookmakers satisfy the conditions imposed by the Director-General.

(5) Every sweepstake organiser shall, in respect of each race meeting, pay –

- (a) a sweepstake duty on its gross proceeds at the rate specified in Part I of the Fifth Schedule; and
- (b) the levy specified in Part II of the Fifth Schedule.

(6) Every local pool promoter shall, every week, pay –

- (a) a pool betting duty on its gross stakes at the appropriate rate specified in Part I of the Fifth Schedule; and
- (b) the levy specified in Part II of the Fifth Schedule.

(7) Every agent of a foreign pool promoter shall, every week and in respect of each foreign pool promoter for whom it acts, pay –

- (a) a pool betting duty on the gross stakes collected by it, at the appropriate rate specified in Part I of the Fifth Schedule; and
- (b) the levy specified in Part II of the Fifth Schedule.

(8) Every amusement machine operator shall, not later than 20 days after the end of every month, pay a gaming tax at the rate specified in Part I of the Fifth Schedule.

[Added 11/18 (cio 1/3/18).]

(9) No tax or duty shall be payable by –

- (a) a bookmaker licensed to conduct fixed odds betting on an event or contingency in respect of a week; or
- (b) a licensee of gaming machine, amusement machine or limited payout machine in respect of a month,

[Amended 7/2020 (cio 23/3/2020).]

during which the licensee is not authorised to operate.

[Added 1/20 (cio 23/3/2020).]

(S. 114 came into operation on 6 December 2007; amended by s. 19 (d) of Act 14 of 2009 w.e.f. 30 July 2009; s. 9 (i) of Act 20 of 2009 w.e.f. 1 January 2011; Act 37 of 2011 w.e.f. 15 December 2011; s.8(g) of Act 26 of 2013 w.e.f. 21 December 2013; s. 21 of Act 9 of 2015 w.e.f. 1 July 2015; repealed and replaced by s. 25 of Act 25 of 2016 w.e.f. 1 October 2016; s. 32 of Act 11 of 2018 w.e.f. 1 March 2018; s. 22 of Act 1 of 2020 w.e.f. 23 March 2020; s. 25 of Act 7 of 2020 w.e.f. 23 March 2020.)

115. Payment of duty, levy and tax

(1) The duty, levy and tax imposed under section 114 shall be paid to the Director-General within the appropriate time specified in the Fifth Schedule and be accompanied by a return, in such form and manner as may be approved by the Director-General, containing such information and particulars as may be required.

[Amended 18/16 (cio 7/9/16).]

(2) Every return under –

(a) subsection (1) together with any payment of the duty, levy and tax; and
[Amended 11/18 (cio 1/8/18).]

(b) section 60(1A) together with any sum due,

shall be made electronically as from a date determined by the Director-General.

[Repealed and replaced 26/12 (cio 22/1/2/12).]

(S. 115 came into operation on 6 December 2007.)

[S. 115 amended by s. 10 of Act 26 of 2012 w.e.f. 1 July 2013; s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

115A. Allowable deduction from levy

(1) Where applicable, any amount paid towards the setting up of a CSR Fund under section 50L of the Income Tax Act by a licensee specified in Part II of the Fifth Schedule shall, in the year the CSR Fund is set up, be deductible from the levy paid in that year.

(2) A licensee under subsection (1) may claim any levy paid in excess during a year in such form and manner as the Director-General may determine.

(3) In this section –

“year” has the same meaning as in the Income Tax Act.

[S. 115A inserted by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

116. Penalty for non-submission of return by due date

Where a person fails to submit a return under section 60(1)(A), 88(1)(b) or 115 on or before the last day on which the return is required to be submitted, he shall be liable to pay to the Director-General, in addition to any duty, levy, tax or sum due which may be payable, a penalty of 2,000 rupees for every month or part of the month until the return for the relevant period is submitted, provided that the total penalty payable shall not exceed 20,000 rupees.

(S. 116 came into operation on 6 December 2007.)

[S. 116 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; s. 35 of Act 15 of 2021 w.e.f. 31 August 2020.]

117. Penalty for failure to join electronic system

Any person who is required to submit his return and make any payment of duty, levy, tax or sum due electronically pursuant to section 60(1A), 88(1) or 115 (2) but fails to join the electronic system, after written notice being given to him by the Director-General, shall be liable to pay to the Director-General on his failure within a period of 7 days from the date of the notice to justify the failure to join the system, a penalty of 5,000 rupees, for every month or part of the month from the period specified in the notice, up to the period immediately preceding the period in respect of which he submits his return, and to make any payment of duty, levy, tax or sum due electronically, provided that the total penalty payable shall not exceed 50,000 rupees.

(S. 117 came into operation on 6 December 2007.)

[S. 117 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; s. 35 of Act 15 of 2021 w.e.f. 31 August 2020.]

118. Production of books and records

The Director-General may, for the purpose of ascertaining the duty, levy or tax payable by any person under this Act, require that person –

- (a) by written notice, to keep such records for taxation purposes as the Director-General may direct;
- (b) to produce for –
 - (i) examination, either at the business premises of that person or at the office of the Director-General, books, records, bank statements or other documents whether on computer or otherwise, which the Director-General considers necessary and which may be in the possession or custody or under the control of that person; or
 - (ii) retention, for such period as the Director-General considers necessary, books, records, bank statements or other documents specified in subparagraph (i) and for taking copies of or extracts therefrom;
- (c) to call at the office of the Director-General for the purpose of being examined in respect of any transaction or matter relating to the duty, levy or tax payable by that person; or
- (d) to make such returns or give such information relating to his business within such time as the Director-General may specify.

(S. 118 came into operation on 6 December 2007.)

[S. 118 amended by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019.]

119. Director-General may make assessments

- (1) Where the Director-General has reason to believe that –
 - (a) a licensee has not paid any sum due under section 60(1A) or 88(1) or any duty, levy or tax under sections 114 and 115 by reason of –
[Amended 18/16 (cio 7/9/16); 15/21 (cio 31/8/20).]
 - (i) his failure or delay to submit a return;
 - (ii) the incorrectness or inadequacy of his return;
 - (iii) his failure to keep proper books, records, accounts or documents;
 - (iv) the incorrectness or inadequacy of books, records, accounts or documents; or
 - (v) any other cause; or
 - (b) a person, other than a licensee, is engaged in any activity in respect of gambling,

he may, on the basis of such information as is available to him, make an assessment of the sum due, or the duty, levy and tax due, and payable by the licensee or person and give to the licensee or person, as the case may be, written notice of the assessment.

[Repealed and replaced 26/12 (cio 22/1/2/12); amended 18/16 (cio 1/10/16).]

(1A) For the purpose of an assessment on a person, other than a licensee under subsection (1), the Director-General shall apply the rate of duty, tax or levy applicable to a licensee who carries out the same business or activity as the person assessed.

[Inserted 11/18 (cio 1/8/18).]

(2) Where the Director-General has given written notice to any person of an assessment under subsection (1), that person shall pay the sum due or the duty, levy or tax within 28 days of the date of the notice of assessment.

[Amended 26/12 (cio 22/12/12); 18/16 (cio 1/10/16).]

(3) Subject to subsection (4), an assessment under subsection (1) shall not be made after 3 years immediately following the year in which the liability to pay the sum due or duty, levy or tax arose.

[Amended 26/12 (cio 22/12/12); 9/15 (cio 1/6/16); 18/16 (cio 1/10/16).]

(4) The Director-General may, at any time, make an assessment under subsection (1) in case of wilful neglect, evasion, fraud or non-submission of a return by a licensee.

(S. 119 came into operation on 6 December 2007.) [Amended 26/12 (cio 22/12/12; RR 18/16 (cio 1/10/16); .]

[S. 119 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; s. 32 of Act 11 of 2018 w.e.f. 1 August 2018; s 35 of Act 15 of 2021 w.e.f. 31 August 2021]

119A. Act or thing in respect of a period before 3 years immediately preceding the year in which the liability to pay duty or tax arose

[Am 10/17]

(1) Notwithstanding this Act, the Director-General shall, in relation to the liability of a person in respect of duty or tax, not –

- (a) require any information, statement or return;
- (b) make any assessment or claim under this Part,

in respect of a period before 3 years immediately preceding the year in which the liability to pay the duty or tax arose, unless, in the opinion of the Director General, there is fraud or wilful neglect or the person has not submitted a return under section 60(1A), 86C or 115.

[Am 10/17; 15/21 (cio 5/8/21).]

(2) –.

[Amended 18/16 (cio 7/9/16); R 15/21 (cio 31/8/20).]

(3) –

[R 15/21 (cio 31/8/20).]

[S. 119A inserted by s. 21(l) of Act 9 of 2015 w.e.f. 1 June 2016; amended by s. 25 of Act 18 of 2016 w.e.f. 7 September 2016; s. 35 of Act 15 of 2021 w.e.f. 31 August 2020.]

120. Penalty on amount claimed in assessment

(1) Where an assessment is made under section 119, the amount of duty, levy and tax claimed, excluding any penalty under sections 116, 117 and 124 and any interest under section 125, shall carry a penalty not exceeding 50 per cent and such penalty shall be part of the duty, levy and tax claimed.

[RR 11/18 (cio 9/8/18).]

(2) This section shall, subject to section 60(1B) or 88(2), not apply to an assessment of any sum due under section 60(1A) or 88(1).

[RR 11/18 (cio 9/8/18); amended 15/21 (cio 31/8/20).]

(3) –
[Inserted 26/12 (cio 22/12/12); R. 11/18 (cio 9/8/18).]

(S. 120 came into operation on 6 December 2007.)

[S. 120 amended by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; s. 32 of Act 11 of 2018 w.e.f. 9 August 2018; s. 35 of Act 15 of 2021 w.e.f. 31 August 2020.]

120A. Additional assessment

(1) Where, in respect of a period, the Director-General has made an assessment under section 119 and it is subsequently found that duty, levy or tax due has been underclaimed, he may make an additional assessment of the duty, levy or tax which in his opinion ought to have been claimed.

(2) Except as otherwise provided, an additional assessment under subsection (1) shall be deemed to be an assessment under section 119 for the purposes of this Act.
[S. 120A inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

121. Objection to assessment

(1) Where a person assessed to duty, levy and tax under section 119 is dissatisfied with the assessment, he may, within 28 days of the date of the notice of assessment, object to the assessment in a form approved by the Director-General and sent to him by registered post or electronic submission.

[Amended 18/16 (cio 7/9/16); 10/17 (cio 6/10/17).]

(2) Where a person makes an objection under subsection (1), he shall—

- (a) state, in the form, the grounds of objection and the adjustments that are required to be made and the reasons therefor;
- (b) at the time of his objection, where he has not submitted, in respect of each of the periods covered by the assessment, any return referred to in section 115 –
 - (i) submit the required return;
 - (ii) pay any amount of tax declared in the return referred to in subparagraph (i), together with any penalty under sections 116, 117 and 120 and any interest under section 125; and
 - (iii) in addition, pay 10 per cent of the difference between the amount claimed in the notice of assessment and the amount payable under subparagraph (ii); and

[RR. 18/16 (cio 7/9/16).]

(c) where he has submitted prior to the assessment, in respect of each of the periods covered by the assessment, the return referred to in section 115 –

(i) pay, at the time of his objection, any outstanding tax on the return; and

(ii) in addition, pay 10 per cent of the amount claimed in the notice of assessment.

[RR. 18/16 (cio 7/9/16).]

(d) –

[R 18/16 (cio 7/9/16).]

(2A) Where the person satisfies the Director-General, within the time referred to in subsection (1) and on reasonable grounds, that he is unable to pay the amount of tax referred to in subsection (2)(b) or (c), in one sum, that person shall –

(a) pay that amount; or

(b) give security by way of bank guarantee, on such terms and conditions as the Director-General may determine.

[Inserted 18/16 (cio 7/9/16).]

(3) Where it is proved to the satisfaction of the Director-General that, owing to illness or other reasonable cause, a person has been prevented from lodging an objection within the time specified in subsection (1), the Director-General may consider the objection as a valid objection under that subsection.

(4) Where the Director-General refuses to consider a late objection, he shall, within 28 days of the date of receipt of the letter of objection, give notice of the refusal to the person.

(5) Where the person fails to comply with subsection (2) or (2A)), the objection shall be deemed to have lapsed and the Director-General shall, within 28 days of the date of receipt of the letter of objection, give notice thereof to that person.

[Amended 10/17 (cio 6/10/17).]

(6) Where a notice under subsection (4) or (5) is given, the duty, levy and tax specified in the notice of assessment together with any penalty under section 116 shall be paid within 28 days of the date of the notice.

[Amended 18/16 (cio 1/10/16).]

(S. 121 came into operation on 6 December 2007.)

[S. 121 amended by s. 13 (a) of Act 18 of 2008 w.e.f. 19 July 2008; s. 9 (j) of Act 20 of 2009 w.e.f. 19 December 2009 w.e.f. 19 December 2009, s. 21 of Act 9 of 2015 w.e.f. 14 May 2015; s. 25 of Act 18 of 2016 w.e.f. 7 September 2016; 1 October 2016; s. 23(z) of Act 10 of 2017 w.e.f. 6 October 2017.]

122. Determination of objection

(1) For the purposes of considering an objection, the Director-General may, by notice in writing, require the person, within the time fixed by the Director-General, to furnish or give any information, or produce any books or records, specified in section 118.

(2) After considering an objection, the Director-General shall—

(a) disallow or allow it, in whole or in part; and

(b) where appropriate, amend the assessment accordingly; and

give notice of his determination to the person.

(3) Where a notice of determination under subsection (2) is given, the duty, levy and tax specified in the notice together with any penalty under sections 116, 117 and 120 and any interest under section 125 shall be paid within 28 days of the date of the notice.

[Amended 18/16 (cio 1/10/16).]

(4) Where an assessment is reduced pursuant to a determination under subsection (2), any amount of duty, levy and tax paid under section 121 (2) (d) in excess of the amount payable in accordance with that determination, shall be refunded, together with interest at the prevailing Repo rate

determined by the Bank of Mauritius, free of income tax, from the date the payment is received by the Director-General to the date it is refunded.

[Amended 26/13 (cio 21/12/13); 18/16 (cio 1/10/16).]

(5) A notice of determination under subsection (2), shall be given to the person within 4 months of the date on which the letter of objection is received.

(6) Where an objection is not determined by the Director-General within the period specified in subsection (5), the objection shall be deemed to have been allowed by the Director-General.

(7) Any objection under section 121 shall be dealt with independently by an objection directorate set up by the Director-General.

[Inserted 26/12 (cio 22/12/12).]

(S. 122 came into operation on 6 December 2007.)

[S. 122 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 8(h) of Act 26 of 2013 w.e.f. 21 December 2013; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

123. Lodging written representations with Assessment Review Committee

(1) Any person who is aggrieved by a decision of the Director-General under section 121 (4) or (5) or 122 (2) may lodge written representations with the Clerk to the Assessment Review Committee in accordance with section 19 of the Mauritius Revenue Authority Act.

[Amended 9/15 (cio 14/5/15).]

(1A) (a) Where a person has lodged written representations under subsection (1) in respect of a decision under section 121(5), and prior to the date fixed for hearing –

- (i) he complies with the provisions of section 121(2) or (2A), as the case may be;
- (ii) informs the Assessment Review Committee, in writing, with copy addressed to the Director-General, that he has complied with section 121(2) or (2A), as the case may be, and wishes his objection to be considered anew by the Director-General; and
- (iii) withdraws his representations before the Assessment Review Committee,

the Director-General shall consider the objection as from the date the person withdraws his representations before the Assessment Review Committee.

(b) Notwithstanding section 122(5), the objection shall be determined within 4 months from the date on which the person withdraws his representations before the Assessment Review Committee.

[Inserted 10/17 (cio 24/7/17).]

(2) (a) Where an agreement is reached before, or a decision is made by, the Assessment Review Committee established under section 18 of the Mauritius Revenue Authority Act, the Director-General, shall, within 5 working days of the date of the agreement or decision, as the case may be, issue a notice to the person specifying the amount of duty or tax payable.

(b) Where a notice is issued to a person under paragraph (a), that person shall pay the amount of duty, levy or tax within 28 days of the date of the notice.

[Added 9/15 (cio 14/5/15); 18/16 (cio 1/10/16).]

(S. 123 came into operation on 6 December 2007.)

[S. 123 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; s. 23 of Act 10 of 2017 w.e.f. 24 July 2017.]

124. Penalty for late payment of duty, levy and tax

[Amended 18/16 (cio 1/10/16).]

(1) Where a person fails to pay any duty and tax due on or before the last day on which it is payable under section 115, 119 or 123, he shall be liable to pay to the Director-General, in addition to the duty, levy and tax and any penalty under sections 116, 117 and 120, a penalty of 5 per cent of the amount of the duty, levy and tax.

[Amended 9/15 (cio 14/5/15; 18/16 (cio 1/10/16).]

(2) A penalty under subsection (1) shall apply to the tax excluding any penalty under sections 116, 117 and 120 and any interest under section 125.

(S. 124 came into operation on 6 December 2007.)

[S. 124 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

125. Interest on unpaid duty, levy and tax

[Amended 18/16 (cio 1/10/16).]

(1) Any person who fails to pay any duty, levy and tax under section 115, 119 or 123 shall be liable to pay, in addition to the duty, levy and tax and penalty under sections 116, 117 and 120, interest at the rate of one per cent per month or part of the month during which the duty, levy and tax remains unpaid.

[Amended 9/15 (cio 14/5/15); 18/16 (cio 1/10/16).]

(2) The interest shall not apply to any penalty under sections 116, 117 and 120.

(3) This section shall, subject to section 60(1B), not apply to an assessment of any sum due under section 60(1A).

[Inserted 26/12 (cio 22/12/12).]

(S. 125 came into operation on 6 December 2007.)

[S. 125 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 21 of Act 9 of 2015 w.e.f. 14 May 2015; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

126. Power to waive penalty or interest

(1) The Director-General may waive the whole or part of any penalty or interest imposed under this Act where he is satisfied that failure to comply with this Act was attributable to a just or reasonable cause.

(2) In the exercise of his power under subsection (1), the Director-General shall, in writing, record the reasons for waiving the whole or part of the penalty or interest.

(S. 126 came into operation on 6 December 2007.)

127. Conclusiveness of assessment

Except in proceedings on objection to an assessment under section 121 or on the hearing of representations under section 123—

(a) no assessment, decision or determination relating to duties, levy and taxes under this Act

shall be disputed in any Court or in any proceedings, either on the ground that the person affected is not liable to duty, levy or tax or the amount of duty, levy or tax due and payable is excessive or on any other ground; and
[Amended 18/16 (cio 1/10/16).]

(b) every assessment, decision or determination shall be final and conclusive.

(S. 127 came into operation on 6 December 2007.)

[S. 127 amended by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

128. Recovery of unpaid duty, tax, levy, penalty and interest

Part IVC of the Mauritius Revenue Authority Act shall apply to the collection of any unpaid duty, tax, levy, penalty and interest under this Act with such modifications, adaptations and exceptions as may be necessary.

[RR 11/18 (cio 9/8/18)]

[S. 128 amended by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; repealed and replaced by s. 32(u) of Act 11 of 2018 w.e.f. 9 August 2018.]

129. –

[S. 129 amended by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; repealed by s. 32 of Act 11 of 2018 w.e.f. 9 August 2018.]

130. –

[S. 130 amended by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; repealed by s. 32 of Act 11 of 2018 w.e.f. 9 August 2018.]

131. –

[S. 131 amended by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; repealed by s. 32 of Act 11 of 2018 w.e.f. 9 August 2018.]

132. –

[S. 132 repealed by s. 32 of Act 11 of 2018 w.e.f. 9 August 2018.]

133. –

[S. 133 amended by s. 25 of Act 18 of 2016 w.e.f. 1 October 2016; repealed by s. 32 of Act 11 of 2018 w.e.f. 9 August 2018.]

PART XXIV – OFFENCES

134. Carrying on activity without licence

Any person, not being a licensee, whether on his own account or as an agent—

- (a) causes or permits premises to be used for the purpose of carrying on any activity; or
- (b) carries on, advertises, announces himself or holds himself out in any way as carrying on any activity,

which is regulated under this Act, shall commit an offence and shall, on conviction, be liable to a fine which shall be 5 times the amount of the licence fee which would have been payable in respect of the appropriate licence or 50,000 rupees, whichever is the higher, and to imprisonment for a term not exceeding 10 years.

[S. 134 amended by s. 9 (k) of Act 20 of 2009 w.e.f. 19 December 2009; repealed and replaced by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

(S. 134 came into operation on 6 December 2007.)

134A. Licensee carrying out betting activity that does not comply with Act

- (1) A licensee, who, whether on his own account or as an agent –
 - (a) causes or permits his premises to be used for the purpose of carrying on any betting activity which is not in compliance with this Act; or
 - (b) carries on, advertises, announces himself or holds himself out in any way as carrying on any betting activity which is not in compliance with this Act,

shall commit an offence and shall, on conviction, be liable to a fine which shall be 10 times the amount of the licence fee payable in respect of his licence and to imprisonment for a term not exceeding 15 years.

(2) Where a person is found guilty of an offence under subsection (1), the Court may, in addition to any sentence imposed under that subsection, cancel his licence.

[S. 134A inserted by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

134B. Using a licensed equipment for a purpose other than the purpose specified in the licence

(1) Any person who uses a licensed equipment for a purpose other than the purpose specified in the licence shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 5 years.

(2) Any person who causes, allows or permits a licensed equipment to be used for a purpose other than the purpose specified in the licence shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 5 years.

[S. 134B inserted by s. 32 of Act 11 of 2018 w.e.f. 1 August 2018.]

134C. Non-compliance by horse racing organiser

A horse racing organiser that contravenes this Act or any condition, rules, directions or any guidelines imposed or issued by the Authority shall commit an offence and shall, on conviction, be liable to a fine of not less than 200,000 rupees and not exceeding one million rupees.

[Inserted 5/2020 (cio 9/7/2020).]

[S. 134C inserted by s. 11 of Act 5 of 2020 w.e.f. 9 July 2020.]

134C. Offering a bet-related service without holding a licence

Any person who offers a bet-related service without holding a licence shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 2 years.

[Inserted 7/2020 (cio 31/8/2020).]

134E. Bookmaker operating illegally

- (1) No bookmaker licensed to conduct fixed odds betting on local races shall conduct his

fixed odds betting activities at a place other than his usual place of business.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 5 years.

[S. 134E added by s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

134F. Person having stake in horse racing organiser placing bet on activity organised by horse racing organiser

(1) No person having a power of decision in a horse racing organiser shall place a bet on a horse race organised by that horse racing organiser.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 5 years.

[S. 134F added by s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

134G. Holder of personal management licence placing bet with unlicensed person offering bets on local races

(1) No holder of a personal management licence shall place a bet with a person who offers bets on local races without holding a bookmaker licence.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 5 years.

[S. 134G added by s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

135. Passing off as lottery retailer

Any person who, not being registered as a lottery retailer, whether on his own account or as an agent, carries on, advertises, announces himself, pretends to act or holds himself out in any way as a lottery retailer shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 2 years.

(S. 135 came into operation on 6 December 2007.)

[S. 135 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

136. Transaction with unlicensed person or non-registered lottery retailer

Any person who transacts any business which is regulated by this Act with a person who is not licensed, or who is not registered as a lottery retailer, under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

(S. 136 came into operation on 6 December 2007.)

[S. 136 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

137. Unlicensed sweepstakes and lotteries

Any person who, not being licensed to organise a sweepstake or a lottery—

- (a) prints, publishes or causes to be printed or published any ticket for or advertisement or notice relating to a sweepstake or a lottery;

- (b) sells or offers for sale, any ticket or chance in a sweepstake or lottery; or
- (c) organises or takes part in the organisation of a sweepstake or a lottery,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 2 years.

(S. 137 came into operation on 6 December 2007.)

[S. 137 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

138. Unlawful transfer of licence

(1) Any transfer, assignment or subletting of a licence shall be null and void.

(2) Subject to subsection (3), any person who transfers, assigns or sublets his licence to any other person shall commit an offence and, without prejudice to the suspension, revocation or cancellation of the licence under section 99, shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 3 years.

[Amended 9/15 (cio 14/5/15).]

(3) The Operator which transfers, assigns or sublets its licence to any other person shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(S. 138 came into operation on 6 December 2007.)

[S. 138 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

139. Failure to comply with conditions of licence, directions or guidelines

Any person who fails to comply with—

- (a) any condition of his licence;
- (b) the rules in respect of any gambling, lottery game, sweepstake and other lotteries; or
- (c) any direction given, guidelines issued, or request made, to a licensee under this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding one year.

(S. 139 came into operation on 6 December 2007.)

[S. 139 amended by s. 21 of Act 9 of 2015 w.e.f. 14 May 2015.]

140. Age restriction on gambling

(1) Any operator of a casino, gaming house, gaming machine or limited payout machine who knowingly invites, causes or permits a person under the age of 21 to enter its premises to participate in gambling shall commit an offence.

[Amended 37/11 (cio 15/12/11).]

(2) Any person under the age of 21 who attempts to enter or enters in the premises of a casino, gaming house, gaming machine or limited payout machine to participate in gambling shall commit an offence.

[Amended 37/11 (cio 15/12/11).]

(2A) Any operator of a VLT who knowingly invites, causes or permits a minor to enter his premises to play the VLT shall commit an offence.

(3) Any bookmaker or totalisator operator who accepts or offers to accept a bet from a minor shall commit an offence.

(4) Any local pool promoter, agent of a foreign pool promoter or any collector who transacts any business by way of pool betting with a minor shall commit an offence.

(5) Any bet made by way of a pool betting by or on behalf of a minor shall be null and void.
[S. 140 amended by s. 9 (l) of Act 20 of 2009 w.e.f. 1 January 2011; Act 37 of 2011 w.e.f 15 December 2011.]
(S. 140 came into operation on 6 December 2007.)

141. Age restriction to play lottery games

(1) Any person who knowingly invites, causes or permits a minor to play a lottery game or VLT shall commit an offence.

(2) For the purposes of subsection (1), inviting a minor to play a lottery game or VLT includes—

- (a) sending to the minor any document which advertises a lottery game or VLT; or
- (b) bringing to the attention of the minor information about lottery games or VLTs with a view to encouraging the minor to play lottery games or VLTs.

(3) Where a document is sent to a minor and that document which advertises a lottery game gives the name or contact details of a person to whom payment may be made or from whom information may be obtained, that person shall commit an offence under subsection (1), unless he proves that the document was sent—

- (a) without his consent; and
- (b) without his authority.

(4) Where information relating to a lottery game or VLT is brought to the attention of a minor and such information includes the name or contact details of a person to whom payment may be made or from whom information may be obtained, that person shall commit an offence under subsection (1), unless he proves that the information was brought to the attention of the minor—

- (a) without his consent or authority; or
- (b) as an incident of the information being brought to the attention of an adult and without a view to encouraging the minor to play a lottery game or VLT.

(5) Any lottery game played in contravention of this section shall be null and void.

(6) For the purposes of this section, “contact details” means—

- (a) an address or other location;
- (b) a telephone number;
- (c) an internet site; or
- (d) an e-mail address.

[S. 141 amended by s. 9 (m) of Act 20 of 2009 w.e.f. 1 January 2011.]

(S. 141 came into operation on 6 December 2007.)

142. Providing credit for gambling

(1) A licensee conducting gambling shall not offer or provide credit where the licensee knows or ought to know that the credit is intended to be used for gambling.

(2) No person shall solicit or request from a licensee conducting gambling credit facilities to be used for gambling.

(3) Any licensee who fails to comply with this section shall commit an offence.

(S. 142 came into operation on 6 December 2007.)

143. Prohibition on gambling by certain persons

(1) Subject to subsection (2), no person who is concerned in the management or control of a casino or gaming house, or is employed in a casino or gaming house, shall participate in the playing

of any game in that casino or gaming house.

(2) Subsection (1) shall not apply to a person who by the nature of his employment is required to participate in the playing of a game in a casino or gaming house solely for the purpose of enabling other persons to play the game.

(S. 143 came into operation on 6 December 2007.)

144. Failure to pay winnings or prizes

Any licensee who, without reasonable cause, fails to pay any winnings or prizes shall commit an offence and shall, on conviction, be liable, in addition to the amount of the winnings or prizes, as the case may be, to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(S. 144 came into operation on 6 December 2007.)

145. Giving false or misleading information

Any licensee who—

- (a) gives any information or submits any return referred to in section 115 which he knows or should have known to be false or misleading in any material particular; or
- (b) with intent to deceive, produces or makes use of any book, account, record, return or other document which is false or misleading in any material particular,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.

(S. 145 came into operation on 6 December 2007.)

146. Cheating

(1) Any person who—

- (a) has in his possession any instrument, equipment or device that is capable of being used for cheating in gambling and lottery game in circumstances that show an intention to use the instrument, equipment or device to cheat;
- (b) manipulates, with the intent to cheat, any component of a device or equipment used for gambling or lottery game in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game or the amounts won or lost;
- (c) administers or causes to be administered to any horse which is in training for the purpose of participating in a horse race, by invasive or non-invasive routes, including oral, rectal, transdermal, intradermal, subcutaneous, intramuscular, intravenous or any other route whatsoever—
 - (i) any endocrine or hormonal substance, whether natural or synthetic;
 - (ii) any medicinal substance, chemical or drug; or
 - (iii) any other substance which may act as a stimulant or depressant thus affecting the speed, stamina, courage, conduct or performance of a horse during a horse race or prior to such race;
- (d) uses or causes to be used in or on any horse which is in training for the purpose of participating in a horse race any electronic, electric, galvanic, reflective, fluorescent or laser equipment or apparatus that may cause injury or affect the performance of such horse during the course of a horse race or prior to such race; or

(e) cheats in any other manner in any of the activities regulated by this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 300,000 rupees and to imprisonment for a term not exceeding 3 years.

(2) Any person who—

- (a) allows anyone to conduct or carry on cheating or to operate any cheating device or provide any person with information or with a device to cheat in gambling or lottery game;
- (b) makes use of any counterfeit chip or token, lottery ticket or sweepstake ticket or contravenes the rules of gambling or lottery game or interferes in any way with any device or equipment used for gambling and lottery game with the intention of obtaining any direct or indirect pecuniary advantage, whether for himself or any other person;
- (c) places, increases or decreases a bet or determines the course or outcome of an event after acquiring knowledge, not available to all punters, of the outcome of the event which is the subject of the bet, or aids anyone in acquiring such knowledge, for the purpose of placing, increasing or decreasing a bet or determining the course or outcome of the event;
- (d) claims, collects or takes, or attempts to claim, collect or take, money or anything of value in or from any gambling activity or lottery game, with intent to defraud, without having placed a bet or stake or to claim, collect or take an amount greater than the amount won;
- (e) offers anything of value to a person involved in the conduct of a horse race in return for that person's committing an illegal act or failing to perform a duty; or
- (f) connives with or seeks or has an undertaking or agreement with a person involved in the conduct of a horse race to commit an illegal act or to fail to perform a duty,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to penal servitude.

(3) The administration of any substance, chemical or drug to any horse or the use of any equipment or apparatus in or on any horse referred to in subsection (1) (c) or (d) for the treatment of such animal for therapeutic reasons shall not constitute an offence.

(S. 146 came into operation on 6 December 2007.)

147. Prohibition on gambling in public places

(1) Any person frequenting or loitering in a public place for the purposes of gambling or agreeing to gamble shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding one year.

(2) Any police officer may, without warrant, arrest any person found committing an offence under this section and may seize any money, book or paper or writing found in the offender's possession.

(3) In this section, "public place" includes any bridge, road, land, footpath, subway, alley or passage, whether a thoroughfare or not, which is for the time being open to the public and the doorways and entrances of premises abutting upon any ground adjoining, and open to, a road, shall be treated as forming part of the road.

(S. 147 came into operation on 6 December 2007.)

148. Offences relating to duties, levy and taxes

(1) Any licensee who fails to submit a return referred to in section 115 shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) Where a person is convicted under subsection (1), he shall, in addition to any penalty imposed under subsection (1), be ordered by the Court to submit the return within such time as the Court may

order.

(3) Any licensee who fails to comply with any requirement under section 111, 112 or 118 shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(4) Any licensee who fails to pay any duty, levy or tax payable under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding treble the amount of the duty, levy or tax which would have been payable and to imprisonment for a term not exceeding 5 years.

(5) Any licensee who is knowingly concerned in, or is taking steps with a view to, the evasion, by him or any other person of any duty, levy or tax payable under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.

[S. 148 amended by s. 9 (n) of Act 20 of 2009 w.e.f. 19 December 2009; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

(S. 148 came into operation on 6 December 2007.)

149. Compounding of offences relating to duties, levy and taxes

[Amended 18/16 (cio 1/10/16).]

(1) (a) The Director-General may, with the consent of the Director of Public Prosecutions, compound any offence committed by a person in relation to duties, levy and taxes under this Act, where such person agrees in writing to pay such amount acceptable to the Director-General representing—

[Amended 26/12 (cio 22/12/12).]

(i) any duty, levy or tax unpaid; and

[Amended 18/16 (cio 7/9/16).]

(ii) an amount not exceeding the maximum pecuniary penalty imposable under this Act for such offence.

(b) For the purposes of paragraph (a), the Director-General shall chair a committee which shall consist of 3 other officers of the management team of the Mauritius Revenue Authority.

(2) Every agreement under subsection (1) shall be made in writing under the hand of the Director-General and the person and witnessed by an officer of the Mauritius Revenue Authority.

(3) Every agreement under this section shall be final and conclusive and a copy shall be delivered to the person.

(4) Where the Director-General compounds an offence in accordance with this section—

(a) the amount for which the offence is compounded shall be deemed to be duty, levy or tax assessed under this Act and shall be recoverable as duty, levy or tax; and

(b) no further proceedings shall be taken in respect of the offence so compounded against the person.

(S. 149 came into operation on 6 December 2007.)

[S. 149 amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 25 of Act 18 of 2016 w.e.f. 1 October 2016.]

150. Chain-gift schemes

(1) Any person who—

(a) invites another to join a chain-gift scheme; or

- (b) knowingly participates in the promotion, administration or management of a chain-gift scheme,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) An arrangement is a “chain-gift” scheme where—

- (a) in order to participate in the arrangement a person makes a payment to one or more other participants a “joining fee”; and
- (b) each person who participates in the arrangement—
 - (i) is required or invited to invite others to participate; and
 - (ii) is encouraged to believe that he will receive the “joining fees”, or part of the joining fees, of other participants, to an amount in excess of the “joining fee” paid by him.

(3) For the purposes of subsection (2)—

- (a) “payment” means a payment of money or money’s worth, but does not include the provision of goods or services; and
- (b) it is immaterial whether a payment is made directly or through a person responsible for managing or administering the scheme.

(S. 150 came into operation on 6 December 2007.)

151. Tampering with items subject to seizure

(1) Where any money, security for money, gaming machine, equipment or other thing is seized pursuant to section 154 and sealed, no person shall tamper with the seal.

(2) Any person who contravenes subsection (1) shall commit an offence, and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 6 months.

(S. 151 came into operation on 6 December 2007.)

152. Obstructing inspector

Any person who—

- (a) obstructs an inspector in the execution of his duty from entering or remaining at premises where an activity regulated under this Act is conducted; or
- (b) refuses to produce any thing, equipment, books, records, bank statements or other documents relating to his business that an inspector requires under section 111, 112 or 118;
- (c) fails to give all reasonable assistance and to answer all reasonable questions either orally or in writing as required under section 111; or
- (d) otherwise obstructs an inspector in the execution of a power or duty,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(S. 152 came into operation on 6 December 2007.)

153. Other offences

(1) Subject to subsection (2), any licensee who contravenes section 38, 41, 45, 46, 106, 140, 141, or 142 shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) Any other person who contravenes section 47 shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

(3) Any gaming machine operator, limited payout machine operator, totalisator operator, bookmaker or the Operator who knowingly disconnects his equipment from the central electronic monitoring system shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees.

[Amended 37/11 (cio 15/12/11).]

(4) Any person who—

- (a) not being the Operator or a lottery retailer—
 - (i) induces a person to take part in a lottery game;
 - (ii) distributes or supplies a lottery ticket, or supplies forms in connection with a lottery game;
 - (iii) advertises or promotes the taking part in a lottery game; or
 - (iv) collects or distributes prizes;
- (b) publishes the name of a participant who has asked for anonymity;
- (c) counterfeits any ticket or document relating to a lottery game for the purpose of obtaining a pecuniary advantage;
- (d) sells a lottery ticket—
 - (i) at a price higher than that which is printed on the ticket;
 - (ii) on condition that the seller of the ticket shares in the prize in the event of a ticket sold by him being the ticket in respect of which a prize is paid;
 - (iii) on any condition not provided for in the rules of the lottery game concerned;
 - (iv) on credit or with the financial assistance in any form of the seller; or
- (e) without the written authorisation of the Operator, prints a lottery ticket in respect of a lottery game,

shall commit an offence, and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.

(5) Any person who purchases a lottery ticket from a person not holding a licence or a registration certificate as a lottery retailer under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding one year.

(6) Any person who carries on any gambling or betting activity which is not regulated under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 2 years.

(7) Any person who stakes money, places bets or participates in any gambling or betting activity which is not regulated under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding one year.

(8) Any person who contravenes this Act for which no specific penalty is provided for shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 6 months.

(S. 153 came into operation on 6 December 2007.)

154. Seizure and forfeiture

Any money, security for money, gaming machine, equipment or other thing used in connection with the commission of an offence under this Act or other enactment may be seized and, on

conviction of the offender, may be forfeited by the Court.

(S. 154 came into operation on 6 December 2007.)

PART XXV – MISCELLANEOUS

155. Confidentiality

(1) Subject to subsections (2) and (3), every specified person shall maintain the confidentiality of any data in the central electronic monitoring system, data relating to gambling activities, lottery games, gaming machines and VLTs, any return, assessment, document or other matter relating to duties and taxes that comes to his knowledge or possession in the performance of his duties and functions under this Act.

(2) Except for the purpose of administering this Act, any other Revenue Law, the Prevention of Corruption Act, or where so authorised to do so by the Minister, no specified person shall communicate to any other person any matter relating to this Act.

(3) Nothing in this section shall, with the written consent of a totalisator operator or a bookmaker, prevent the disclosure to any other person of the gross amount of bets placed with him weekly in respect of each event or contingency.

(4) Any specified person who, without lawful excuse, contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 2 years.

(5) For the purpose of this section –
“specified person” means the Authority, the Board or any member, the Chief Executive or an employee, the Director-General or any officer of the Mauritius Revenue Authority.

[S. 155 amended by s. 9 (o) of Act 20 of 2009 w.e.f. 1 January 2011.]

156. Advertisement

(1) No person shall, in any manner, advertise a gambling activity.

(2) Notwithstanding subsection (1), a person may publish or cause to be published –

(a) factual information relating to results, fixtures, odds, draws, prizes or pools;
or

(b) specialised magazines relating to football matches or horse races.

(3) A publication under subsection (2) shall be subject to such directives or guidelines as the Board may issue.

(4) No activity, other than a charitable, benevolent or social activity, shall be sponsored by –

[Amended 7/2020 (cio 31/8/2020).]

(a) a licensee; or

(b) a person having a direct or indirect interest in a licensee.

(5) Any person who contravenes subsection (1) or (4) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 300,000 rupees.

[S. 156 came into operation on 6 December 2007; amended by s. 9 (p) of Act 20 of 2009 w.e.f. 1 January 2011; s. 25 of Act 7 of 2020 w.e.f. 31 August 2020.]

157. Unclaimed prizes or other amounts

(1) Where, after the expiry of 30 days from the date of any race meeting, any amount due and payable by a bookmaker or totalisator operator to a winning punter in respect of that race meeting has not been paid out to the winning punter, bookmaker or totalisator operator, as the case may be, shall, within 7 days of the expiry period of 30 days, pay that amount into the National Solidarity Fund.

(2) Every totalisator operator shall, within 7 days of a race meeting, pay into the National Solidarity Fund, the fraction of a rupee not paid to winning punters in respect of that meeting.

(3) Where any prize of any lottery game—

- (a) is not claimed within 6 months from the date of the draw of that lottery game; or
- (b) that is an instant-win game, is not claimed within 3 months from the date of closure of that instant-win game,

the Operator shall forthwith pay the prize into the National Solidarity Fund.

(4) Where, after the expiry of 6 months from the date of the publication of the results of a sweepstake, any prize has not been claimed by the winner, it shall forthwith be paid by the sweepstake organiser into the National Solidarity Fund.

(5) Where, after the expiry of 6 months from the date of the draw of a lottery organised under Part XVII, any prize has not been claimed by the winner, the licensee shall forthwith pay into the National Solidarity Fund—

- (a) where the prize is a money prize, the amount of the prize; or
- (b) where the prize is not a money prize, the market value of the prize on which the licence fee was paid in accordance with section 90.

(5A) Where, after the expiry of 30 days from the announcement of the results relating to an event or contingency, any winning has not been claimed by a punter, the licensee shall forthwith pay the monetary equivalent of the winning into the National Solidarity Fund.

[Inserted 18/16 (cio 1/101/6).]

(6) Every licensee shall, at the time of payment of any unclaimed prize or other amount under this section, submit to the Authority a certified statement showing the particulars of the amount paid into the National Solidarity Fund.

(7) Any person who contravenes subsections (1) to (5A) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees.

[Added 13/19 (cio 31/7/19).

[S. 157 amended by s. 9 (q) of Act 20 of 2009 w.e.f. 19 December 2009; s. 8(i) of Act 26 of 2013 w.e.f. 21 December 2013; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019.]

(S. 157 came into operation on 6 December 2007.)

158. Complaints

(1) Any person who is aggrieved by any act or omission in respect of any activity regulated under this Act may make a complaint in writing to the Authority.

(2) Subject to subsection (3), the Authority shall investigate any complaint made under subsection (1).

(3) The Authority shall not investigate a complaint where it is made more than one month after the date of the act or omission.

(S. 158 came into operation on 6 December 2007.)

159. Protection from liability

(1) No action shall lie against the Authority, the Board or any member, the Chief Executive, or any employee in respect of any act done or omitted to be done by the Authority, the Board or any member of the Board, the Chief Executive or any employee in the execution in good faith, of its or his functions under the Act.

[Amended 11/18 (cio 30/11/18).]

(2) This section shall be in addition to and not in derogation from the Public Officers' Protection Act, and for the purposes of that Act, every member or employee of the Authority shall be deemed to be a public officer or a person engaged or employed in the performance of a public duty.

[Amended 11/18 (cio 30/11/18).]

[S. 159 amended by s. 32(x) of Act 11 of 2018 w.e.f. 30 November 2018).]

160. Exemption

Notwithstanding any other enactment, the Authority shall be exempted from payment of—

- (a) any registration duty, fee or charges in respect of any document under which the Authority is the sole beneficiary; and
- (b) any other duty, rate, charge, fee or tax.

161. Execution of documents

(1) Subject to subsection (2), no document shall be executed or signed by or on behalf of the Board unless it is signed by the Chairperson and the Chief Executive, or, in the absence of the Chairperson, by the Vice-Chairperson.

(2) In the absence of the Chief Executive, his powers under subsection (1) shall be exercised by such employee as may be appointed by the Board for that purpose.

(3) Every document bearing the seal of the Authority shall be admitted in evidence before any Court as *prima facie* evidence of its contents.

(4) Where a document referred to in subsection (1) is required to be executed in another country, the Board may depute 2 persons who are residents of that country to sign the document on its behalf.

161A. Service of documents

(1) Any return, statement or other document required or authorised to be served on or given to, or any payment required to be effected to, the Director-General shall be forwarded to him so as to reach the office of the Director-General not later than the due date.

(2) Any notice of assessment, determination or other document required to be served on, or given to, any person by the Director-General may be served or given by—

- (a) delivering it personally to him;
- (b) leaving it at, or sending it to, his usual or last known residence or place of business; or
- (c) transmitting it electronically through computer or other mechanical or electronic device.

(3) Where a person—

- (a) refuses to accept delivery of a document addressed to him; or
- (b) fails to take delivery of such a document which he has been informed awaits him at a post office,

the document shall be deemed to have been served on him on the date on which he refused to accept the letter or was informed that the letter was at the post office.

[S. 161A inserted by s. 13 (b) of Act 18 of 2008 w.e.f. 19 July 2008.]

162. Legal proceedings

(1) No action shall be commenced against the Authority before the expiry of one month after written notice of an intention to do so has been served on the Authority by or on behalf of the plaintiff.

(2) A notice under subsection (1) shall clearly state—

- (a) the particulars of the claim;
- (b) the name, address and occupation of the plaintiff; and
- (c) the relief claimed.

(3) Any summons, notice or other document required or authorised to be served on the Authority may be served by delivery to the Chief Executive at the office of the Authority.

(4) Service of any process by or on behalf of the Authority may be effected by or on behalf of the Chief Executive.

(S. 162 came into operation on 6 December 2007.)

163. Jurisdiction

(1) Notwithstanding—

- (a) section 114 (2) of the Courts Act; and
- (b) section 72 (5) of the District and Intermediate Courts (Criminal Jurisdiction) Act,

a Magistrate shall, subject to subsection (2), have jurisdiction to try any offence under this Act and may impose any penalty provided by this Act.

(2) The prosecution of an offence under any of the sections of this Act specified in the Fifth Schedule to the Criminal Procedure Act shall take place, at the discretion of the Director of Public Prosecutions, before a Judge sitting without a jury, the Intermediate Court, or a District Court.

(S. 163 came into operation on 6 December 2007.)

164. Regulations

(1) The Minister may—

- (a) make such regulations as he thinks fit for the purposes of this Act; and
- (b) by regulations, amend the Schedules.

(2) Any regulations made under this section may provide—

- (a) for the use of the internet and other electronic communication system for the conducting of lottery games;

(aa) for the setting up of the necessary regulatory and taxation framework for –

- (i) on-line betting games open only to non-residents and foreigners;
- (ii) gambling organised in hotels and open only to non-residents and foreigners;

[Inserted 18/16 (cio 1/10/16); amended 10/17 (cio 6/10/17).]

- (b) for the licensees to take measures to foster responsible gambling in order to prevent and minimise harm;

(ba) for activities in respect of which an ad hoc licence may be granted;

[Inserted 26/13 (cio 21/12/13).]

- (c) for procedures to be put in place to enable operators of gambling to identify persons whose

gambling causes harm or may cause harm and prevent them from having access to gambling premises;

- (ca) for a limit on the maximum –
 - (i) aggregate stake permitted to commence and complete a game on a limited payout machine;
 - (ii) single pay-outs allowed from a limited payout machine;
 - (iii) aggregate pay-out in respect of each game played on a limited payout machine;

[Inserted 37/11 (cio 15/12/11).]
- (cb) for technical gambling standards for limited payout machines, including the maximum number of single game cycles over a particular period of time;
- [Inserted 37/11 (cio 15/12/11).]
- (cc) for the methods by which a prize won on a limited payout machine may be paid;
- [Inserted 37/11 (cio 15/12/11).]
- (cd) for any essential or defining elements of a game played on a limited payout machine;
- [Inserted 37/11 (cio 15/12/11).]
- (ce) for the procedures that constitute the start and end of a single game on a limited payout machine;
- [Inserted 37/11 (cio 15/12/11).]
- (d) for the payment of fees and the levying of charges; or
- (e) that any person who contravenes them shall commit an offence, and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(3) –

[Repealed 11/18 (cio 30/11/18).]

[S. 164 amended by s. 7 of Act 37 of 2011 w.e.f. 15 December 2011; s. 8(j) of Act 26 of 2013 w.e.f. 21 December 2013; s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 32(y) of Act 11 of 2018 w.e.f. 30 November 2018.]

164A. Saving

Notwithstanding the repeal of Part XVI of this Act, section 159 shall continue to apply to a former employee or member of, or person employed by, the Lottery Committee set up under the repealed Part XVI of this Act, in the discharge in good faith of his functions under this Act.

[S. 164A inserted by s.32(z) of Act 11 of 2018 w.e.f. 30 November 2018.]

165. Transitional provisions

(1) Any deposit made or security furnished under the Gaming Act or the Horse Racing Board Act in force immediately before 10 September 2007 shall remain valid for the period specified in the licence and shall be refunded or realised after the procedures referred to in section 103 of this Act have been followed.

(2) –

(3) Subject to subsection (6), every person in the employment of the Horse Racing Board immediately before the date of the coming into operation of this Act shall, as from that date, be entitled to be transferred to the Authority on terms and conditions no less favourable than those that applied to his office under the repealed Horse Racing Board Act.

(4) Subject to subsection (6), every person in the employment of the Committee appointed under

section 32 of the Gaming Act immediately before the commencement of this Act shall, as from that date, be entitled to be transferred to the Lottery Committee on terms and conditions no less favourable than those that applied to his employment by the Committee appointed under section 32 of the repealed Gaming Act.

(5) The period of service with the Horse Racing Board or the Committee appointed under section 32 of the Gaming Act of every person exercising his right to be transferred to the Authority under subsection (3) and to the Lottery Committee under subsection (4) shall be deemed to be an unbroken period of service with the Authority or Lottery Committee, as the case may be.

(6) No person on the staff of the Horse Racing Board or the Committee appointed under section 32 of the Gaming Act shall, on account of his transfer under subsection (3) or (4) or any resulting change in his job title following his transfer to the Authority or the Lottery Committee, be entitled to claim that his contract of service has been terminated in breach of any enactment.

(7) The Minister may, in writing, direct that any funds and any interest of the Horse Racing Board under the repealed Horse Racing Board Act in any movable or immovable property shall, on such date as he may determine, vest in the Authority, and the Authority shall, on that date, acquire a valid title in the interest, notwithstanding any other enactment.

(8) Notwithstanding any other enactment or anything contained in any contract or agreement, any right or obligation existing in favour of or against the Horse Racing Board or the Committee appointed under section 32 of the Gaming Act before the commencement of this Act, shall, on the commencement of this Act, be a right or obligation enforceable in favour of or against the Authority or the Lottery Committee, as the case may be.

(9) All proceedings, judicial or otherwise, commenced before and pending immediately before the commencement of this Act by or against the Commissioner for Value Added Tax, the Gaming Control Board, the Horse Racing Board or the Committee appointed under section 32 of the Gaming Act shall be deemed to have been commenced, and may be continued, by or against the Director-General, the Authority or the Lottery Committee, as the case may be, under this Act.

(10) Nothing in this Act shall affect the validity of an AWP machine licence issued after 1 January 2011.

[Subs. (10) added by s. 7 of Act 37 of 2011 w.e.f. 15 December 2011.]

(11) An AWP machine licence referred to in subsection (10) shall remain valid up to such date as is specified in the licence, or 31 December 2012, whichever is earlier.

[Subs. (11) added by s. 7 of Act 37 of 2011 w.e.f. 15 December 2011.]

(12) No AWP machine licence shall be renewed or extended beyond the period specified in subsection (11).

[Subs. (12) added by s. 7 of Act 37 of 2011 w.e.f. 15 December 2011.]

(13) Where any duty and tax outstanding as at 8 June 2017 is fully paid by a person on or before 31 May 2018, any penalty and interest leviable shall be waived, provided that an application for the reduction is made to the Director-General on or before 31 March 2018.

[Subs. (13) added by s. 7 of Act 37 of 2011 w.e.f. 1 January 2012; amended by s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; repealed and replaced by s. 23 of Act 10 of 2017 w.e.f. 24 July 2017.]

(14) (a) Where tax arrears outstanding as at 8 June 2017 are fully paid by a person on or before 31 May 2018, any penalty and interest included in the tax arrears shall be reduced by 100 per cent, provided that an application for the reduction is made to the Director-General on or before 31 March 2018.

(b) In paragraph (a) –

“tax arrears” –

- (a) means tax and penalty due and payable under an assessment issued or a return submitted on or before 30 June 2015; but
- (b) does not include tax due under an assessment in respect of which representations are pending before the Assessment Review Committee, or an appeal is pending before the Supreme Court or Judicial Committee of the Privy Council.

[Subs. (14) added by s. 7 of Act 37 of 2011 w.e.f. 1 January 2012; repealed and replaced by s. 23 of Act 10 of 2017 w.e.f. 24 July 2017.]

(15) –

[Subs. (15) added by s. 7 of Act 37 of 2011 w.e.f. 1 January 2012; repealed by s. 23 of Act 10 of 2017.]

(16) Subsections (13) and (14) shall not apply to any person –

[Amended 10/17 (cio 24/7/17).]

- (a) who has been convicted on or after 1 July 2001 of an offence relating to;
- (b) against whom any civil or criminal proceedings are pending or contemplated in relation to an act of; or
- (c) in relation to whom an enquiry is being conducted into an act of,

trafficking of dangerous drugs, arms trafficking, or an offence related to terrorism under the Prevention of Terrorism Act, money laundering under the Financial Intelligence and Anti-Money Laundering Act or corruption under the Prevention of Corruption Act.

[Subs. (16) added by s. 7 of Act 37 of 2011 w.e.f. 1 January 2012.]

(17) (a) On the appointed date –

- (i) the assets of the Lottery Committee set up under the repealed Part XVI of this Act shall vest in the State;
- (ii) notwithstanding section 17 of the Statutory Bodies Pension Funds Act, the Pension Fund of the Lottery Committee set up under section 3 of the Statutory Bodies Pension Funds Act shall continue to exist in favour of its beneficiaries and any present and future liability relating to their pension benefits and arising from an actuarial investigation under section 5 of the Statutory Bodies Pension Funds Act shall vest in the State;
- (iii) the mark “GOVERNMENT LOTTERIES (Lotterie Vert Nou Lotterie) (and logo)” registered at the Industrial Property Office shall vest in the company incorporated and registered by the name of Lottotech Ltd under the Companies Act;

(b) Notwithstanding any other enactment or anything contained in any contract or agreement –

- (i) any right or obligation existing in favour of or against the Lottery Committee set up under the repealed Part XVI before the appointed date, shall, after the appointed date, be a right or obligation enforceable in favour of or against the State;

- (ii) any prize attributed to a winning ticket in respect of Government lotteries may, subject to any condition attached to the payment of that prize by the Lottery Committee set up under the repealed Part XVI, be claimed from the State within 9 months from the appointed date.

(c) All proceedings, judicial or otherwise, commenced before and pending immediately before the appointed date by or against the Lottery Committee set up under the repealed Part XVI shall be deemed to have been commenced, and may be continued, by or against State.

(d) Where this subsection does not make provision for any transition in respect of the Lottery Committee set up under the repealed Part XVI of this Act, the Minister may make such regulations as may be necessary for such transition.

(e) For the purpose of this subsection, the appointed date shall be the date on which the repeal of Part XVI comes into operation.

[Added 11/18 (cio 1/8/18).]

(18) Notwithstanding section 114(1) and (8), the due date for the submission of the return and payment of tax by a licensee of a casino, a gaming house, a gaming machine, a limited payout machine or an amusement machine for the month of February 2021 and March 2021 shall be 30 September 2021.

[Added 15/21 (cio 5/8/21).]

[S.165 amended by s. 7 of Act 37 of 2011 w.e.f 15 December 2011; 1 January 2012; s. 10 of Act 26 of 2012 w.e.f. 22 December 2012; s. 23 of Act 10 of 2017 w.e.f. 24 July 2017; s. 32 of Act 11 of 2018 w.e.f. 1 August 2018; s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

(S. 165 came into operation on 6 December 2007.)

166. Consequential amendments

(1) – (6) —

(7) The Gaming (Government Lotteries) Regulations 1992 are amended—

- (a) in regulation 1, by deleting the words “Gaming (Government Lotteries)” and replacing them by the words “Gambling Regulatory Authority (Government Lotteries)”;
- (b) in regulation 2, by deleting the definition of “Committee” and replacing it by the following definition—
“Committee” means the Lottery Committee set up under section 86 of the Gambling Regulatory Authority Act;
- (c) by revoking regulations 3 and 4.

(8) The Places of Amusement (Control) Regulations 1994 are amended in regulation 2, by deleting the definition of “amusement machine” and replacing it by the following definition—

“amusement machine” has the same meaning as in the Gambling Regulatory Authority Act 2007;’.

(S. 166 came into operation on 6 December 2007.)

167. Repeal and savings

(1) —

(2) Notwithstanding the repeal of the enactments specified in subsection (1)—

- (a) any licence or authorisation issued under the Gaming Act or the Horse Racing Board Act in force immediately before the commencement of this Act shall be deemed to have been

issued under this Act and shall remain valid for the period specified in the licence or authorisation, as the case may be; and

- (b) any act or thing done under the repealed enactments shall, at the commencement of this Act, be deemed to have been done under this Act.

(3) Where at the commencement of this Act, a person was the holder of a gaming house “B” licence under the repealed Gaming Act, no refund shall be made or compensation paid in respect of the unexpired portion of the licence.

(S. 167 came into operation on 6 December 2007.)

168. –

FIRST SCHEDULE

[Sections 2, 18 and 24]

PART I CASINO GAMES

Blackjack

Chemin de fer

Live Roulette

[Inserted 26/13 (cio 21/12/13).]

Mini-chemy

Oasis Stud

Punto Banco

PART II GAMING HOUSE “A” GAMES

10½

Big and small

Big Wheel

Bingo

Crabs

Chinese dominoes (boeuf)

Over/Under 7

Poker

Premier Roi

Quatre Quatre

Sap Si Waye

Sic Bo

Tai Sai

Vanlak

PART III GAMING HOUSE “B” GAMES

Mahjong

Rummy

[First Sch. amended by s. 8(b) of Act 26 of 2013 w.e.f. 21 December 2013.]

SECOND SCHEDULE

[Section 15 (1)]

PART I

DECLARATION OF ASSETS

I,,

*being an applicant for the post of Chief Executive in the Gambling Regulatory Authority/the Chief Executive of the Gambling Regulatory Authority make oath/solemnly affirm that—

1. I am unmarried/married under the system of
(*matrimonial regime*)
2. My assets and those of my spouse, minor children and grandchildren in Mauritius and outside Mauritius are as follows—
 - (a) immovable property—
 - (i) freehold
 - (ii) leasehold
 - (b) Interest in any partnership, *société*, joint venture, trust or succession
 - (c) motor vehicles
 - (d) jewellery and precious metals
 - (e) securities, including treasury bills, units, etc.
 - (f) cash in bank
 - (g) cash in hand exceeding 50,000 rupees
 - (h) other assets exceeding 50,000 rupees in the aggregate
3. My liabilities and those of my spouse, minor children and grandchildren are
4. Property sold, transferred or donated to my children of age during the period of 12 months immediately preceding the date of this declaration
5. Any other relevant information

.....
Signature

Sworn/solemnly affirmed/declared by the abovenamed, this day of

Before me

.....
Master and Registrar
Supreme Court

PART II

DECLARATION OF ASSETS

I,, *being an applicant for the post of in the Gambling Regulatory Authority/an employee of the Gambling Regulatory Authority holding the post of: declare that—

[the words “declare that —“ are missing in the hard copy.]

1. I am unmarried/married under the system of
(*matrimonial regime*)
2. My assets and those of my spouse, minor children and grandchildren in Mauritius and outside Mauritius are as follows—
 - (a) immovable property—
 - (i) freehold
 - (ii) leasehold
 - (b) interest in any partnership, *société*, joint venture, trust or succession
 - (c) motor vehicles
 - (d) jewellery and precious metals
 - (e) securities including treasury bills, units, etc.
 - (f) cash in bank
 - (g) cash in hand exceeding 50,000 rupees
 - (h) other assets exceeding 50,000 rupees in the aggregate
3. My liabilities and those of my spouse, minor children and grandchildren are as follows—.....
4. Property sold, transferred or donated to my children of age during the period of 12 months immediately preceding the date of this declaration
5. Any other relevant information

.....
Signature

THIRD SCHEDULE

[Sections 16(2), 23(2), 28(2), 29C(3), 29(F)(2), 30(2), 34(3), 40(4), 42(4), 44(9), 51(3), 53(3), 57(3), 59(5), 90(2) and 90C(2)]
[Amended 10/17 (cio 6/10/17).]

LICENCE FEE

Activity	Fee (Rs)	Period
CATEGORY 1 - Casino Casino licence	3,500,000, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months	12 months

Gaming machine licence	125,000 per gaming machine payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months	12 months
CATEGORY 1A – [Inserted 11/18 (cio 1/8/18).] Hotel casino Hotel casino licence	(a) 55,000 for the period 1 July 2018 to 30 June 2021; (b) 75,000 thereafter, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months	12 months
Hotel casino operator licence (per licensed premise)	(a) 250,000 for the period 1 July 2018 to 30 June 2021; (b) 300,000 thereafter, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months	12 months
Hotel casino gaming machine licence	(a) 50,000 for the period 1 July 2018 to 30 June 2021; (b) 75,000 thereafter, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months	12 months
CATEGORY 2 – Gaming House “A” Gaming House licence in respect of Gaming House “A” games Gaming machine licence	3,500,000, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months 125,000 per gaming machine, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months	12 months 12 months
CATEGORY 3 – Horse racing		

<p>Bookmaker licence for conducting fixed odds betting on local races –</p> <p>(a) at the racecourse</p> <p>(b) – [R 13/19 (cio 31/7/19).</p> <p>(c) through remote communication</p>	<p>500,000</p> <p>500,000</p> <p>1,750,000</p> <p>1,750,000 in respect of the principal place of business</p> <p>1,750,000 in respect of the principal place of business</p> <p>20,000 in respect of every other place at which facilities are provided</p> <p>20,000 in respect of every other place at which facilities are provided</p>	<p>1 January to 15 August of every year or part thereof</p> <p>16 August to 31 December of every year or part thereof</p> <p>16 August to 31 December of every year or part thereof</p> <p>1 January to 15 August of every year or part thereof</p> <p>16 August to 31 December of every year or part thereof</p> <p>1 January to 15 August of every year or part thereof</p> <p>16 August to 31 December of every year or part thereof</p>
<p>Totalisator operator licence –</p> <p>(a) for operating at the racecourse</p> <p>(b) for operating outside the racecourse</p> <p>(c) for operating through remote communication at such place outside the racecourse as may be approved by the Board</p> <p>(d) for conducting local race inter-totalisator betting</p> <p>(e) for conducting foreign race inter-totalisator betting</p> <p>(f) in respect of each terminal</p>	<p>1,000,000</p> <p>40,000 in respect of each place of business;</p> <p>40,000 in respect of the principal place of business;</p> <p>40,000 in respect of every other place at which facilities are provided</p> <p>3,500,000</p> <p>3,500,000</p> <p>40,000</p>	<p>Yearly or part thereof</p> <p>Yearly or part thereof</p> <p>Yearly or part thereof</p> <p>Yearly or part thereof</p> <p>Yearly or part thereof</p> <p>Yearly or part thereof</p> <p>Yearly or part thereof</p>
<p>Horse racing organiser licence</p>	<p>1,000,000, payable in 4 equal</p>	<p>Yearly or part thereof</p>

	instalments, each instalment being payable on or before the first day of every period of 3 months	
CATEGORY 4		
Bookmaker licence for conducting fixed odds betting on any football matches taking place outside Mauritius other than a local race [Amended 7/2020 (cio 31/8/2020).]	3,500,000, in respect of the principal place of business, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months [RR 15/21 (cio 5/8/21).] 40,000, in respect of every other additional place of business, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months [RR 15/21 (cio 5/8/21).]	Yearly or part thereof [Amended 7/2020 (cio 31/8/2020).] Yearly or part thereof [Amended 7/2020 (cio 31/8/2020).]
CATEGORY 5		
Licence to Operator of Mauritius National Lottery	5,000,000	12 months
CATEGORY 6 - Miscellaneous		
(a) Sweepstake organiser licence	15,000	Yearly or part thereof
(b) Local pool promoter licence	15,000	Yearly or part thereof
(c) Agent of a foreign pool promoter licence	15,000	Yearly or part thereof
(d) Lottery licence under Part XVII	15,000 in respect of each lottery organised	
(e) Dart games licence -	7,500 per dart board 7,500 per dart board	1 January to 15 August of every year or part thereof 16 August to 31 December of every year or part thereof
Authorised days and time		
Days immediately preceding race day falling on Saturday -		
<i>Day</i>	<i>Time</i>	
Thursday	13.00 hrs to 18.00 hrs	
Friday	10.00 hrs to 18.00 hrs	

Days immediately preceding race day falling on Sunday –		
<i>Day</i>	<i>Time</i>	
Friday	10.00 hrs to 18.00 hrs	
Saturday	10.00 hrs to 18.00 hrs	
Race day	09.00 hrs to 18.00 hrs	
Monday immediately following race day –		
12.00 hrs to 16.00 hrs		
(f) Ad hoc licence	15,000	per day
(g) Gaming House licence in respect of Gaming House “B” games	15,000, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months	12 months
(h) Limited payout machine operator licence	15,000, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months [Amended 13/19 (cio 31/10/19).	Yearly or part thereof
(i) Limited payout machine licence	10,000, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months [Amended 13/19 (cio 31/10/19).	Yearly or part thereof
(j) Amusement machine operator licence [RR 10/17 (cio 6/10/17).]	15,000, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months [Am 11/18 (cio 1/8/18)]	Yearly or part thereof
(k) Amusement machine licence [Added 10/17 (cio 6/10/17).]	10,000, payable in 4 equal instalments, each instalment being payable on or before the first day of every period of 3 months [Am 11/18 (cio 1/8/18)]	Yearly or part thereof
(l) – [Added 10/17 (cio 6/10/17); R 13/19 (cio .31/7/19).]		

[Third Sch. repealed and replaced by GN 204 of 2007 w.e.f. 6 December 2007; amended by s. 9 (r) (i) of Act 20 of 2009 w.e.f. 1 January 2011; s. 9 (r) (ii) of Act 20 of 2009 w.e.f. 19 December 2009; s. 8 (a) of Act 10 of 2010 w.e.f. 1 January 2011; GN 170/11 w.e.f. 1 January 2011; GN 122 of 2012 w.e.f. 16 June 2012; s. 8(l) of Act 26 of 2013 w.e.f. 31 January 2014; repealed and replaced by s. 21 of Act 9 of 2015; s. 23(zd) of Act 10 of 2017 w.e.f. 6 October 2017; amended by s. 32(ab) of Act 11 of 2018 w.e.f. 1 August 2018; s. 23(q) of Act 13 of 2019 w.e.f. 31 July 2019; s. 25 of Act 7 of 2020 w.e.f. 31 August 2020; s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

FOURTH SCHEDULE

[Sections 101 and 103]

SECURITY TO BE FURNISHED TO AUTHORITY

Security to be furnished in respect of licence of—	Amount of security (Rs)
Agent of foreign pool promoter	100,000
Bookmaker conducting fixed odds betting on any event or contingency other than on local horse race	1,200,000
Bookmaker conducting fixed odds betting on local horse race	1,200,000
Gaming house "A" operator	1,200,000
Limited payout machine operator [Inserted 26/13 (cio 31/1/14).]	200,000
Local pool promoter	100,000
Lottery under Part XVII	Amount equivalent to the total market value of the prizes offered
Lottery under Part XVII	Amount equivalent to the total market value of the prizes offered
Operator of Mauritius National Lottery	5,000,000
Totalisator operator	1,200,000
Sweepstake organiser [Inserted 26/13 (cio 1/3/14).]	200,000
<i>Loterie Vert</i> Operator under Part XVI [Added 15/21 (cio 5/8/21).]	5,000,000

[Fourth Sch. amended by GN 204 of 2007 w.e.f. 6 December 2007; s. 10 of Act 26 of 2012 w.e.f. 1 July 2013; s. 8(m) of Act 26 of 2013 w.e.f. 31 January 2014, 1 March 2014; s. 35 of Act 15 of 2021 w.e.f. 5 August 2021.]

FIFTH SCHEDULE

[Sections 60(1)(d), 88(1)(a), 114 and 115A]

[Amended 15/21 (cio 31/8/20).]

PART I – DUTIES AND TAXES

Licence	Tax or duty	Time limit for payment
CATEGORY 1		
Casino	15 per cent of gross takings in respect of games	20 days after the end of every month
	35 per cent of gross takings in respect of gaming machines	20 days after the end of every month
CATEGORY 1A [Inserted 11/18 (cio 9/8/18).] Hotel casino Hotel casino operator	(a) for the period 1 July 2018 to 30 June 2021, 15% of gross takings (amount staked by players less winnings) in respect of hotel casino games	Not later than 20 days after the end of every month
CATEGORY 2		
Gaming House "A"	30 per cent of gross takings in respect of games	20 days after the end of every month
	35 per cent of gross takings in respect of gaming machines	20 days after the end of every month

<p>CATEGORY 3 Horse-racing</p> <p>1. Bookmaker conducting fixed odds betting on local race –</p> <p>(a) at the race course; and</p> <p>(i) where the bookmaker operates inside the stand</p> <p>(ii) where the bookmaker operates outside the stand</p> <p>(b) –</p> <p>[R 13/19 (cio 31/7/19).</p> <p>(c) –</p> <p>1A. Bookmaker conducting fixed odds bet through remote communication [Inserted 11/18 (cio 9/8/18).]</p>	<p>14 per cent of gross stakes in respect of each race meeting [Amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p> <p>14 per cent of gross stakes per week [Amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p>	<p>Friday immediately following the race meeting</p> <p>Friday immediately following the race meeting</p> <p>Friday immediately following the race meeting</p> <p>Friday immediately following the week, starting from Monday to Sunday, in which the bet is accepted</p>
<p>2. Totalisator operator –</p> <p>(a) at the race course</p> <p>(b) outside the race course</p> <p>(c) operating bets through remote communication</p> <p>(d) conducting local race inter-totalisator betting</p> <p>(e) conducting foreign race inter-totalisator betting</p>	<p>14 per cent of gross stakes [Amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p> <p>14 per cent of gross stakes [Amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p> <p>14 per cent of gross stakes [Amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p> <p>14 per cent of gross stakes [Amended 7/2020 (cio 31/8/2020), 15/21 (cio 1/9/21).]</p> <p>14 per cent of gross stakes [Amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p>	<p>Friday immediately following the race meeting</p> <p>Friday immediately following the race meeting</p> <p>Friday immediately following the race meeting</p> <p>Friday immediately following the race meeting</p> <p>Friday immediately following the race meeting</p>

<p>CATEGORY 4</p> <p>Bookmaker conducting fixed odds betting on football matches taking place outside Mauritius [Amended 7/2020 (cio 31/8/2020).]</p>	<p>14 per cent of gross stakes per week [Amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p>	<p>Friday immediately following the week, starting from Monday to Sunday, in which the bet is accepted</p>
<p>CATEGORY 5</p> <p>1. Operator of Mauritius National Lottery [Amended 15/21 (cio 31/8/20).]</p> <p>2. <i>Loterie Vert</i> Operator [Added 15/21 (cio 31/8/20).]</p>	<p>47.16 per cent of net proceeds from lottery games [Amended 11/18 (cio 9/8/18).]</p> <p>47.16 per cent of net proceeds</p>	<p>Not later than 7 days after the end of every quarter</p> <p>Not later than 7 days after the end of every quarter</p>
<p>CATEGORY 6</p> <p>Miscellaneous</p> <p>Sweepstake organiser</p> <p>Local pool promoter</p> <p>Agent of a foreign pool promoter</p> <p>Limited payout machine operator [RR 10/17 (cio 6/10/17).]</p> <p>Amusement machine operator [Added 10/17 (cio 6/10/17).]</p>	<p>14 per cent of gross proceeds [Amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p> <p>14 per cent of gross stakes [Amended 15/21 (cio 1/9/21).]</p> <p>14 per cent of gross stakes [Amended 15/21 (cio 1/9/21).]</p> <p>14 per cent of gross takings or one million rupees, whichever is higher [RR 13/19 (cio 31/7/19); amended 7/2020 (cio 31/8/2020); 15/21 (cio 1/9/21).]</p> <p>500 rupees per machine [Amended 7/2020 (cio 31/8/2020).]</p>	<p>Friday immediately following the race meeting</p> <p>Friday immediately following the day of the football matches</p> <p>Friday immediately following the week, starting from Monday to Sunday, in which the bet is accepted [Amended 11/18 (cio 9/8/18).]</p> <p>20 days after the end of every month</p> <p>20 days after the end of every month</p>

PART II – LEVY

Rate of Levy – 2% of gross gambling yield

Licence	Gross gambling yield	Time limit for payment
CATEGORY 1 Casino	Total amount staked by players less winnings	20 days after the end of every month

CATEGORY 1A
[Inserted 11/18 (cio 9/8/18).]
Hotel casino

Hotel casino operator	Total amount staked by players less winnings in respect of hotel casino games	20 days after the end of every month
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CATEGORY 2 Gaming House “A”	Total amount staked by players less winnings	20 days after the end of every month
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CATEGORY 3 Horse-racing 1. Bookmaker conducting fixed odds betting on local race – [Inserted (item 1) 11/18 (cio 9/8/18).]		
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(a) at the race course –

- (i) where the bookmaker operates inside the stand the Total amount staked by punters exclusive of betting tax less winnings payable Friday immediately following the race meeting
- (ii) where the bookmaker operates outside the stand the Total amount staked by punters exclusive of betting tax less winnings payable Friday immediately following the race meeting

(b) –

[R 13/19 (cio 31/7/19).

1A. Bookmaker conducting fixed odds betting through remote communication [Inserted (item 1) 11/18 (cio 9/8/18).]	Total amount staked by punters exclusive of betting tax less winnings payable	Friday immediately following the week, starting from Monday to Sunday, in which the bet is accepted
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<p>2. Totalisator operator –</p> <p>(a) at the race course</p> <p>(b) outside the racecourse</p> <p>(c) operating bets through remote communication</p> <p>(d) conducting local race inter-totalisator betting</p> <p>(e) conducting foreign race inter-totalisator betting</p>	<p>Total amount staked by punters less betting tax and dividends payable</p>	<p>Friday immediately following the race meeting</p>
<p>CATEGORY 4 Bookmaker conducting fixed odds betting on football matches taking place outside Mauritius [Amended 7/2020 (cio 31/8/2020).]</p>	<p>Total amount staked by punters exclusive of betting tax less winnings payable</p>	<p>Friday immediately following the week, starting from Monday to Sunday, in which the bet is accepted</p>
<p>CATEGORY 5 Operator of Mauritius National Lottery</p>	<p>No levy applicable</p>	<p>None</p>
<p>CATEGORY 6 Miscellaneous</p> <p>(1) Sweepstake organiser</p> <p>(2) Local pool promoter</p> <p>(3) Agent of a foreign pool promoter</p> <p>(4) Limited payout machine operator</p>	<p>Gross proceeds less sweepstake duty and dividends payable [Amended 10/17 (cio 6/10/17).]</p> <p>Gross stakes less betting duty and dividends payable [Amended 10/17 (cio 6/10/17).]</p> <p>Commission receivable as agent of a foreign pool promoter</p> <p>Total amount staked by players, excluding gaming tax, less</p>	<p>Friday immediately following the race meeting</p> <p>Friday immediately following the day of the football matches</p> <p>Friday immediately following the week, starting from Monday to Sunday, in which the bet is accepted [Amended 11/18 (cio 9/8/18).]</p> <p>20 days after the end of every month</p>

	winnings payable [Amended10/17 (cio 6/10/17).]	
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[Fifth Sch. amended by s. 23 of Act 10 of 2017 w.e.f. 6 October 2017; s. 32 of Act 11 of 2018 w.e.f. 9 August 2018; s. 23 of Act 13 of 2019 w.e.f. 31 July 2019; s.25 of Act 7 of 2020 w.e.f. 31 August 2020; s.35 of Act 15 of 2021 w.e.f. 31 August 2020, 1 September 2021.]
