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CHAPTER 223

CASINO CONTROL

Act 6 of 1993
Act 7 of 1996
Act 25 of 1998
Act 4 of 2001
Act 6 of 2005
Act 13 of 2017
Act 5 of 2019

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CASINO CONTROL

An Act to provide for the establishment and control of a casino in Vanuatu.

PART 1 – PRELIMINARY

1. Interpretation

(1) In this Act, unless the context otherwise requires –

"associate" of an applicant for a licence or a licensee, or a promoter, means a beneficial owner, owner, controller, director or manager of the applicant, licensee or promoter;

"authorised game" means a game declared under section 40 to be an authorised game for the purposes of this Act;

"authorised person" means –

(a) the Collector;

(b) an officer;

(c) an investigator; and

(d) any other person who performs in relation to this Act a function on behalf of the Government;

"authorised police officer", in relation to a direction given under section 38 or 39, means –

(a) the Commissioner of Police; and

(b) where the direction is given by a police officer authorised by the Commissioner for the purpose – that police officer;

"beneficial owner" means a natural person who is the ultimate owner or ultimate controller of an applicant for a licence or a licensee, or a promoter;

"casino" means the part of a complex or premises, in respect of which a casino licence is issued under this Act;

"casino employee" means any person employed or permitted to work in relation to the operation of the casino;

"casino licence" means a licence granted under section 2;

"casino licence fee" means the casino licence fee prescribed under section 12;

"casino licensee" means a person who holds a casino licence;

"chip purchase voucher" means a document issued to a person by the casino licensee entitling the person to be issued with chips by the licensee the face value of which is equivalent to the amount specified in the document;

"chips" means any tokens used or capable of being used in a casino in the conduct of gaming in the place of money and approved for the purpose by the Director;

"confidential information" has the meaning given by section 1A;

"controller" of an applicant for a licence or a licensee, or a promoter, means a person who exercises influence, authority or power over decisions about the financial or operating policies of the applicant, licensee or promoter, including as a result of, or by means of, a trust, agreement, arrangement, understanding or practice, and "control" has a corresponding meaning;

"Director" means the Director of the department responsible for customs and inland revenue;

"director" of an applicant for a licence or a licensee, or a promoter, means –

(a) any person occupying the position of a director of the applicant, licensee or promoter, regardless of the name given to the position; or

(b) any person held out by the applicant, licensee or promoter to be a director;

"domestic regulatory authority" means a body or agency established by or under a law of Vanuatu that –

(a) grants or issues under that law or any other law licences, permits, certificates, registrations or other equivalent permissions ; and

(b) performs any other regulatory function related to a matter referred to in paragraph (a), including developing, monitoring or enforcing compliance with standards or obligations prescribed by or under that law or any other law;

"Financial Intelligence Unit" means the Financial Intelligence Unit established under section 4 of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014;

"foreign government agency" means –

(a) a body or agency established by or under a law of a foreign country; or

(b) an arm, ministry, department, or instrumentality of the government of a foreign country; or

(c) a body or agency of a foreign country set up by administrative act for governmental purposes;

"foreign serious offence" means –

(a) an offence against a law of another country that, if the relevant act or omission had occurred in Vanuatu, would be an offence against the laws of Vanuatu, for which the maximum penalty is imprisonment for at least 12 months; or

(b) an offence prescribed by the regulations;

"foreign tax evasion offence" means conduct that –

(a) amounts to an offence against a law of a foreign country; and

(b) relates to a breach of a duty relating to a tax imposed under the law of the foreign country (whether or not that tax is imposed under a law of Vanuatu); and

(c) would be regarded by the courts of Vanuatu as an offence of fraudulent evasion of tax for which the maximum penalty is imprisonment for at least 12 months, had the conduct occurred in Vanuatu;

"game" means any authorised game notified in the Gazette under section 40 together with an account of rules for the playing thereof, by the Director as a game that may be conducted or played in a casino pursuant to a casino licence;

"gaming" means the playing in a casino of any game;

"gaming equipment" means any electrical, electronic or mechanical device or any other thing (other than chips) used, or suitable for use, in connection with gaming;

"investigator" means a person authorised under section 21(1) to conduct an investigation;

"junket" means an arrangement entered into between a promoter and the casino licensee –

(a) the primary purpose of which is to induce a person or persons to visit the casino for the purpose of participating in gaming; and

(b) under which an amount exceeding the prescribed amount is provided, directly or indirectly, for the person or either or any of those persons by the casino licensee in connection with the provision of transportation, food, beverages, lodging or entertainment in respect of the visit or for any other purpose associated with the visit;

"law enforcement agency" means –

(a) the Vanuatu Police Force; or

(b) the Office of the Public Prosecutor; or

(c) the department responsible for immigration; or

(d) such other persons prescribed for the purposes of this definition;

"licence" means a casino licence;

"licensee" means a casino licensee;

"manager" of an applicant for a licence or a licensee, or a promoter, means –

(a) an individual who occupies the position of the chief executive officer (however described) of the applicant, licensee or promoter; or

(b) an individual who under the immediate authority of the chief executive officer or a director of the applicant, licensee or promoter, exercises the management functions of the applicant, licensee or promoter;

"officer" means an officer appointed under section 19;

"operation", in relation to the casino, means –

(a) the conduct of gaming in the casino;

(b) the management, supervision and surveillance of the conduct of gaming in the casino;

(c) money counting in relation to the casino;

(d) accounting in relation to the casino;

(e) the provision of facilities or services in the casino, other than facilities or services relating to the gaming;

(f) advertising in relation to the casino;

(g) the use of storage areas in the casino; or

(h) any other activities incidental to, or connected with, gaming or any other facilities or services provided in the casino;

"owner" of an applicant for a licence or a licensee, or a promoter, means a person who has a legal entitlement of 25% or more of the applicant, licensee or promoter, by way of ownership of shares or otherwise, and "own" and "ownership" have a corresponding meaning;

"premises" includes –

(a) a structure, building, aircraft, vehicle or vessel; and

(b) a place (whether enclosed or built upon or not);

"promoter" means the promoter of a junket;

"records", in relation to the operation of the casino, means any books, accounts, documents or other source of information of any description (however complied, recorded or stored) that concern the operation of the casino or are otherwise relevant to the administration of this Act.

"regulatory law" means a law that provides for –

(a) the grant or issue of licences, permits, certificates, registrations or other equivalent permissions; and

(b) other regulatory functions related to a matter referred to in paragraph (a), including monitoring or enforcing compliance with standards or obligations prescribed by that law;

"Sanctions Secretariat" means the Sanctions Secretariat established under section 17 of the United Nations Financial Sanctions Act No. 6 of 2017.

(2) For the purpose of the definition of beneficial owner, ultimate owner and ultimate controller includes circumstances where ownership or control is exercised –

(a) through a chain of ownership; or

(b) by a means of indirect control that may not have legal or equitable force, or be based on legal or equitable rights.

1A. Meaning of confidential information

Confidential information is information supplied to or obtained by the Director under this Act, but does not include information that –

(a) can be disclosed under any provision of this Act; or

(b) is already in the public domain; or

(c) consists of aggregate data from which no information about a specific person or business can be identified.

PART 2 – LICENSING OF CASINO

2. Application for casino licence

(1) An application for a casino licence must be made to the Director in the prescribed form and be accompanied by –

(a) details of each associate of the applicant; and

(b) details as required by the Director on whether a beneficial owner of the applicant is a beneficial owner, owner or controller of an entity licensed or registered under a regulatory law of Vanuatu or a foreign jurisdiction; and

(c) details of the source of funds used to pay the capital of the applicant; and

(d) the prescribed fee; and

(e) any other information prescribed by the regulations.

(2) If the applicant is a body corporate, the application must also include the following details –

(a) the name of the body corporate;

(b) proof of incorporation of the body corporate;

(c) the registered business address of the body corporate.

(3) If the applicant is not a body corporate, the application must also include such other information (if any) prescribed by the regulations.

2A. Granting a casino licence

(1) The Director must not grant a casino licence to an applicant to operate a casino in Vanuatu unless the application for the casino licence complies with the requirements in section 2 and the Director is satisfied that –

(a) each associate of the applicant meets fit and proper criteria prescribed by the regulations; and

(b) the source of funds used to pay the capital of the applicant is acceptable; and

(c) the applicant has a satisfactory ownership, trust or corporate structure; and

(d) the applicant has or is able to obtain financial resources that are both suitable and adequate for ensuring the financial viability of the proposed casino; and

(e) the applicant has sufficient experience in the management and operation of casinos; and

(f) the applicant has sufficient business ability to establish and maintain a viable and profitable casino business; and

(g) any business partner of the applicant is of good repute having regard to character, honesty, integrity and the partner's financial sources.

(2) In assessing fit and proper criteria under paragraph (1)(a), the Director must take into consideration –

(a) whether an associate has been convicted of an offence or is subject to any criminal proceedings; and

(b) whether an associate is listed on a United Nations financial sanctions list, a financial sanctions list under the United Nations Financial Sanctions Act No. 6 of 2017 or a financial sanctions list under the law of any jurisdiction; and

(c) any fit and proper criteria prescribed by the regulations.

(2A) In addition to subsections (1) and (2), the Director must obtain the prior approval of the Council of Ministers before granting a casino license to an applicant.

(3) The Director must not grant more than 10 casino licences to operate in Vanuatu.

2B. Conditions of a casino licence

(1) The Director may grant a casino licence on such conditions as the Director thinks fit.

(2) The conditions of a casino licence must not be inconsistent with any provision of this Act or the regulations.

2C. Register of casino licences

(1) The Director must establish and maintain a register of casino licences in such form as the Director determines.

(2) The Director must keep up to date and accurate information on casino licences and licensees in the register.

(3) To avoid doubt, this section applies to the licensee of a casino licence in force immediately before the commencement of this section.

3. Lawfulness of casino operation

(1) Notwithstanding any other law but subject to the provisions of this Act, it shall be lawful for a casino licensee to operate a casino in Vanuatu.

(2) The casino shall not be deemed to be a public or private nuisance by reason only that it is used as a gaming house.

(3) A person shall not except against a licensee institute legal proceedings to recover –

(a) money won in the course of gaming in the casino;

(b) money, on a cheque or other instrument, given in payment of money so won; or

(c) a loan of money with which to play a game in the casino,

that could not be instituted if this Act had not been enacted.

4. (*Repealed)*

5. *(Repealed)*

6. *(Repealed)*

7. Form of the casino licence

(1) A licence granted under section 2 shall be in the prescribed form and shall –

(a) specify –

(i) the date of its issue;

(ii) the date of its expiration;

(iii) the name of the casino licensee;

(iv) an address in Vanuatu specified by the licensee for the service of documents on the licensee;

(v) the address of the casino;

(vi) those areas constituting the casino;

(vii) such other particulars relating to the casino as the Director considers necessary; and

(viii) such other particulars as are prescribed; and

(b) shall be subject to the terms and conditions specified in the agreement referred to in section 5.

(2) Where the Director makes a decision refusing to grant a casino licence, the Director shall give to the applicant notice in writing of the decision, and grounds for that decision.

8. Duration of casino licence

A casino licence remains in force until the expiration of the date specified in the licence as the date of expiration of the licence –

(a) unless it is sooner surrendered or cancelled; and

(b) except while it is suspended,

under this Act.

9. Surrender of casino licence

(1) A casino licensee may surrender the casino licence at any time.

(2) The casino licensee may not surrender the casino licence if there is an amount payable by the licensee to the Director under section 12 or section 13.

10. Suspension or cancellation of casino licence – grounds

(1) The Director may suspend or cancel a casino licence if –

(a) the casino licensee has contravened the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 and that contravention has resulted in the use of an enforcement measure under Part 10AA of that Act; or

(b) the casino licensee no longer meets the fit and proper criteria prescribed by the regulations; or

(c) an associate of the casino licensee no longer meets, or a new associate of the casino licensee does not meet, the fit and proper criteria prescribed by the regulations; or

(d) the casino licensee fails to comply with any term or conditions of the casino operation agreement; or

(e) the casino licensee contravenes a requirement in relation to a matter of foreign investment; or

(f) the casino licensee knowingly or recklessly supplies to the Director, an officer or any other person who performs a function in relation to this Act on behalf of the Government, information that is false or misleading in a material particular; or

(g) the casino licensee fails to meet the licensee's financial commitments when they become due and payable; or

(h) proceedings to wind up the casino licensee are instituted.

(2) Notwithstanding any other provision of this Act, the Director may, where he is satisfied that it is in the public interest to do so –

(a) suspend the casino licence for such period as the Director thinks fit; or

(b) cancel the casino licence.

11. Suspension or cancellation of casino licence – procedures

(1) Where the Director decides to suspend or cancel a casino licence, the Director, by notice in writing, shall request the casino licensee to show cause, within such period (being not less than 21 days after the issue of the notice) as is specified in the notice, why the casino licence should not be suspended, or cancelled, as the case may be.

(2) A notice under subsection (1) shall specify the ground for its issue.

(3) The Director, shall have regard to any response made under subsection (1) and –

(a) where the matter is resolved to his satisfaction, shall take no further action;

(b) where the matter is not resolved to his satisfaction but the Director considers that action to suspend or cancel the casino licence is not warranted, may, in writing, caution the casino licensee; or

(c) where the matter is not resolved to his satisfaction and the Director is satisfied that further action is warranted, may –

(i) by notice in writing, give such direction as the Director considers appropriate; or

(ii) suspend for such period as the Director thinks fit, or cancel, the casino licence.

(4) Where a direction given by the Director under subsection (3)(c)(i) is not complied with within the time specified in the notice, the Director may suspend for such period as he or she thinks fit, or cancel, the casino licence.

(5) Where a casino licence is suspended under this Part, the Director may, by notice in writing given to the casino licensee, at any time terminate, or reduce the period of, the suspension of the licence.

(6) Where a casino licence is suspended or cancelled under this Part, the Director shall, by notice in writing, inform the casino licensee of the suspension or cancellation and of the grounds for the suspension or cancellation.

11A. Licensee to give notice of certain changes to Director

(1) A licensee must give the Director written notice of a change –

(a) of an associate of the licensee; or

(b) in the circumstances of an associate of the licensee that may affect whether he or she meets fit and proper criteria; or

(c) the source of funds used to pay the capital of the licensee;
within 14 days after the change occurs.

(2) If a licensee fails to comply with subsection (1), the licensee commits an offence punishable upon conviction by –

(a) if the licensee is a natural person - a fine not exceeding VT 25 million or imprisonment not exceeding 15 years, or both; or

(b) if the licensee is a body corporate - a fine not exceeding VT 125 million.

(3) If a licensee fails to comply with subsection (1), the Director may by notice in writing to the licensee cancel the licensee's licence.

(4) If a licensee does provide the information as required under subsection (1), but the Director is not satisfied –

(a) that the associate concerned is a fit and proper person to fulfil the responsibilities of his or her position having regard to the matters referred to in subsection 2A(2); or

(b) as to the source of funds used to pay the capital of the licensee,
the Director may by notice in writing to the licensee cancel the licensee's licence.

(5) Before cancelling a licence under subsection (3) or (4), the Director must give written notice to the licensee that the Director proposes to cancel the licence and the reasons for the cancellation.

(6) The licensee may, within 21 days after receiving a notice under subsection (5), give the Director written reasons why the licence should not be cancelled.

(7) The Director may cancel a licensee's licence if –

(a) the licensee does not give the Director reasons under subsection (6); or

(b) having taken account of the licensee's reasons, the Director is of the opinion that the licensee has failed to show good cause why the licence should not be cancelled.

12. Casino licence fee

(1) A fee of VT 1,000,000 shall be paid by the licensee to the Director on the issue of the casino licence and on the first day of each subsequent year during the currency of the licence.

(2) A daily penalty at the rate of 20 percent per annum shall be payable by the casino licensee on any principal amount of the casino licence fee that remains unpaid after the fourteenth day after the relevant time for payment of the fee.

(3) The daily penalty payable under subsection (2) compounds at 3 monthly intervals.

(4) The Director may, for any reason the Director thinks fit, remit any part, or the whole, of the daily penalty payable under this section.

(5) The casino licence fee and daily penalty payable under this section are debts due to the State and may be recovered by action in any court of competent jurisdiction.

13. Tax

(1) (a) The casino licensee shall pay tax on the gross profit derived in each month in connection with the operation of the casino.

(b) The tax payable under subsection (1) shall be a sum equivalent to 15 percent of the gross profit and shall be paid into the Public Fund.

(2) The tax is payable to the Director by the casino licensee on or before the last working day of each month following the month in respect of which the gross profit was made.

(3) For the purposes of subsection (1) the "gross profit" derived in any month from gaming shall be calculated –

(a) by deducting from the total amount received by the casino licensee in that month from gaming in the casino the amount paid out during that month as winnings in respect of the gaming; and

(b) if the value of unredeemed chips at the end of that month is greater than the value of unredeemed chips at the beginning of that month by adding to the amount so ascertained under paragraph (a) the difference between those values; or

(c) if the value of unredeemed chips at the end of that month is less than the value of unredeemed chips at the beginning of that month, by deducting from the amount so ascertained the difference between those values.

13A. Exemption from requirement to pay tax

(1) The casino licensee is exempt, for the prescribed period, from any requirement to pay tax under section 13 if the Director is satisfied on issuing the licensee's licence that:

(a) the casino to which the licence applies is a new or proposed casino; and

(b) the capital investment in Vanuatu by the licensee, in relation to the casino and any development within which the casino is or is proposed to be located, has been or will be VT 1 billion or more within a 3 year period.

(2) If the Director determines (after issuing the licence and based on information not available to him or her when granting the licence) that the capital investment in Vanuatu has been or will be less than VT 1 billion within the 3 year period:

(a) the exemption ceases to apply; and

(b) the licensee is liable to pay tax under section 13, for each month that has elapsed during the period of the exemption, at the rate that applied under that section during that month.

(3) However, if the Director determines that failure to invest VT 1 billion or more within the 3 year period is due to circumstances beyond the control of the licensee, the Director may continue the exemption for a further period.

(4) If the Director subsequently determines (based on information not available to him or her when making the determination under subsection (3)) that the capital investment in Vanuatu has been or will be less than a total of VT 1 billion during the 3 year period and the further period, paragraphs (a) and (b) of subsection (2) apply.

(5) In this section "prescribed period", for an exemption from tax payable in relation to a casino, means the period of one year from the date on which the casino commences to operate.

14. Payment of fee and tax where casino licence suspended

The liability of the casino licensee to pay the casino licence fee or the tax is not affected by a suspension of the casino licence and –

(a) that fee continues to be payable by the casino licensee to the Director in respect of any period of suspension of the licence; and

(b) that tax continues to be payable by the casino licensee to the Director.

15. List of persons excluded from casino

(1) The casino licensee shall maintain, in writing, a list of names of persons in respect of whom directions to exclude the persons from the casino are in force under subsection (1) of section 38.

(2) The casino licensee shall make available to the Director a copy of the list referred to in subsection (1).

(3) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 500,000;

(b) if the offender is a natural person, to a fine not exceeding VT 100,000.

16. Application of Liquor Act

Except as otherwise provided by this Act, the Liquor Licensing Act [Cap. 52] applies in relation to the casino.

PART 2A – REQUIREMENTS FOR JUNKETS

16A. Director to approve junkets

(1) Neither a licensee nor a promoter is to enter into a junket, unless the Director has given his or her prior written approval to the junket.

(2) An application for approval of a junket may be made by a licensee or promoter, or both, and must be made to the Director in writing and be accompanied by –

(a) details of each associate of the promoter; and

(b) details of the source of funds used to pay the capital of the promoter; and

(c) any other information prescribed by the regulations.

(3) The Director must not approve a junket unless the Director is satisfied that –

(a) each associate of the promoter meets fit and proper criteria; and

(b) the source of funds used to pay the capital of the promoter is acceptable; and

(c) the junket meets any other requirements prescribed by the regulations.

(4) In assessing fit and proper criteria under paragraph (3)(a), the Director must take into consideration –

(a) whether an associate has been convicted of an offence or is subject to any criminal proceedings; and

(b) whether an associate is listed on a United Nations financial sanctions list, a financial sanctions list under the United Nations Financial Sanctions Act No. 6 of 2017 or or a financial sanctions list under the law of any jurisdiction; and

(c) any fit and proper criteria prescribed by the regulations.

(5) If a promoter and a licensee contravene subsection (1), the promoter and licensee each commit an offence punishable upon conviction by –

(a) if the offender is a natural person - a fine not exceeding VT 25 million or imprisonment not exceeding 15 years, or both; or

(b) if the offender is a body corporate - a fine not exceeding VT 125 million.

(6) To avoid doubt, this section applies to a junket if a licensee and promoter have entered into the junket before the commencement of this section and the junket will occur after that commencement.

PART 3 – ADMINISTRATION

17. Administration
The Director is responsible for the collection of fees and taxes under this Act, and is in charge of the general administration of this Act.

18. Powers of the Director
The Director –

(a) has power to do all things necessary or convenient to be done for or in connection with the performance of his functions; and

(b) has and may exercise, any of the powers of an officer.

19. Appointment of officers
(1) The Director may appoint such other officers as the Director considers necessary for the effectual administration of the Act.

(2) An officer shall perform such duties as are required by this Act.

19A. Appointment of person to assist officers
(1) The Director may, in writing, with the prior approval of the Council of Ministers, appoint a person to assist an officer to perform any functions or exercise any powers that may be performed or exercised by the officer under this Act.

(2) A person appointed under subsection (1) is subject to the direction of the Director in performing any functions or exercising any powers under this Act.

(3) The terms and conditions of the appointment are to be determined by the Director.

20. Delegation of powers
(1) The Director may, by writing delegate to an officer any of his powers or functions under this Act, and such officer shall exercise or perform such power or function, so delegated.

(2) A delegation under this section does not prevent or prejudice the exercise or performance of a power or function by the Director.

21. Rights of officer on casino premises
(1) An officer may at any time enter and remain on the premises of the casino for the purposes of –

(a) viewing gaming;

(b) observing any of the operations of the casino;

(c) ascertaining whether the operation of the casino is being properly conducted, supervised and managed;

(d) ascertaining whether the provisions of this Act are being complied with; and

(e) in any other respect, exercising his or her powers or performing his or her duties.

22. Powers
(1) An officer may –

(a) require a person whom the officer believes, on reasonable grounds, has in the person's possession or under the person's control any gaming equipment or chips –

(i) to produce the equipment or chips to the officer for inspection or testing; or

(ii) to attend before the officer at a reasonable time and place specified by the officer and there to answer such questions, or to supply such information, relating to the equipment or chips as the officer specifies;

(b) require an interested person –

(i) to produce to the officer for inspection such records in the custody or control of the person relating to the casino or the operation of the casino as the officer specifies; or

(ii) to attend before the officer at a reasonable time and place specified by the officer and there to answer such questions, to supply such information, or to produce such records, relating to the casino or the operation of the casino, as the officer specifies;

(c) inspect or test any gaming equipment or chips or inspect such records, and take copies of, or make notes in relation to, such records, relating to the casino or the operation of the casino, as the officer specifies;

(d) direct the casino licensee not to use any gaming equipment or chips that the officer considers to be unsatisfactory for use;

(e) receive and, if the officer thinks fit, investigate a complaint with respect to any aspect of the operation of the casino and advise the complainant of the results of any investigation; and

(f) call to the officer's assistance –

(i) another officer; or

(ii) a casino employee who, in the belief of the officer, is competent to assist the officer in the exercise of his or her powers or performance of his or her duties.

(2) A requirement under subsection (1)(a) or (1)(b) or a direction under subsection (1)(d) may be made to a person –

(a) by notice in writing; or

(b) where the officer is satisfied that special circumstances make it appropriate orally.

(3) In this section "interested person" means –

(a) the casino licensee;

(b) an employee in the casino; or

(c) any other person associated with the management or operation of the casino.

PART 4 – GENERAL

23. Investigations

(1) For the purposes of this Act, the Director may, by instrument, authorise the Director, an officer or another person to conduct an investigation in relation to a matter specified in the instrument, other than a matter involving the commission or the possible commission of an offence against this Act or another law in force in Vanuatu.

(2) For the purpose of conducting an investigation, an investigator may, by notice in writing, after giving to a person warning of the obligation to comply with the requirement, require that person within such period of not less than 21 days as is specified in the notice –

a) to furnish to the investigator, orally or in writing, such information as is specified in the notice;

b) to produce to the investigator such documents in the custody or control of the person, containing records relating to the casino or the operation of the casino as are specified in the notice;

c) to produce to the investigator such other document in the custody or control of the person as is specified in the notice; or

d) to answer, orally or in writing, such question as is specified in the notice,

to enable the investigation to be properly conducted.

(3) An investigator may –

(a) inspect a document produced under subsection (2); and

(b) make copies of, or take extracts from, such parts of the document as are relevant to a matter the subject of the investigation.

(4) A person shall not, without reasonable excuse –

(a) refuse or fail to comply with a requirement made of that person under subsection (2) to the extent that the person is capable of complying with that requirement; or

(b) in purported compliance with such a requirement, knowingly or recklessly furnish information or give an answer that is false or misleading in a material particular.

(5) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction –

(a) if the offender is a natural person, to a fine not exceeding VT 15 million or imprisonment for a term not exceeding 5 years, or both; or

(b) if the offender is a body corporate, to a fine not exceeding VT 75 million.

23A. Director may request information and documents

For the purpose of discharging a duty, performing a function or exercising a power under this Act, the Director may request information or documents, or both, from any or all of the following –

(a) the Financial Intelligence Unit;

(b) a supervisor within the meaning of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014;

(c) the Sanctions Secretariat;

(d) a law enforcement agency;

(e) a domestic regulatory authority;

(f) a foreign government agency that carries out functions corresponding or similar to the functions carried out by a body or agency referred to in paragraph (a), (b), (c), (d) or (e).

23B. On-site inspections

(1) For the purpose of monitoring compliance with this Act, the Director may conduct on-site inspections at the casino operated by a licensee, and any other business premises occupied by the licensee and used for the purposes of the casino operations, at any time during normal casino opening hours.

(2) The Director may, for the purposes of subsection (1) –

(a) enter the casino and other business premises of the licensee during normal casino opening hours; and

(b) inspect and take copies of any books, accounts and documents of the licensee that relate to the casino operations of the licensee.

(3) The licensee must cooperate fully with the Director by –

(a) giving the Director all the information, and making available the documents, he or she requires; and

(b) if necessary, giving the Director appropriate workspace and reasonable access to office services, during the inspection.

(4) If a person –

(a) obstructs the Director in the exercise of his or her powers under this section; or

(b) provides false or misleading information or documents to the Director,

the person commits an offence punishable upon conviction by –

(ai) if the person is a natural person - a fine not exceeding VT 15 million or imprisonment for a term not exceeding 5 years, or both; or

(bi) if the person is a body corporate – a fine not exceeding VT 75 million.

(5) In this section, a reference to the Director includes a person authorised by the Director in writing as an authorised officer for the purposes of this section.

(6) An authorised officer must produce written evidence of his or her appointment if required to do so while carrying out on-site inspections.

24. Self-incrimination

(1) A person is not excused from furnishing information, producing a document or answering a question pursuant to a requirement made of the person under subsection 23(2) on the ground that the information or answer, or the production of the document, may incriminate the person.

(2) However –

(a) any information furnished, document produced or answer given pursuant to a requirement under that subsection; and

(b) any information or thing (including any document) obtained as a direct or indirect consequence of the furnishing of the information, production of the document or answering of the question,

is not admissible in evidence against the person in any criminal or civil proceedings, other than proceedings for an offence against this Act, section 11 of the Proceeds of Crime Act [CAP 284], section 6 of the Counter Terrorism and Transnational Organised Crime Act [CAP 313] or an offence against the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014.

25. Disclosure of confidential information

(1) The Director may disclose confidential information if the disclosure –

(a) is required or authorised by the Court; or

(b) is made for the purpose of discharging a duty, performing a function or exercising a power under this Act; or

(c) is made to a supervisor within the meaning of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 for the purposes of discharging a duty, performing a function or exercising a power under that Act; or

(d) is made to a law enforcement agency for the purpose of investigating or prosecuting an offence against a law of Vanuatu for which the maximum penalty is a fine of at least VT 1 million or imprisonment for at least 12 months; or

(e) is made to a law enforcement agency for the purpose of investigating or taking action under the Proceeds of Crime Act [CAP 284]; or

(f) is made to a to domestic regulatory authority for the purpose of carrying out its regulatory functions; or

(g) is made to the Sanctions Secretariat for the purpose of carrying out its functions under the United Nations Financial Sanctions Act No. 6 of 2017; or

(h) is made to a foreign government agency in accordance with section 25A.

(2) A person who contravenes subsection (1) commits an offence punishable upon conviction by –

(a) for an individual - a fine not exceeding VT 15 million or imprisonment for a term of 5 years, or both; or

(b) for a body corporate - a fine not exceeding VT 75 million.

25A. Disclosure to foreign government agency

The Director may disclose confidential information to a foreign government agency if –

(a) the Director is satisfied that the disclosure is for the purpose of –

(i) discharging a duty, performing a function or exercising a power under the foreign government agency's own regulatory legislation (if any), including investigating a breach of that legislation; or

(ii) discharging a duty, performing a function or exercising a power under the foreign jurisdiction's anti-money laundering and counter-terrorism financing regulation and supervision laws; or

(iii) discharging a duty, performing a function or exercising a power under the foreign jurisdiction's financial sanctions laws; or

(iv) investigating or prosecuting a foreign serious offence or a foreign tax evasion offence; or

(v) investigating or taking action under the foreign jurisdiction's proceeds of crime laws; and

(b) the Director is satisfied that –

(i) the information will be used for a proper regulatory, supervisory or law enforcement purpose; and

(ii) the agency is subject to adequate restrictions on further disclosure.

26. Appointment of administrator

(1) Where a casino licence is suspended or cancelled under this Act, the Director may, if he is satisfied that it is in the public interest to do so, by instrument, appoint an administrator for the purposes of this section.

(2) An administrator shall be appointed on such terms and conditions as the Director thinks fit.

(3) The appointment of an administrator may be terminated at any time by the Director.

(4) An administrator shall –

(a) assume full control of and responsibility for the business of the casino licensee in respect of the casino; and

(b) conduct or cause to be conducted casino operations in accordance with this Act.

PART 5 – OPERATION OF CASINO

27. Maintenance of facilities

The casino licensee shall –

(a) maintain the facilities and amenities of the casino in such a condition as will promote the satisfaction of patrons;

(b) ensure that the casino is at all times properly and competently conducted;

(c) ensure that all casino installations, equipment and procedures for security are available and are tested, used, operated and applied effectively; and

(d) ensure the gaming equipment and chips approved by the Director for use in the casino are maintained in good order and condition.

28. Approval of layout

(1) The casino licensee shall not operate the casino unless the layout of the casino is in accordance with plans and diagrams approved by the Director.

(2) The casino licensee shall submit, for the approval of the Director –

(a) plans and diagrams of the layout of the casino; and

(b) where it is proposed to vary the layout of the casino – plans and diagrams of the proposed variation.

(3) The Director may, by notice in writing, require the casino licensee to supply such further particulars or documents, or to answer such questions, relating to plans and diagrams submitted to the Director under this section as are specified in the notice.

(4) The Director shall not approve plans and diagrams under this section unless the layout of the casino as shown on the plans and diagrams complies with the requirements of the regulations.

(5) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 1,000,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 200,000.

29. Approval of gaming equipment and chips

The Director may approve gaming equipment and chips for use in the casino.

30. Application of Holidays Act

The Public Holidays Act [Cap. 114] does not have the effect of limiting the days on which the casino may be operated.

31. Observance of operating times

(1) The casino licensee shall not operate the casino otherwise than in accordance with –

(a) a schedule of operating times approved by the Director under section 32; or

(b) if a schedule of operating times is determined by the Director under section 33, that schedule.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 1,000,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 200,000.

32. Approval of operating times

(1) The casino licensee shall submit, for the approval of the Director –

(a) a schedule of operating times for the casino, setting out the days on which, and hours during which, it is proposed to operate the casino; and

(b) where it is proposed to vary a schedule of operating times previously approved under this section, a schedule of operating times as proposed to be varied.

(2) The Director may approve a schedule of operating times under this section as submitted or with such variations or subject to such conditions as the Director thinks fit.

33. Determination of operating times by Director

(1) The Director may at anytime determine the operating times for the casino.

(2) Where the Director makes a determination under subsection (1), he or she shall forward to the casino licensee, in writing –

(a) a schedule of the operating times; and

(b) a notice specifying the date on which the schedule takes effect.

PART 6 – EXCLUSION OF PERSONS FROM CASINO

34. Entry to and exclusion of entry from casino

(1) No person shall have a right as against the casino licensee to enter, or remain in, the casino.

(2) The provisions of this Part shall not be deemed to affect the operation of any other law of Vanuatu.

(3) The provisions of this Part shall not be deemed to authorise the exclusion of an authorised person from the casino.

35. Grounds

(1) A person shall not enter the casino during the hours of operation of the casino if the person –

(a) is requested by a casino employee not to enter the casino on the ground that the person has previously contravened the approved rules of an authorised game or rules of conduct in force in the casino; or

(b) is a person in relation to whom a direction under section 38(1) is in force.

(2) A person shall not enter the casino during the hours of operation of the casino if the person –

(a) is under the age of 18 years; or

(b) is not permitted, by reason of a condition prescribed by the Director.

(3) A person shall not remain in the casino during the hours of operation of the casino if the person –

(a) when requested to do so by a casino employee, refuses or fails to produce evidence of his or her age;

(b) has been requested by a casino employee to leave the casino on the ground that the person –

(i) appears not to understand fully the nature or consequences of gaming as it relates to the application of the approved rules of authorised games and the potential for financial loss;

(ii) appears to be under the influence of alcohol or a drug to the extent that the person could not reasonably be expected to exercise rational judgment while playing an authorised game;

(iii) appears to be under the influence of alcohol or a drug to the extent that the person is affecting the orderly functioning of the operations of the casino;

(iv) appears to be cheating, or attempting to cheat, in the casino; or

(v) has previously contravened the approved rules of an authorised game or rules of conduct in force in the casino;

(c) is not permitted, by reason of a condition prescribed by the Director;

(d) is a person in relation to whom a direction under section 38(1) is in force.

(4) A person shall not, on being requested under subsection (3)(a) to produce evidence of his or her age, produce evidence that is false.

(5) A person is not prevented from entering, or being in, the casino on the ground only that the person is under the age of 18 years if the person –

(a) is employed or permitted to work at the casino; or

(b) enters, or is in, the casino in the company of the spouse or a parent of the person, being a spouse or parent who is not less than 18 years of age –

(i) for the purpose of dining at a restaurant in the casino; or

(ii) for a purpose connected with entertainment at the casino that does not involve playing or observing the playing of an authorised game.

(6) Any person who contravenes or fails to comply with the provisions of –

(a) subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 200,000; or

(b) subsection (2) or subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000.

36. Enforcement

(1) A person who is –

(a) a police officer;

(b) for the time being in charge of the casino; or

(c) an agent or employee of the casino licensee,

may, with such assistance as in necessary and reasonable and using such force as is necessary and reasonable, cause another person who, under section 35, may not enter, or remain in, the casino –

(d) to be prevented from entering the casino; or

(e) to be removed promptly from the casino,

as the case requires.

(2) Any person who, without reasonable excuse, obstructs or hinders a person in the exercise of a power conferred on the last-mentioned person under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

37. Obligations of casino licensee

(1) The casino licensee shall not, knowingly or recklessly –

(a) permit to enter the casino a person who is not entitled to do so by virtue of section 35(1)(a) or section 35(2)(a); or

(b) fail to remove from the casino –

(i) a person in relation to whom a request to leave the casino may be made by a casino employee under subparagraphs (i), (ii), (iii) or (iv) of section 35(3)(b); or

(ii) a person who is not entitled to remain in the casino by virtue of section 35(3)(c).

(2) The casino licensee shall not refuse to permit a person to enter, or be in, the casino on the ground only that the person is under the age of 18 years if the person –

(a) is employed or permitted to work at the casino; or

(b) enters, or is in, the casino in the company of the spouse or a parent of the person, being a spouse or parent who is not less than 18 years of age –

(i) for the purpose of dining at a restaurant in the casino; or

(ii) for a purpose connected with entertainment at the casino that does not involve playing or observing the playing of an authorised game.

(3) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 1,000,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 200,000.

38. Directions of Commissioner of Police

(1) The Commissioner of Police, or a police officer authorised by the Commissioner for the purpose, may, by notice in writing, direct the casino licensee to exclude from the casino a person specified in the notice.

(2) A direction under subsection (1) shall not be given in respect of a person unless the authorised police officer believes, on reasonable grounds, that the person is, or has been, engaged in, or associated with persons engaged in, swindling, cheating or any malpractice in gaming.

(3) Where a notice is given under subsection (1) to the casino licensee, the authorised police officer –

(a) shall make available to the casino licensee a recent photograph of the person specified in the notice;

(b) if it is not practicable to comply with paragraph (a) – shall provide the casino licensee with such a description of the person specified in the notice as is sufficient to enable the casino licensee to readily identify the person.

(4) Every casino licensee who, without reasonable excuse, contravenes or fails to comply with a direction under subsection (1), shall be guilty of an offence and shall be liable on conviction –

(a) if such casino licensee is a body corporate, to a fine not exceeding VT 2,500,000; or

(b) if such casino licensee is a natural person, to a fine not exceeding VT 500,000.

39. Revocation of direction

(1) The Commissioner of Police, or a police officer authorised by the Commissioner for the purpose, may, upon application made to him or her by the person in respect of whom a direction to the casino licensee was given by an authorised police officer under section 38(1), revoke the direction if the authorised police officer is satisfied that the person is a fit and proper person to be permitted to enter, and participate in gaming in, the casino.

(2) The authorised police officer shall, as soon as practicable after revoking a direction, notify, in writing, the casino licensee and the person in respect of whom the direction was given of the revocation.

(3) A revocation under subsection (1) shall be made by instrument in writing.

PART 7 – GAMING AND RELATED ACTIVITIES

40. Authorised games

(1) The Director may, by order published in the Gazette, declare any game as a game that may be conducted or played in a casino pursuant to a casino licence.

(2) The notification in respect of a game shall include an account of the rules for the playing of the game.

(3) Rules for the playing of a game may be altered by subsequent notification.

41. Rules for authorised games

(1) Where the Director declares a game to be an authorised game under section 40, the Director shall, by notice published in the Gazette, approve the rules under which that game is to be played.

(2) Where the Director approves the rules of a game under subsection (1), those rules shall, subject to subsection (3), be taken to be the approved rules of the game for the purposes of this Act.

(3) The Director may at any time, by notice published in the Gazette, alter the approved rules of a game and, upon publication of the notice, the approved rules of that game shall be taken to be altered accordingly.

(4) The reference in subsection (3) to an alteration of the approved rules of a game shall be read as including a reference to an omission from or an addition to those rules.

(5) The Director shall, as soon as practicable, notify, in writing, the casino licensee of –

(a) the rules approved by the Director under which an authorised game is to be played; and

(b) any alteration of the approved rules of an authorised game.

(6) The casino licensee shall ensure that printed copies of the approved rules of each authorised game conducted in the casino are freely available to patrons of the casino.

42. Gaming equipment and chips

(1) A person, other than a person authorised by the Director, shall not, except while in the casino, have in his or her possession any gaming equipment or chips approved by the Director for use in the casino.

(2) A person shall not exhibit or possess gaming equipment or chips in the casino other than gaming equipment or chips approved by the Director for use in the casino.

(3) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 1,000,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 200,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

43. Conduct of gaming

(1) The casino licensee –

(a) shall cause all playing cards dealt in the course of gaming in the casino to be dealt from a card shoe;

(b) shall not issue, or cause or permit to be issued, any chips for gaming in the casino unless the chips are paid for –

(i) in money to the face value of the chips; or

(ii) by chip purchase vouchers issued in accordance with the regulations;

(c) shall not conduct an authorised game, or permit an authorised game to be conducted, in the casino otherwise than in accordance with –

(i) the approved rules for that game; and

(ii) any restriction or condition specified in a notice under section 40(3) in relation to that game;

(d) shall not, in relation to the playing of an authorised game, permit wagers to be placed in the casino otherwise than by means of chips unless the approved rules of the game require, or provide for, the placing of wagers in money;

(e) shall cause all wagers won in the course of playing an authorised game in the casino to be paid for in full without deduction of any commission or levy other than a commission or levy provided for in the approved rules of that game;

(f) shall, during the times the casino is open to the public for gaming, at the request of a patron of the casino, cause –

(i) chip purchase vouchers to be exchanged for chips;

(ii) chips to be exchanged for other chips; or

(iii) chips or chip purchase vouchers to be redeemed for money of a value equivalent to the face value of the chips or chip purchase vouchers; and

(g) shall not require any deposit, charge, commission or levy (whether directly or indirectly and whether or not it is claimed to be refundable) to be paid by a person for the person to enter the casino or, except as may be provided by the approved rules of a game, to take part in gaming in the casino.

(2) Every casino licensee who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction –

(a) if the casino licensee is a body corporate, to a fine not exceeding VT 2,500,000; or

(b) if the casino licensee is a natural person, to a fine not exceeding VT 500,000.

44. Gaming by certain persons prohibited

(1) An authorised person shall not play a game in the casino except to the extent that it may be necessary to do so –

(a) in the performance of his or her functions under this Act;

(b) in the course of his or her employment; or

(c) in the performance in relation to this Act of a function on behalf of the State.

(2) A casino employee shall not solicit or accept any gratuity, consideration or other benefit from a patron in the casino.

(3) The casino licensee shall not knowingly permit a person under the age of 18 years to play any game in the casino.

(4) A person under the age of 18 years who plays a game in the casino is guilty of an offence punishable, on conviction, by a fine not exceeding VT 100,000.

(5) Any authorized person who contravenes or fails to comply with the provisions of subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 200,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

(6) Every casino licensee who contravenes or fails to comply with subsection (3) is guilty of an offence and shall be liable on conviction –

(a) if the casino licensee is a body corporate, to a fine not exceeding VT 2,500,000; or

(b) if the casino licensee is a natural person, to a fine not exceeding VT 500,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

45. Cheating

(1) A person shall not, in the casino, dishonestly –

(a) by trick, device, sleight of hand or representation;

(b) by a scheme or practice;

(c) by the use of gaming equipment; or

(d) by the use of an instrument or article of a type used in connection with gaming, or appearing to be of a type used in connection with gaming, or of any other thing,

obtain for himself or herself or another person, or induce a person to deliver, give or credit to him or her or another person, any money, chips, benefit, advantage, valuable consideration or security.

(2) A person shall not use, or have in his or her possession, in the casino –

(a) chips that the person knows are bogus or counterfeit chips;

(b) cards, dice or coins that the person knows have been marked, loaded or tampered with; or

(c) for the purposes of cheating or stealing, any equipment, device or thing that permits or facilitates cheating or stealing.

(3) Subsections (2)(a) and (2)(b) do not prohibit the possession of a thing by a person in charge of the casino, an agent or employee of the casino licensee, an inspector or a police officer if that thing has been seized by any of those persons from another person for destruction or for use as evidence in proceedings for any offence.

(4) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

(5) Any person who contravenes or fails to comply with subsection (2) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 500,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

46. Forgery

(1) A person shall not –

(a) forge or counterfeit chips, a chip purchase voucher, a licence or a form of identification used for the purposes of this Act; or

(b) knowingly utter counterfeit chips or knowingly utter a forged or counterfeit chip purchase voucher, licence or such a form of identification.

(2) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

47. Restriction on credit

(1) The casino licensee shall not, in relation to gaming in the casino –

(a) extend credit in any form to any person;

(b) accept a credit wager from any person;

(c) provide cash or chips to any person upon a blank cheque;

(d) make a loan to any person;

(e) provide cash or chips to any person in respect of a credit card or debit card transaction; or

(f) wholly or partly release or discharge a debt without the approval of the Director.

(2) Every casino who contravenes or fails to comply with the provisions of subsection (1) is guilty of an offence and shall be liable on conviction –

(a) if the casino licensee is a body corporate, to a fine not exceeding VT 2.500,000; or

(b) if the casino licensee is a natural person, to a fine not exceeding VT 500,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

48. Cheques

(1) The casino licensee shall not accept a cheque, other than a cheque of a kind, and otherwise than in accordance with the procedures, specified in the regulations.

(2) The casino licensee shall, in relation to a cheque accepted by the licensee that has not been redeemed under section 50, present the cheque for payment within such period as is specified, for the purposes of this section, by the Director by notice published in the Gazette.

(3) The casino licensee shall not accept or cash a cheque at the request of any person if any cheque previously received by the casino licensee from that person has been dishonoured and the debt so incurred has not been discharged.

(4) Nothing in this section shall be taken to require the casino licensee to cash a cheque at the request of any person.

(5) Every casino licensee who contravenes or fails to comply with –

(a) subsections (1) or (2) is guilty of an offence and shall be liable on conviction –

(i) if the casino licensee is a body corporate, to fine not exceeding VT 500,000; or

(ii) if the casino licensee is natural person to a fine not exceeding VT 100,000; or

(b) subsection (3) is guilty of an offence and shall be liable on conviction –

(i) if the casino licensee is a body corporate, to a fine not exceeding VT 1,000,000; or

(ii) if the casino licensee is natural person, to a fine not exceeding VT 200,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

49. Deposit accounts

(1) The casino licensee may establish for a natural person a deposit account.

(2) The casino licensee may issue to a person who establishes a deposit account –

(a) chips;

(b) chip purchase vouchers;

(c) money; or

(d) a cheque,

not exceeding in total value the amount standing to the credit of the account at the time of issue of the chips, vouchers, money or cheque.

(3) The casino licensee shall credit to the deposit account of a person –

(a) the amount of any money or cheque deposited with the casino licensee for the purpose by the person; and

(b) the amount of any money transferred by the person to that account directly from an account operated by the person with a financial institution.

(4) The casino licensee shall debit the deposit account of a person with –

(a) an amount equal to –

(i) the face value of chips or vouchers;

(ii) the amount of money; or

(iii) the amount of a cheque,

issued to the person under subsection (2); and

(b) the amount of any money transferred by the person from that account directly to an account operated by the person with a financial institution.

(5) The casino licensee shall not credit an amount to the deposit account of a person, or debit the deposit account of a person with an amount, otherwise than in accordance with this section.

50. Redemption of cheques

A person may, with the agreement of the casino licensee, redeem any cheque accepted from the person by the casino licensee, at any time prior to presentation, or the expiration of the period specified for presentation, of the cheque for payment under section 48(2), by presenting at the cash desk of the casino –

(a) an amount of money equivalent to;

(b) chips the face value of which is equivalent to; or

(c) where more than 1 cheque is being redeemed, a consolidating cheque for an amount equivalent to,

the amount of the cheque, or the sum of the amounts of the cheques, to be redeemed.

51. Proceedings etc. in relation to gaming

(1) Notwithstanding any other law of Vanuatu, an action lies at the suit of the casino licensee to recover the amount of a cheque drawn in respect of a gaming debt incurred in the casino and subsequently dishonoured.

(2) The casino licensee shall not assign to a third party the whole or any part of any rights arising out of a gaming debt incurred in the casino by a person, being a debt incurred by reason of the dishonour of a cheque drawn by the last-mentioned person and accepted by the casino licensee.

(3) An action lies against the casino licensee to recover –

(a) money won at gaming in the casino; or

(b) the amount of a cheque given by the casino licensee in payment of money so won and subsequently dishonoured.

(4) Any person who contravenes or fails to comply with subsection (2) is guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 500,000; or

(b) if the offender is a natural person, to fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

PART 8 – SEARCH, ENTRY AND SEIZURE

52. Interpretation

(1) In this Part, unless the contrary intention appears –

"offence" means any conduct (whether constituted by an act or omission) engaged in which constitutes, or which is believed on reasonable grounds constitutes –

(a) an offence against this Act; or

(b) an offence that is to be taken to be related to an offence against this Act.

(2) For the purposes of this Part, a thing is connected with a particular offence if –

(a) it is a thing with respect to which the offence has been committed;

(b) it will afford evidence of the commission of the offence; or

(c) it was used, or is or was intended to be used, for the purpose of committing the offence.

53. Powers of officers in casino

(1) An officer may –

(a) enter any premises; and

(b) search the premises for, and seize, any thing that the officer believes on reasonable grounds to be connected with an offence,

if the entry, search or seizure, as the case requires, is made –

(c) pursuant to a warrant issued under section 56(2);

(d) with the consent of the occupier of the premises; or

(e) pursuant to an order of a court.

(2) An officer may –

(a) search a person for anything connected with an offence; and

(b) seize anything found in the course of the search that the officer believes on reasonable grounds to be connected with an offence,

if the search or seizure, as the case requires, is made –

(c) pursuant to a warrant issued under section 56(4);

(d) with the consent of the person; or

(e) pursuant to an order of a court.

54. Seizure of things not specified in warrant

If, in the course of searching under a warrant issued under section 56 for things connected with a particular offence, an officer finds a thing that the officer believes on reasonable grounds to be –

(a) connected with that offence, although not of a kind specified in the warrant; or

(b) connected with another offence,

the officer may seize that thing if the officer has reasonable grounds for believing that it is necessary to effect the seizure in order to prevent the thing being –

(c) concealed, lost or destroyed;

(d) sold or otherwise disposed of; or

(e) used in connection with an offence or gaming in the casino.

55. Consent relating to searches

(1) Before seeking the consent of a person for the purposes of section 53(1)(d) or (2)(d), an officer shall inform the person that the person may refuse to give that consent.

(2) If the officer obtains the person's consent for those purposes, the officer shall ask the person to sign a written acknowledgment –

(a) where section 53(1)(d) is applicable – that the person has given the officer consent, for the purposes of that paragraph, to enter the premises of which the person is the occupier and to exercise the powers of an officer referred to in section 53(1)(b);

(b) where section 53(2)(d) is applicable – that the person has given the officer consent, for the purposes of that paragraph, to search the person and to exercise the powers of an officer referred to in section 53(2)(b);

(c) that the person has been informed that he may refuse to give that consent; and

(d) of the day on which, and the time at which, that consent was given.

(3) Where it is material, in any proceedings, for a court to be satisfied that a person has consented for the purposes of section 53(1)(d) or (2)(d) and an acknowledgment, in accordance with subsection (2) and signed by the person, is not produced in evidence, it shall be presumed that the person did not consent unless the contrary is established.

56. Search warrants

(1) Where an officer has reasonable grounds for suspecting that there may be, or that, within the next following 72 hours, there may be, in or on any premises, a thing of a particular kind connected with a particular offence, the officer may –

(a) lay before a magistrate any information on oath setting out those grounds; and

(b) apply for the issue of a warrant to search the premises for things of that kind.

(2) Where an application is made under subsection (1) for a warrant to search premises, the magistrate may, subject to subsection (5), issue a warrant authorising an officer named in the warrant with such assistance and by such force as is necessary and reasonable –

(a) to enter the premises;

(b) to seize anything found in the course of search that the officer believes, on reasonable grounds, to be a thing of that kind connected with the relevant offence.

(3) Where an officer has reasonable grounds for suspecting that there may be a thing of a particular kind connected with a particular offence –

(a) on a person;

(b) in the clothing that is being worn by a person; or

(c) otherwise in a person's immediate control,

the officer may –

(d) lay before a magistrate any information on oath setting out those grounds; and

(e) apply for the issue of a warrant to search the person for things of that kind.

(4) Where an application is made under subsection (3) for a warrant to search a person, the magistrate may, subject to subsection (5), issue a warrant authorising an officer

named in the warrant with such assistance and by such force as is necessary and reasonable –

(a) to search the person for things of the kind specified in the warrant; and

(b) to seize anything found in the course of the search that the officer believes, on reasonable grounds, to be a thing of that kind connected with the relevant offence.

(5) A magistrate shall not issue a warrant under this section unless –

(a) the informant or another person has given the magistrate, either orally or by affidavit, any further information that the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and

(b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(6) A warrant shall –

(a) state the purpose for which it is issued;

(b) specify the nature of the relevant offence;

(c) specify particular hours during which the entry is authorised, or state that the entry is authorised at any time of the day or night;

(d) include a description of the kinds of things in relation to which the powers under the warrant may be exercised; and

(e) specify the date, being a date not later than 1 month after the date of issue of the warrant, on which the warrant ceases to have effect.

57. Police entry

(1) A police officer –

(a) who is of, or above, the rank of sergeant;

(b) who is authorised for the purpose by a police officer of, or above, the rank referred to in paragraph (a); or

(c) who is requested to do so by an inspector,

may at any time enter, and be in, any part of the casino.

(2) Subsection (1) shall not be taken to affect the power of a police officer under any other law of Vanuatu to enter, and be in, the casino.

58. Special powers of officers and police officers

(1) Where an officer enters the casino under section 21(1), the officer may search the casino for, and seize, anything that the officer suspects on reasonable grounds to be connected with an offence.

(2) Where –

(a) an officer enters the casino under section 21(1); and

(b) the officer suspects, on reasonable grounds, that a particular thing is connected with a particular offence,

the officer may search a person for the thing and, if the thing is found in the course of the search, seize it.

(3) Where a police officer suspects, on reasonable grounds, that a particular thing is connected with a particular offence, the police officer may search a person, or enter

premises and search, for the thing and, if the thing is found in the course of the search, seize it.

(4) An officer or police officer shall not exercise a power under this section in relation to a thing unless –

(a) the officer or police officer, as the case requires, believes, on reasonable grounds, that it is necessary to exercise the power in order to prevent the concealment, loss or destruction of the thing; and

(b) the circumstances are so serious and urgent that they require the immediate exercise of the power without the authority of an order of a court or of a warrant issued under this Act or any other law in force.

(5) If, in the course of searching, in accordance with this section, for a thing connected with a particular offence, an officer or police officer finds –

(a) a thing that the officer or police officer believes, on reasonable grounds, to be a thing connected with another offence; or

(b) anything that the officer or police officer believes, on reasonable grounds, will afford evidence as to the commission of an offence,

and the officer or police officer, as the case requires, believes, on reasonable grounds, that it is necessary to seize that thing in order to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating the offence or the other offence, the officer or police officer, as the case requires, may seize the thing.

59. Restrictions affecting search of persons

(1) Where an officer or police officer may search a person under this Part, the officer or police officer, as the case requires, may also search –

(a) the clothing that is being worn by the person; and

(b) any property in, or apparently in, the person's immediate control.

(2) In conducting a search of a person under this Part, an officer or police officer shall not use more force, or subject a person to greater indignity, than is reasonable and necessary in order to conduct the search.

(3) A person shall not be searched under the Part except by a person of the same sex.

(4) Nothing in this Part shall be taken to authorise a person to carry out a search by way of an examination of a body cavity of a person.

60. Disposal of gaming equipment etc. after seizure

(1) Where a thing, other than an illegal thing, is seized under sections 53, 54 or 58 –

(a) if a person is not charged, within a period of 60 days after seizure, with an offence against this Act in relation to that thing, or, having been charged with such an offence, is not convicted of the offence – the Director shall arrange for the thing to be returned to the person form whom it was seized, or to the person occupying, or in charge of, the relevant premises, as the case requires; or

(b) if a person is convicted of an offence referred to in paragraph (a), not being a cognisable offence, the court may order –

(i) that the thing be returned to the person from whom it was seized or to the person occupying, or in charge of, the relevant premises, as the case requires; or

(ii) that the thing shall be forfeited to the State.

(2) Where an illegal thing is seized under sections 53, 54 or 58, the thing is forfeited to the State.

(3) In this section –

"illegal thing" means –

(a) a bogus or counterfeit chip;

(b) a card that has been marked or otherwise tampered with;

(c) dice that has been marked, loaded or otherwise tampered with; or

(d) any other device or thing that permits or facilitates cheating.

61. Detention of suspected person

(1) Where –

(a) the person for the time being in charge of the casino;

(b) an agent or employee of the casino licensee; or

(c) an officer,

suspects on reasonable grounds that a person in the casino is contravening, or attempting to contravene, a provision of this Act, the person in charge, agent, employee or officer may detain the suspected person in a suitable place in the casino until the arrival at the place of detention of a police officer.

(2) A person may not be detained under this section unless –

(a) no more force is used than is reasonable and necessary in the circumstances;

(b) the person detained is informed of the reasons for the detention; and

(c) the person affecting the detention immediately notifies a police officer of the detention and the reasons for the detention.

PART 9 – OFFENCES

62. Obstructing officer

Any person who wilfully obstructs, hinders, threatens or intimidates an officer in the exercise of the officer's powers or the performance of the officer's functions under this Act is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

63. Compliance with requirement of officer

Any person who, without reasonable excuse, refuses or fails to comply with a requirement made of the person or directions given to the person by an officer in the exercise of the officer's powers or the performance of the officer's functions under this Act is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

64. False information

Any person who, in relation to any matter arising under this Act, knowingly or recklessly –

(a) furnishes information that is false or misleading in a material particular; or

(b) makes a material omission from information furnished in purported compliance with a requirement under this Act,

is guilty of an offence and shall be liable on conviction –

(i) if the offender is a body corporate, to a fine not exceeding VT 75 million; or

(ii) if the offender is a natural person, to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

65. False representation

Any person who –

(a) impersonates the holder of a licence or of a form of identification used for the purposes of this Act; or

falsely represents himself or herself to be an officer or other authorised person,

(b) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

66. Failure to provide information

Any person who, without reasonable excuse, fails to furnish information or a document that the person is required under this Act to furnish, is guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 75 million; or

(b) if the offender is a natural person, to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

67. Conflict of interest

(1) An official shall not knowingly or recklessly –

(a) have, directly or indirectly –

(i) any business or financial association with; or

(ii) any business or financial interest in any matter in conjunction with,

a casino licensee; or

(b) be employed, in any capacity, by a casino licensee.

(2) Where a person ceases to be an official, the person shall not knowingly or recklessly solicit or accept employment from, or have any business or financial association with, a casino licensee within the period of 1 year after so ceasing to be an official.

(3) A casino licensee shall not knowingly or recklessly –

(a) have, directly or indirectly –

(i) any business or financial association with; or

(ii) any business or financial interest in any matter in conjunction with,

an official; or

(b) employ in any capacity an official.

(4) Where a person ceases to be an official, a casino licensee shall not knowingly or recklessly employ in any capacity, or have any business or financial association with, the person within the period of 1 year after the person so ceased to be an official.

(5) An official who knowingly has, directly or indirectly –

(a) any business or financial association with; or

(b) any business of financial interest in any matter in conjunction with,

a person who is the applicant for a casino employee's licence shall, as soon as practicable, notify the Director in writing of the association or interest.

(6) Any person who contravenes or fails to comply with –

(a) subsections (1) or (2), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment;

(b) subsections (3) or (4) shall be guilty of an offence and shall be liable on conviction –

(i) if the offender is a body corporate, to a fine not exceeding VT 15 million; or

(ii) if the offender is a natural person, to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment;

(c) subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

(7) In this section "official" means an authorised person, other than a casino employee.

68. Bribery

(1) An authorised person shall not –

(a) ask for, receive, obtain or agree to receive or obtain any money, property or benefit of any kind for himself or herself or for another person –

(i) to forego or neglect his or her duty or to influence him or her in the performance of his or her functions under this Act; or

(ii) on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the performance of those functions; or

(b) use, or take advantage of, his or her position as an authorised person in order improperly to gain a benefit or advantage for, or to facilitate the commission of an offence by, another person.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

(3) A person who gives to, confers upon, or procures for, an authorised person, or any other person, any money, property or benefit of any kind –

(a) to influence the authorised person to forego or neglect, or in the performance of, his or her functions under this Act;

(b) on account of anything done or omitted to be done, or to be afterwards done or omitted to be done, by the authorised person in relation to those functions; or

(c) to influence the authorised person to use, or take advantage of, his or her position as an authorised person in order improperly to gain a benefit or advantage for, or to facilitate the commission of an offence by, any person,

is guilty of an offence and shall be liable on conviction –

(d) if the offender is a body corporate, to a fine not exceeding VT 75 million; or

(e) if the offender is a natural person, to a fine not exceeding VT 15 million or to imprisonment for a term not exceeding 5 years, or to both such fine and imprisonment.

69. Conduct of directors, servants and agents

(1) Where, in proceedings for an offence against this Act, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show –

(a) that the conduct was engaged in by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; and

(b) that the director, servant or agent had the state of mind.

(2) Any conduct engaged in on behalf of a body corporate by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority shall be taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the body corporate unless the body corporate establishes that the body corporate took reasonable precautions and exercised due diligence to avoid the conduct.

(3) Where in proceedings for an offence against this Act, it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show –

(a) that the conduct was engaged in by a servant or agent of the person within the scope of his or her actual or apparent authority; and

(b) that the servant or agent had the state of mind.

(4) Any conduct engaged in on behalf of a person other than a body corporate by a servant or agent of the person within the scope of his or her actual or apparent authority shall be taken, for the purposes of a prosecution for an offence against this Act, to have been engaged in also by the first-mentioned person unless the first-mentioned person establishes that the first-mentioned person took reasonable precautions and exercised due diligence to avoid the conduct.

(5) Where –

(a) a person, other than a body corporate, is convicted of an offence; and

(b) the person would not have been convicted of the offence if subsections (3) and (4) had not been enacted,

the person is not liable to be punished by imprisonment for that offence.

(6) A reference in subsections (1) or (3) to the state of mind of a person includes a reference to –

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person's reasons for the intention, opinion, belief or purpose.

(7) A reference in this section to engaging in conduct includes a reference to failing or refusing to engage in conduct.

PART 10 – FINANCIAL

70. Bank accounts

(1) The casino licensee shall open and maintain separate bank accounts as approved by the Director, at a bank or banks in Vanuatu for use for all banking transactions arising in relation to the operation of the casino.

(2) Every casino licensee who contravenes or fails to comply with subsection (1) is guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 1,000,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 200,000 or to imprisonment for a term not exceeding 12 months, or to both such fine and imprisonment.

71. Access to banking records

(1) The Director may, by written notice to a bank referred to in section 70, require the bank to give an officer, on the day and during the hours specified in the notice access to a statement of an account referred to in that section and such other particulars relating to the account as are specified in the notice.

(2) The Director may, by written notice to a bank referred to in section 70, require the bank, within 30 days after receiving the notice, to give an officer specified in the notice, a copy of a statement of an account referred to in that section.

(3) The hours specified in a notice to a bank under subsection (1) shall be during the normal business hours of the bank.

(4) Where, by virtue of subsection (1), an officer may inspect a statement of an account, the officer may also make a copy of, or take extracts from, the statement.

(5) Any bank who, without reasonable excuse, refuses or fails to comply with a requirement made under subsections (1) or (2) is guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 1,000,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 200,000 or to imprisonment for a term not exceeding 12 months, or to both such fine and imprisonment.

72. Accounts and records

The casino licensee shall –

(a) cause to be kept in Vanuatu, in respect of the transactions and affairs of the casino licensee relating to the operation of the casino, proper accounts and records in accordance with the accounting principles generally applied in commercial practice; and

(b) do all things necessary to ensure that, in relation to the operation of the casino –

(i) payments out of the moneys of the casino licensee are correctly made and properly authorised;

(ii) adequate control is maintained over the incurring of liabilities by the casino licensee; and

(iii) adequate control is maintained over the assets of, or in the custody of, the casino licensee.

73. Statement of accounts

(1) The casino licensee shall, as soon as practicable but not later than 90 days after the end of each financial year, lodge with the Director, financial statements and accounts in the prescribed form, including –

(a) trading accounts, where applicable, for the financial year;

(b) profit and loss accounts for the financial year; and

(c) a balance sheet as at the end of the financial year,

that give a true and fair view of the financial operations of the casino licensee in relation to the operation of the casino.

(2) Every casino licensee who contravenes or fails to comply with subsection (1) is guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 500,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

74. Audit

(1) The casino licensee shall, as soon as practicable after the end of each financial year, cause the books, accounts and financial statements of the casino licensee in relation to the casino to be audited by a person approved by the Director.

(2) The casino licensee shall cause a report of an auditor under subsection (1) to be lodged with the Director as soon as practicable after the end of the financial year to which the report relates.

(3) Every casino licensee who contravenes or fails to comply with subsection (1) is guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 500,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

75. Retention of records

(1) The casino licensee shall keep in the casino all records relating to transactions less than 7 years old that relate to the operation of the casino.

(2) Every casino licensee who contravenes or fails to comply with subsection (1) is guilty of an offence and shall be liable on conviction –

(a) if the offender is a body corporate, to a fine not exceeding VT 1,000,000; or

(b) if the offender is a natural person, to a fine not exceeding VT 200,000.

75A. Indemnity from liability etc.

No person is subject to any civil or criminal liability, action, claim or demand for anything done or omitted to be done in good faith under or for the purposes of this Act.

76. Regulations

(1) The Minister may make regulations, not inconsistent with this Act, prescribing matters–

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for the carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the regulations may –

(a) make provision in relation to the control of the casino or of the operations of the casino;

(b) make provision in relation to the quality, type or identification of gaming equipment to be used in the casino;

(c) make provision in relation to maintenance or use of gaming equipment in the casino;

(d) make provision in relation to the control of chip stock;

(e) prescribe standards or procedures for the testing, repair or overhaul of gaming equipment;

(f) make provision in relation to the handling of chips by casino employees or the use of chips by patrons of the casino;

(g) make provision in relation to the transportation of gaming equipment or chips to or from the casino;

(h) make provision in relation to members of the pubic, conditions for entering and being in the casino;

(i) make provision in relation to the security arrangements to be applied in relation to the casino;

(j) prescribe, for the purposes of security and orderly gaming, requirements for the layout of the casino relating to –

(i) the sitting of gaming tables, gaming equipment, counting rooms, cages and other facilities provided for operations in the casino;

(ii) the manner of installation of any closed circuit television system, the position and field of coverage of cameras associated with the system and the height of the cameras above the gaming operations in the casino;

(iii) the position and type of any catwalk surveillance system for use in connection with the direct visual monitoring of operations of the casino;

(iv) the communications facilities provided for persons maintaining operations in the casino, whether by means of a closed circuit television system, a catwalk surveillance system or by some other means; and

(v) the office and related facilities to be provided for inspectors;

(k) prescribe procedures for the payment of winning wagers;

(l) prescribe procedures for the supervision and control of the counting of money;

(m) specify the amount, or prescribe procedures for specifying the amount, of any bet to be made in connection with the playing of an authorised game;

(n) prescribe procedures for the reconciliation of disputes arising out of the conduct of gaming in the casino;

(o) prescribe accounts or other records to be kept by the casino licensee;

(p) prescribe requirements to be observed by the casino licensee in relation to the publication of information concerning the casino and its activities;

(q) make provision in relation to notices to be displayed in the casino by the casino licensee;

(r) make provision in relation to the control of junkets;

(s) prescribe criteria for the grant of a casino licence or a casino employee's licence, including matters relating to the control –

(i) of any corporation affected by this Act;

(ii) of substantial shareholders of, or foreign participation in, such a corporation;

(sa) prescribe fit and proper criteria for applicants for licences, licensees, promoters and associates;

(t) prescribe conditions to be applicable to a casino licence;

(u) require that any matter affected by the regulations be subject to the approval, or satisfaction, of a specified body, or a person holding or occupying a particular office, so as to authorise such a body or person to exercise a discretionary authority;

(v) prescribe fees for the purposes of this Act;

(w) prescribe, for offences against the regulations, penalties not exceeding –

(i) if the offender is a body corporate, a fine of VT 250,000; or

(ii) if the offender is a natural person, a fine of VT 50,000.

Table of Amendments

13(1)(b)	*Substituted by Act 7 of 1996; Amended by Acts 25 of 1998 and 4 of 2001*
13A	*Inserted by Act 6 of 2005*
1	*Amended by Act 13 of 2017*
1(2)	*Inserted by Act 13 of 2017*
1A	*Inserted by Act 13 of 2017*
2	*Substituted by Act 13 of 2017*
2A, 2B and 2C	*Inserted by Act 13 of 2017*
4 – 6	*Repealed by Act 13 of 2017*
10(1)	*Substituted by Act 13 of 2017*
11A	*Inserted by Act 13 of 2017*
15(2)	*Amended by Act 13 of 2017*
Part 2A	*Inserted by Act 13 of 2017*
17	*Substituted by Act 13 of 2017*
18 (heading)	*Amended by Act 13 of 2017*
18	*Amended by Act 13 of 2017*
19A	*Inserted by Act 5 of 2019*
20(1) and (2)	*Amended by Act 13 of 2017*
23(1)	*Amended by Act 13 of 2017*
23(5)	*Substituted by Act 13 of 2017*
23A and 23B	*Inserted by Act 13 of 2017*
24	*Substituted by Act 13 of 2017*
25	*Substituted by Act 13 of 2017*
25A	*Inserted by Act 13 of 2017*
62	*Amended by Act 13 of 2017*
63	*Amended by Act 13 of 2017*
64(i) and (ii)	*Amended by Act 13 of 2017*
65	*Amended by Act 13 of 2017*
66(a) and (b)	*Amended by Act 13 of 2017*
67(6)(a)	*Amended by Act 13 of 2017*
67(6)(b)(i) and (ii)	*Amended by Act 13 of 2017*
67(6)(c)	*Amended by Act 13 of 2017*
68(2)	*Amended by Act 13 of 2017*
68(3)(d) and (e)	*Amended by Act 13 of 2017*
70(1)	*Amended by Act 13 of 2017*
75(1)	*Amended by Act 13 of 2017*
75A	*Inserted by Act 13 of 2017*
76(2)(s)(iii)	*Repealed by Act 13 of 2017*
76(2)(sa)	*Inserted by Act 13 of 2017*