

Commencement: 28 October 1983



CHAPTER 172

GAMING (CONTROL)

Act 23 of 1983
Act 47 of 1989
Act 19 of 1993
Act 3 of 1996
Act 14 of 1996
Act 12 of 1998
Act 3 of 2001
Act 8 of 2005
Act 28 of 2017

ARRANGEMENT OF SECTIONS

- | | |
|---|---|
| 1. Interpretation | 8. Search warrants |
| 1A. Meaning of beneficial owner | 8A. Licensee to give notice of certain changes to Director |
| 2. Prohibition of gaming machines and gaming tables | 8B. Director may require information and documents relating to licensee |
| 3. Exceptions to section 2 | 8C. On-site inspections |
| 3A. Application for a gaming licence | 8D. Director may request information and documents |
| 4. Issue of gaming licence | 8E. Disclosure of confidential information |
| 4A. Renewal of gaming licence | 8F. Disclosure to foreign government agency |
| 4B. Gaming licence and renewal fees | 8G. Indemnity from liability |
| 5. Gaming duty | 9. Offences |
| 5A. Returns to be furnished by the licensee | 10. Forfeiture |
| 5AA. Exemption from requirement to pay gaming duty | 10A. Regulations |
| 5B. Records | 11. (Omitted) |
| 5C. Penalty | |
| 6. Licences to be displayed | |
| 7. Suspension and revocation of gaming licences | |

GAMING (CONTROL)

To make further provisions with respect to gaming and for purposes connected therewith.

1. Interpretation

In this Act –

“beneficial owner” has the meaning given by section 1A;

“confidential information” means information that is supplied to or obtained by the Director in the performance of his or her functions or the exercise of his or her powers 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;

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

“Court” means the Supreme Court of Vanuatu;

“Director” means the Director responsible for customs and inland revenue;

“director” of an applicant for a licence or a licensee means:

- (a) any person occupying the position of a director of the applicant or licensee, regardless of the name given to the position; or
- (b) any person held out by the applicant, or licensee 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 of chance” includes –

- (a) a game of chance and skill combined and the fact that a game contains an element of skill shall not prevent it being treated as a game of chance if nothing but a superlative skill can overcome the element of chance;
- (b) without derogation from the generality of the foregoing, baccarat, blackjack, chemin de fer, craps, roulette, trente et quarante, vingt-et-un and any other game which is essentially similar to any of them;
- (c) any other game which the Minister may by Order declare to be a game of chance for the purposes of this Act, having regard to the character of the game and the circumstances in which it is played;

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

“gaming licence” means a licence issued under section 4;

“gaming machine” means a machine (commonly known as “poker machine”) operated mechanically or electrically –

- (a) which is constructed or adapted for playing a game of chance by means of it; and
- (b) where a player pays to play the machine either by inserting a coin or token into the machine or in some other way; and
- (c) where the outcome of the game is determined by the chances inherent in the machine, whether or not means are provided for manipulation of the machine by a player;

“gaming table” means any table or other surface constructed or adapted for playing any game of chance;

“hotel” does not include a pension, boarding house or similar establishment;

“key person” of an applicant for a gaming licence or a licensee means a beneficial owner, owner, controller, director or manager of the applicant or licensee;

“law enforcement agency” means:

- (a) the Vanuatu Police Force; or
- (b) the Office of the Public Prosecutor; or
- (c) the department responsible for customs and inland revenue; or
- (d) the department responsible for immigration; or
- (e) such other persons prescribed for the purposes of this definition;

“licensee” means the holder of a gaming licence;

“manager” of an applicant for a gaming licence or a licensee means:

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

“Minister” means the Minister responsible for finance;

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

“premises” includes any vehicle and any ship belonging to Vanuatu by reason of registration or otherwise;

“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.

1A. Meaning of beneficial owner

- (1) A beneficial owner of an applicant for a gaming licence or a licensee is a natural person who ultimately owns or ultimately controls the applicant or licensee.

- (2) For the purpose of the subsection (1), ultimately owns and ultimately controls include 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.

2. Prohibition of gaming machines and gaming tables

Subject to the provisions of section 3 no gaming machine or gaming table shall be provided for gaming at any place in Vanuatu.

3. Exceptions to section 2

The provisions of section 2 shall not apply to the provision of gaming machines or gaming tables on the premises of:

- (a) any hotel;
- (b) any club (whether incorporated or unincorporated and whether members' or proprietary) which is not set up and conducted with a view to profit or private gain;
- (c) any pleasure ship or other vessel:

Provided that there is a valid gaming licence in respect of any such machine or table.

3A. Application for a gaming licence

- (1) An application for a gaming licence must:
- (a) be made to the Director by the person having the management of the premises referred to in section 3 and be in a form approved by the Director; and
 - (b) include the following:
 - (i) details of each key person of the applicant;
 - (ii) 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;
 - (iii) details of the source of funds used to pay the capital of the applicant; and
 - (c) be accompanied by the prescribed fee.
- (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 a natural person, the application must also be accompanied by:
 - (a) a notarised copy of the passport of the applicant; and
 - (b) a police clearance certificate for the applicant with a certified translation where necessary.
- (4) If the applicant is not a body corporate or a natural person, the application must also include such other information as may be required by the Director.
- (5) The Director may require an applicant to provide such additional information as the Director considers necessary to determine an application.

4. Issue of gaming licence

- (1) The Director may issue a gaming licence to an applicant if:
 - (a) the application for the gaming licence complies with section 3A; and
 - (b) the Director is satisfied that:
 - (i) each key person of the applicant is a fit and proper person; and
 - (ii) the source of funds used to pay the capital of the applicant is acceptable.
- (2) In deciding whether a key person of the applicant is a fit and proper person, the Director must have regard to:
 - (a) whether the person has been convicted of an offence or is subject to criminal proceedings; and
 - (b) whether the person 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 a law of any jurisdiction; and
 - (c) any other fit and proper criteria prescribed by Regulations.
- (3) A gaming licence is valid until the 31st of December of the year of issue unless revoked earlier.
- (4) The Director may issue a gaming licence on such conditions as he or she thinks fit, and the conditions are to be specified in the gaming licence.

4A. Renewal of gaming licence

- (1) The Director may renew a gaming licence on the written application of the licensee made at least 28 days before the expiry date of the gaming licence.
- (2) If the Director has not decided an application for the renewal of a gaming licence on or before the expiry date, the gaming licence continues in force until the Director decides the application.

- (3) If the Director renews a gaming licence, it is renewed for a period of one year starting on the day after the expiry date, unless revoked earlier.
- (4) A gaming licence may be renewed more than once under this section.
- (5) In this section, “expiry date” for a gaming licence means the 31st of December.

4B. Gaming licence and renewal fees

- (1) The fees set out below are payable in respect of the issue or renewal of a gaming licence:
 - (a) VT5 million for:
 - (i) gaming machines in a hotel; or
 - (ii) gaming tables in a hotel; or
 - (iii) gaming machines and gaming tables in a hotel; and
 - (b) VT1,650,000 for gaming machines in a club.
- (2) The Director must not issue or renew a gaming licence if the fees are not paid in full.
- (3) The Director may calculate the fee for a gaming licence for the year in which it is issued on a pro rata basis.

5. Gaming duty

- (1) A gaming duty is to be charged on each gaming machine and gaming table provided on any premises mentioned in section 3.
- (1A) The gaming duty is to be calculated at the following rates:
 - (a) 7.5% on the gross profit derived in each month from each gaming machine and gambling table for non-profit clubs;
 - (b) 30% on the gross profit derived in each month from each gaming machine and gambling table for profit-making establishments.
- (2) Gaming duty provided in subsection (1) in respect of any month shall be payable by every licensee, to the Director on or before the last working day of the succeeding month.
- (3) For the purpose of this section the “gross profit derived in any month” means: the sum obtained by deducting from the total amount received from gaming, the amount dispensed during that month by payment to players as winnings and then if the value of any unredeemed token or chips at the end of the month –
 - (a) is greater than that which it was at the beginning of the month by adding the difference between those values, or
 - (b) is less than it was at the beginning of the month by deducting the difference between those values.
- (4) (Omitted)

5A. Returns to be furnished by the licensee

- (1) Every licensee shall furnish to the Director within 30 days immediately succeeding the end of the month in respect of which the gaming duty is due, a return in such form and containing such particulars as may be prescribed, of the gross profit derived by that licensee during that month.
- (2) Any licensee who fails to furnish a return under subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding VT 50,000 and if the failure continues, to a further fine of VT 2,000 for each day in which the failure so continues.

5AA. Exemption from requirement to pay gaming duty

- (1) A licensee is exempt, for the prescribed period, from any requirement to pay gaming duty under section 5 if the Director is satisfied on issuing the licensee's licence that:
 - (a) the gaming machines or gaming tables to which the licence applies are, or are to be, newly installed at the premises concerned; and
 - (b) the capital investment in Vanuatu by the licensee, in relation to the premises (including the machines or tables), 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 gaming duty under section 5, for each month that has elapsed during the period of 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 duty payable in relation to gaming machines or gaming tables on premises, means the period of one year from the date on which the gaming machines or gaming tables commence to be made available for trade at the premises.

5B. Records

- (1) Every licensee shall keep for the purposes of this Act, records and documents sufficient to enable an accurate calculation of the gross profit derived by him on every gaming machine or gaming table in respect of which the licence is issued.
- (2) Any licensee failing to comply with subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding VT 100,000.

5C. Penalty

- (1) If a licensee does not pay the gaming duty when it is due and payable he shall pay to the Director a penalty at the rate of 10 percent of the unpaid gaming duty which shall accumulate monthly.
- (2) The penalty shall become immediately payable on the first day after the end of the calendar month during which it was due and payable and shall be payable in respect of the gaming duty due and payable during that period.

- (3) The Director may reduce or waive any penalty added under this section if it appears to him that such reduction or waiver is just and equitable in all the circumstances of the case.

6. Licences to be displayed

- (1) The person having the management of the premises on which gaming machines or gaming tables are provided shall secure that the gaming licence is prominently affixed to each machine or table in respect of which it is issued, or, where that is not practicable, that it is prominently displayed near such machine or table in such manner as to enable such machine or table to be easily identified.
- (2) Any such person who fails to comply with the provisions of subsection (1) shall be guilty of an offence.

Penalty: a fine of VT 50,000.

7. Suspension and revocation of gaming licences

- (1) The Director may suspend or revoke or refuse to renew a gaming licence at any time on any of the following grounds –
- (a) that the licence has been obtained by fraud or misrepresentation;
 - (b) that a key person of the licensee does not meet fit and proper criteria prescribed by this Act or the Regulations;
 - (ba) that the persons employed on the relevant premises of the licensee are not fit and proper persons for such purposes;
 - (c) that the relevant premises are not in any class of premises specified in paragraphs (a), (b) and (c) of section 3.
 - (d) that the relevant premises have not been so conducted as to prevent disturbance or disorder;
 - (e) that gaming on the relevant premises has been dishonestly conducted;
 - (f) that the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes;
 - (g) that any conditions of the licence have not been complied with by any person;
 - (ga) that the licensee has contravened a provision of 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;
 - (gb) that the Director is not satisfied of the source of funds used to pay the capital of the licensee;
 - (h) that appropriate precautions against the danger of fire have not been observed, or have been insufficiently observed in the use of the relevant premises.
- (1A) Before suspending, revoking or refusing to renew a gaming licence, the Director must give written notice to the licensee that he or she proposes to suspend, revoke or refuse to renew the gaming licence and the reasons for it.

- (1B) The licensee may, within 14 days after receiving a notice under subsection (1A), give the Director written reasons why the gaming licence should not be suspended or revoked, or the renewal of the gaming licence should not be refused.
- (1C) The Director may suspend, revoke or refuse to renew a licensee's gaming licence if:
- (a) the licensee does not give the Director reasons under subsection (1B); or
 - (b) having taken into account the licensee's reasons, the Director is of the opinion that the licensee has failed to show good cause why the gaming licence should not be suspended or revoked, or the renewal of the gaming licence should not be refused.
- (2) In this section "relevant premises" means the premises specified in the gaming licence.

8. Search warrants

If a magistrate is satisfied on information on oath that there are reasonable grounds for suspecting that an offence under this Act is being or has been committed on any premises, he may issue a warrant authorising any police officer or other person to enter those premises, if necessary by force; and any such officer or person may seize and remove any document, money, instrument or other thing whatsoever found on the premises which he has reason to believe may be required as evidence in any proceedings for an offence under this Act.

8A. Licensee to give notice of certain changes to Director

- (1) A licensee must give the Director written notice of a change in:
- (a) a key person of the licensee; or
 - (b) the circumstances of a key person 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 revoke the licensee's gaming licence.
- (4) If a licensee does provide the information as required under subsection (1), but the Director is not satisfied:

(a) that the key persons of the licensee are fit and proper persons to fulfil the responsibilities of their positions having regard to the matters referred to in subsection 4(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 revoke the licensee's gaming licence.

(5) Before revoking a gaming licence under subsection (3) or (4), the Director must give written notice to the licensee that he or she proposes to revoke the gaming licence and the reasons for the revocation.

(6) The licensee may, within 14 days after receiving a notice under subsection (5), give the Director written reasons why the gaming licence should not be revoked.

(7) The Director may revoke a licensee's gaming licence if:

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

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

8B. Director may require information and documents relating to licensee

(1) Subject to subsection (2), the Director may, by notice in writing to a licensee, require the licensee to provide the Director with information or documents, or both, specified in the notice within the period set out in the notice.

(2) The information or documents must relate to:

(a) the licensee's integrity, competence, financial standing or organisation; or

(b) the licensee's compliance with this Act or the regulations.

(3) If the licensee:

(a) refuses or fails to give the Director the information or documents required by the Director; or

(b) knowingly or recklessly gives the Director information or documents that are false or misleading,

the licensee commits an offence punishable upon conviction by the penalty set out in subsection (4).

(4) The penalty is:

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

(b) if the licensee is a body corporate - a fine not exceeding VT 75 million.

8C. On-site inspections

- (1) The Director may conduct on-site inspections at the business premises occupied by a licensee at any time during the ordinary business hours of the licensee.
- (2) The Director may for the purposes of subsection (1):
 - (a) enter the business premises of the licensee during the ordinary business hours of the licensee; and
 - (b) inspect and take copies of any books, accounts and documents of the licensee that relate to:
 - (i) the licensee's integrity, competence, financial standing or organisation; or
 - (ii) the licensee's compliance with this Act or the Regulations.
- (3) The licensee must cooperate fully with the Director by:
 - (a) giving the Director all the information, and making available the documents the Director requires; and
 - (b) if necessary, giving the Director appropriate workspace and reasonable access to office services, during the inspection.
- (4) If a person intentionally obstructs the Director in the exercise of the Director's powers under this section, the person commits an offence punishable upon conviction by:
 - (a) in the case of a natural person - a fine not exceeding VT 15 million or imprisonment not exceeding 5 years, or both; or
 - (b) in the case of a body corporate - a fine not exceeding VT 75 million.
- (5) In this section, a reference to the Director includes a person appointed 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.

8D. Director may request information and documents

For the purpose of 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).

8E. 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 performing a function or exercising a power under this Act; or
 - (c) is made to the Financial Intelligence Unit for the purpose of performing a function or exercising a power under the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014; or
 - (d) is made to a supervisor within the meaning of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 for the purpose of performing a function or exercising a power under that Act; or
 - (e) 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
 - (f) is made to a law enforcement agency for the purpose of investigating or taking action under the Proceeds of Crime Act [CAP 284]; or
 - (g) is made to a domestic regulatory authority for the purpose of carrying out its regulatory functions; or
 - (h) is made to the Sanctions Secretariat for the purpose of performing a function or exercising a power under the United Nations Financial Sanctions Act No. 6 of 2017; or
 - (i) is made to a foreign government agency in accordance with section 8F.
- (2) If a person contravenes subsection (1), the person commits an offence punishable upon conviction by:
 - (a) 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
 - (b) if the person is a body corporate - a fine not exceeding VT 75 million.

8F. Disclosure to foreign government agency

The Director may disclose confidential information about a licensee to a foreign government agency if:

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

- (i) performing a function or exercising a power under the foreign government agency's own regulatory legislation, including investigating a breach of that legislation; or
 - (ii) 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) 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.

8G. Indemnity from liability

A person is not subject to any civil or criminal liability, action, claim or demand for anything done or omitted to be done by the person in good faith under or for the purposes of this Act.

9. Offences

(1) Any person who:

- (a) provides or is a party to providing a gaming machine or gaming table for gaming at any place in Vanuatu other than the premises specified in paragraphs (a), (b) or (e) of section 3; or
- (b) provides or is a party to providing a gaming machine or gaming table for gaming at any such premises without a valid gaming licence in respect of such machine or table; or
- (c) contravenes or fails to comply with any of the conditions of a gaming licence, shall be guilty of an offence.

Penalty:

- (a) in the case of a natural person - a fine not exceeding VT 25 million or imprisonment not exceeding 15 years, or both; or
- (b) in the case of a body corporate - a fine not exceeding VT 125 million.

(1A) Any person who:

- (a) for the purposes of this Act makes any statement or entry in a return, or furnishes any information, record or particulars which to the knowledge of that person is untrue or incorrect; or

- (b) omits from a return made or furnished under this Act any amount of gross profit which he should have include in that return: or
- (c) prepares or maintains for the purpose of this Act any false books of account or other records or falsifies any book or record,
- shall be guilty of an offence.

Penalty:

- (a) in the case of a natural person - a fine not exceeding VT 15 million or imprisonment not exceeding 5 years, or both; or
- (b) in the case of a body corporate - a fine not exceeding VT 75 million.
- (2) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

10. Forfeiture

Where a person is convicted of an offence under section 9 the court may order anything (including money) produced to the court and shown to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

10A. Regulations

- (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.
- (2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of any matter which is required or authorized by this Act to be prescribed.

11. (Omitted)

Table of Amendments (since the Revised Edition 1988)

1	Amended by Act 47 of 1989; Act 28 of 2017	5AA	Inserted by Act 8 of 2005; Amended by Act 28 of 2017
1A	Inserted by Act 28 of 2017	5B	Inserted by Act 47 of 1989
3A	Inserted by Act 28 of 2017	5C	Inserted by Act 19 of 1993
4(5),(6),(7)	Inserted by Act 3 of 1996	5C(1)	Amended by Act 28 of 2017
4	Substituted by Act 28 of 2017	5C(3)	Amended by Act 28 of 2017
4A	Inserted by Act 28 of 2017	7 (heading)	Substituted by Act 28 of 2017
4B	Inserted by Act 28 of 2017	7(1)	Amended by Act 28 of 2017
5	Substituted by Act 47 of 1989	7(1)(b)	Substituted by Act 28 of 2017
5(1)	Amended by Acts 3 of 1996, 14 of 1996; Substituted by Act 12 of 1998; Act 3 of 2001	7(1)(ba)	Inserted by Act 28 of 2017
		7(1)(ga) and (gb)	Inserted by Act 28 of 2017
		7(1A),(1B) and (1C)	Inserted by Act 28 of 2017
		8A - 8G	Inserted by Act 28 of 2017
5(1A)	Inserted by Act 3 of 2001	9(1)	Amended by Act 28 of 2017
5(2)	Amended by Act 28 of 2017	9(1A)	Inserted by Act 47 of 1989; Act 28 of 2017
5(4)	Omitted under s4(1)(a)(i) of Act 20 of 2003		
5A	Inserted by Act 47 of 1989	10A	Inserted by Act 47 of 1989
5A(1)	Amended by Act 28 of 2017	11	Omitted under s4(1)(a)(i) of Act 20 of 2003

