

THE CASINO GAMING ACT

REGULATIONS  
(*under section 72*)

The Casino Gaming (Application for Declaration of Approved Integrated Resort Development) Regulations, 2012 L.N. 224G/2012

The Casino Gaming (Prescribed Games) Regulations, 2012

L.N. 224G/2012

## THE CASINO GAMING ACT

## REGULATIONS

*(under section 72)*THE CASINO GAMING (APPLICATION FOR DECLARATION OF APPROVED  
INTEGRATED RESORT DEVELOPMENT) REGULATIONS, 2012*(Made by the Minister on the 16th day of July, 2012)*

L.N. 224G/2012

Citation

1. These Regulations may be cited as the Casino Gaming (Application for Declaration of Approved Integrated Resort Development) Regulations, 2012.

2.—(1) Subject to regulation 3, an application for the declaration of an integrated resort development as an approved integrated resort development under section 9 of the Act shall—

(a) contain the information and documents specified in Part I of the Schedule;

Schedule

(b) be delivered under cover of a letter which conforms with Form A in Part II of the Schedule;

Form A

(c) be accompanied by a personal history disclosure form in the form set out as Form B in Part II of the Schedule, in relation to the applicant, for—

Form B

(i) each individual who is the holder of five *per cent* or more of the voting capital of the applicant;

(ii) the chief executive officer;

(iii) each director;

(iv) every other officer and senior employee of the applicant named in the application; and

(v) any individual who it is proposed will operate any major component of the proposed integrated resort development;

Form C

- (d) be accompanied by a business entity disclosure form in the form, set out as Form C in Part II of the Schedule for each business entity which directly or indirectly holds five per cent or more of the voting shares of the applicant or which is a third party operating any major component of the resort development, except that, if the applicant is a subsidiary, then a business entity disclosure form shall be completed by only the ultimate parent company and each business entity that indirectly holds, through the ultimate parent company, five per cent or more of the voting shares of the applicant; and
- (e) be accompanied by a non-refundable application fee of one hundred and fifty thousand United States dollars or the equivalent in Jamaican currency.

NOTE:

**Examples of the application of this Regulation—**

*Example 1:* Company A is the applicant. Company B owns 100% of the voting shares of the applicant. Company C, the ultimate parent company, owns 100% of the voting shares of Company B. The voting shares of Company C are owned equally by 20 other companies (each such owns five per cent of the voting shares of company C). Thus, each company that owns five per cent of the voting shares of Company C indirectly holds, through Company C (which is the ultimate parent company) five per cent of the voting shares of the applicant. Accordingly, all 20 companies that own five per cent of the voting shares of Company C are required to file a business entity disclosure form.

*Example 2:* Company A is the applicant. Company B owns 100% of the voting shares of the applicant. Company C the ultimate parent company, owns 90% of the voting shares of Company B. The voting shares of the Company C are owned equally by 20 other companies (each such company owns five per cent of the voting, shares of Company C). Thus, each company that owns five per cent of the voting shares of Company C indirectly holds, through Company C (which is the ultimate parent company) 4.5% per cent of the voting shares of the applicant. Accordingly, none of the 20 companies that own five per cent of the voting shares of Company C are required to file a business entity disclosure form.

An applicant should note that in determining whether a business entity directly holds, through the ultimate parent company, five per cent or more of the voting share of the applicant, the Minister may, in his discretion, aggregate the holdings of two or more business entities where there is an affiliation between or among them such that they may potentially act in concert to pool their power to control the applicant.

3.—(1) Every application for the declaration of an integrated resort development as an approved integrated resort development under section 9 of the Act shall have a title page which shall contain the following—

“APPLICATION FOR DECLARATION OF AN APPROVED INTEGRATED RESORT  
DEVELOPMENT BY  
(The name and address of the applicant)”

(2) The title page of such application shall be followed by the Table of Contents.

(3) The Table of Contents of such application shall be followed by an Executive Summary in which the applicant shall provide a brief outline of the location, facilities and investment requirements of the proposed integrated resort development.

(4) The body of such application shall follow the Executive Summary which shall contain the documents specified in Part I of the Schedule.

(5) Four hard copies and one electronic copy of such application, the relevant personal history disclosure forms and business entity disclosure form shall be delivered by the applicant to the Financial Secretary.

(6) The pages of such application (except for the title page and Table of Contents) shall be numbered consecutively from the beginning with the final page headed by the words “Final Page”.

(7) Any information in such application that the applicant considers to be confidential, proprietary commercial information or a trade secret shall be labelled accordingly throughout the text, and list of those labelled sections shall be placed after the title page and before the table of contents.

(8) The Minister may—

(a) waive the requirement for any information and document specified in the Schedule; and

(b) require alternative document or information to be provided with the application as a condition of the waiver.

4.—(1) Where the Minister thinks necessary he may, by notice in writing, require an applicant for the declaration of an integrated resort development as an approved integrated resort development to furnish such additional information or document as he may specify.

(2) If a requirement made under this paragraph is not complied with, the Minister may refuse to consider the application concerned.

5.—(1) If a material change occurs in the information, including any plan, specification, drawings or report provided in or in connection with an application for the declaration of an integrated resort development as an approved integrated resort development under section 9 of the Act before the application is determined, the applicant shall as soon as possible give the Minister written particulars of the change verified by statutory declaration.

(2) Particulars of any change given by the applicant are then to be considered to have formed part of the original application for the purposes of the application of subsection (1) to any further material change in the information provided.