

DECREE-LAW NO. 6/2009
of 15 January

REGULATION ON RECREATIONAL AND SOCIAL GAMBLING

Considering that gambling activities should be integrated into the legal economy and thereby help ensure social as well as financial harmony;

Considering the need to prevent impunity and the unregulated development of marginal activities that have been generating an atmosphere of public disapproval;

Apart from the present regime for granting operating licenses for lotteries and mutual betting, there is also the traditional cock fighting, to be governed by a special license regime, as well as the traditional fair games.

The present measures are also inserted in the struggle against the unlawful outflow of hard currency and money laundering, bearing in mind the need to obtain public revenues and to dynamise tourism activities in the different regions of the country;

This is in addition to contributing to higher employment and to creating value to be returned to society through the financing of objectives of a social and sport nature.

Lotteries, whether under this or under any other designation and/or regional variable, or whether through tickets, coupons or cards, actually pursue eminently social purposes, which is why, albeit having a recreational character, they nonetheless follow a specific social regime.

The regime governing the revenues derived therein shall be subject to fiscal taxation, without prejudice to the sharing of profits by both public and private entities, including the Church, pursuant to the present statute.

Thus,

Pursuant to article 115.1(e) and article 116(d) of the Constitution of the Republic, the Government enacts the following to have the force of law:

**CHAPTER I
GENERAL PRINCIPLES**

**SECTION I
SCOPE**

**Article 1
Scope**

1. The present statute approves the legal regime for granting, licensing and exercising the following gambling activities:
 - a) Operation of lottery games, also known as “*loto*” or through other designations and regional variants, and of related games, through tickets, coupons or cards, in fixed or ambulant establishments, with cash prizes;
 - b) Operation of the traditional cock fighting, also known as “Futu Manu” or through other designations;
 - c) Operation of “Kuro Kuro”, “Bola Guling” and of other traditional fair gambles in their respective precincts;
2. The scope of the present statute is extensive to operation of casino games and amusement gambling machines such as “slot machines”, as well as games in gambling rooms, with prizes in cards or coins.
3. State’s responsibility on management and allocation of non-fiscal social contribution shall be carried out by a public utility corporate body to be established by a specific statute.
4. The present decree-law shall not apply to tax, namely tax on game prizes.

Article 2 Definitions

1. “Social contribution” shall mean the part of the revenues generated by recreational and social gambling pertaining to the State’s public sector;
2. For the purposes of the present statute, “social gambling” shall refer to gambling referred to in paragraph 1(a), and “traditional gambling” shall refer to gambling referred to in subparagraphs (b) and (c) of article 1 above.
3. For the purposes of the present statute, “gambling places” shall refer to establishments and precincts with raffles or gambling, including rooster-wrestling gamble.
4. “Minister” or “Minister in Charge” shall mean the Minister for Tourism, Commerce and Industry.

Article 3 Application

1. The present statute presupposes the launching of tenders for concession contracts for lotteries, the subsequent licensing, and the subjection to successive payment of game prize taxes and social gambling licensing and operation fees.
2. Regulation and discipline of traditional rooster wrestling shall not require the launching of tenders for concession contracts. All it shall require is the respective licensing and the prizes and bettings accounting obligations, pursuant to the present statute.
3. “Kuro Kuro” and other traditional fair gambles, when taking place in their respective precincts, shall only require annual licensing and, during the period of their functioning, shall only take place in the precincts reserved for fairs.

SECTION II LICENSING OF GAMBLING PLACES AND PERIODS OF OPERATION

Article 4
Concession and licensing of lotteries

1. Operation of social gambling shall be subject to a regime of concession for a period of 4 years.
2. Concessions for operating lotteries may only be granted up to a number of two throughout the national territory.
3. The exercise of the activities referred to in the preceding paragraph shall also be conditional upon annual licensing.
4. Once the concession contract has been granted, the respective licensing shall be considered to have been granted for the first year without however exemption from payment of the respective fees.
5. The simple sale of authorised lotteries and respective forms in commercial shops, or by street vendors, shall not require that a concession be obtained, but shall be subject to specific annual licensing and shall be exempt from the payment of the respective fees, pursuant to the present statute.
6. Licensing for ambulatory sale of lotteries shall be extensive to the entire national territory.

Article 5
Raffle and announcement of lotteries results

1. Extraction of winning numbers shall be public and shall take place once a week in the presence of two inspectors, representatives of the Ministry for Tourism, Commerce and Industry (MTCI).
2. Results of the raffle shall be announced through the media, at least in one national newspaper.

Article 6
Authorised places and licensing of cock fight

1. Licensing for cock fighting may be authorised in the places and under the conditions provided for in the ensuing paragraphs.
2. Precincts shall be licensed by ministerial statute signed by the Minister following consultations with the respective police and local authorities.
3. Consultations referred to in the preceding paragraph shall refer to public security conditions and shall take place within 5 working days, at the end of which it shall be presumed that nothing exists that opposes to it.

Article 7 Working hours

1. Authorised precincts for cock fighting may operate every Saturdays and Sundays of the year or of the period established pursuant to the license.
2. Authorised precincts for cock fighting may operate between 12:00 hours and 18:00 hours.

Article 8 Mandatory announcements and notices

1. The following announcements and notices shall be mandatorily affixed at the entrance of the authorised places for cock fighting:
 - a) Entrance prohibited to people without identity card;
 - b) Entrance prohibited to military or police forces in uniform, with or without weapons;
 - c) Cutting and firearms prohibited.
2. Authorised operators shall submit the announcements to be affixed to the General Inspectorate for Gambling, hereinafter referred to as IGJ, which shall approve them or introduce changes, within a maximum period of 5 working days.

CHAPTER II DEALERS OF LOTERIES AND OTHER SOCIAL GAMES

SECTION I PRINCIPLES

Article 9 General principle of concession regime

The right to operate recreational and social games, including lotteries, shall rest with the State and shall only be exercised by companies established in the form of societies to which the Government decides to award the respective concession through public administrative contracts.

Article 10 Dealers

1. Companies referred to in the preceding article must have a minimum capital stock of US\$100,000 as well as a minimum permanent bank balance of US\$250,000 and the Minister may authorise an irrevocable bank guarantee the value of which is equivalent to the permanent bank balance.
2. For purposes of concession contract, eligible companies and respective partners must prove that they are not State debtors and have not been convicted for committing crimes in Timor-Leste, on pain of not being licensed by the Ministry of Tourism, Commerce and Industry.
3. Any granting, selling, or pledging operation and, generally, any form of alienation of quotas or shares of the concessionaire the value of which is equal to, or higher than, 10% of the stock capital, shall be communicated in writing to the IGJ within 5 working days, without prejudice to the other registration obligations.

Article 11 Concessionaire duties

1. It shall be incumbent upon dealers authorised by the State to operate social gambling in an efficient manner, ensuring respect for the principle of public order, thereby contributing to the satisfaction of the gamblers and creating value to be returned to society through the funding of expenditures of a social nature.

2. Records or certificates issued by the General Inspectorate of Recreational Gambling relating to lack of compliance with pecuniary obligations or payment of bonds in the framework of this statute and the concession contracts shall be enforceable titles for purposes of coercive collection.

Article 12 **Instructions**

1. Rules relating to operation and practise of social gambling shall be of a public interest, and the relevant authority shall have the duty to propose the necessary instructions and other measures in respect of that principle.
2. Issuing of instructions referred to in the preceding paragraph shall be preceded by an authorisation from the Minister and by a consultation to dealers, and the General Inspectorate of Social Gambling shall send the dealers the complete text of the draft, establishing a deadline of not less than 10 days for them to express their opinion in writing.

Article 13 **Representation of concessionaire**

1. Holders of executive organs are, for all purposes, legal representatives of the concessionaire in the relations between the latter and the General Inspectorate of Social Gambling, and notifications or communications sent to anyone of them shall be considered as sent to the concessionaire himself or herself.
2. Identification of new holders of social organs of the concessionaire shall be communicated to the General Inspectorate of Social Gambling within 15 days from the date of election or appointment of the new holders of social organs.

SECTION II **RULES FOR PUBLIC CONCESSION**

Article 14 **Tenders for concession of lottery operating licenses**

1. Without prejudice to specific rules established in the present decree-law, granting of lottery operating licenses shall be preceded by a public tender to be presided over by the Minister.
2. On proposal of the Minister, the Government may, in special, duly justified cases, grant lottery operating licenses irrespective of public tenders against proposal of eminent national interest, in which case a ministerial statute shall establish and publish the obligations of the concessionaire.

Article 15 **Launching of tenders**

1. Without prejudice to the provisions of article 14.2, granting of licence to operate lotteries and to operate social gambling in general shall be conditional upon the holding of public tenders extensive to all candidates, both national and foreign, under the terms of the present statute.
2. Public tenders shall be launched and organised under the terms and conditions established in the Notice of Tender, through ministerial statute issued by the Minister, and shall mandatorily contain the following:
 - a) The requirements required from the competitors;
 - b) Indication of the location of head office and collection of property assigned to the concession;
 - c) The location for the extraction of the initial numbers of the lottery;
 - d) The criteria of adjudication and, where applicable, the conditions of preference;
 - e) The amount of seriousness bond to be paid for the good compliance of assumed obligations.
3. Considering the public interest, the deadline for concession may be extended by the Minister following a justified request by the

dealers who have complied with their obligations. The instruction authorising such extension shall set the respective conditions.

4. The request referred to in the preceding paragraph shall be made at least 60 days before the end of the deadline of the concession.

Article 16

Contents of proposals for operating lotteries

1. Minimum elements to be contained in the plans to be proposed by the bidders shall include, in addition to complete identification of company and of all administrating partners, as well as the statutes, at least the following elements:
 - a) Justification from the viewpoint of the interest in tourism, works and planned improvements;
 - b) Priorities to be considered in its execution;
 - c) Schedule for commencement of activity;
 - d) Number of anticipated working posts as specified by nationals and foreigners;
2. In addition to general minimum requirements, proposals shall contain:
 - a) Availability to pay seriousness bond, the amount of which shall be defined in the Notice of Tender, up until the fifth day prior to the date scheduled for the signing of the contract;
 - b) Indication of the exact location and of the capacity of the place where the public extraction of the winning numbers shall occur, with a mention of the corresponding number of seats.

Article 17

Security

1. Securities shall be furnished through deposit in any bank located in Dili in an amount equivalent to the obligation to ensure, at the order of the Tourism, Commerce and Industry.
2. The deposit referred to in the preceding paragraph may be substituted by banking guarantees or irrevocable surety-insurances.
3. Bonds which, for any reason, become insufficient, shall be reinforced by the obliged entity within 30 days from the date of notification of the General Inspectorate of Gambles for that effect.

Article 18 Restitution and forfeiture of bond

1. The seriousness bond shall be restituted to the competitors at the time of provisional adjudication of the concession, where applicable, save as regards the bidder, to whom the restitution shall take place only after the final adjudication.
2. The following shall constitute grounds for forfeiting the bond:
 - a) The non-granting of the concession contract within the deadline referred to in the preceding article, where it is imputable to the contractor;
 - b) The making of false statements by the bidders;
 - c) Where the concessionaire does start operating the gambles within the established timeframe or where the concessionaire interrupts it without having been authorised to that effect by the Minister.

Article 19 Provisional adjudication of Concession

1. The eventual provisional awarding of the operation of the lotteries and related gambling, where necessary, shall take place following instruction of the Minister, but it may not take place, in which case a final adjudication is awarded.

2. The decision to award shall be made taking into account the idoneity of the bidders, the feasibility of the proposals, the financial guarantees offered as well as the advantages offered in the light of the public interest.

Article 20 Definitive awarding

1. Definitive awarding shall be formalised in public contract, with the Minister and the legal representative of the bidder as grantors, to be signed within a maximum period of 45 days from the date of publication of the instruction of provisional award.

2. Where there is no need of provisional award, the timeframe to sign the contract shall be 30 days.

Article 21 Assigning of contractual position by contractor

1. Transfer to third parties of the concession for operating lotteries and activities constituting contractual obligations, under any form, may be allowed through authorisation of the Minister, who will demand new obligations from the purchaser.

2. Assignment of contractual position without observing the provisions of the preceding paragraph shall be null and shall constitute grounds for preventing the defaulting concessionaire from participating in future biddings of gambles.

Article 22 Tourism utility

1. Signing of contract of concession of national lottery shall lends tourism utility to the undertakings contained therein.

2. Tourism undertakings provided for in the contract of concession of lottery may benefit from the incentives provided for in the general law, in the respective terms, notably those depending on the title of tourism utility.

SECTION II ACCOUNTANCY

Article 23
Accountancy of the lotteries

1. Without prejudice to the demands established in the general and fiscal law, dealers of operation of social gamble shall be obliged to possess and keep in writing the books and accountancy forms as per model to be approved by the tutelage.
2. Books, with numbered and initialed pages, shall have weekly opening and closing entries signed by the inspector of IGJ, and each operation shall be registered therein at the moment of the respective undertaking.
3. Books, forms and other supporting documents provided for in the present and in complementary legislation may be substituted by electronic records under terms to be specified by IGJ, after hearing the dealers.

SECTION IV
AMBULATORY SALE OF LOTERIES

Article 24
Licensing

1. Ambulatory selling of lotteries shall be subject to license issued free of charge by IGJ.
2. Each ambulant seller shall bear an identification card containing an updated photograph of the respective holder and valid for two years. The respective model shall be approved by IGJ.
3. Licenses shall be registered in a special book, with opening and closing statements, by chronological order and under the serial number in which the identification elements contained in the petition are transcribed, with a photograph of the seller attached.

Article 25
Rules of conduct

1. Ambulant lottery vendors shall be obliged:

- a) To exhibit the identification card referred to in the preceding article by using them on their chest;
 - b) To return the identification card where the license is forfeited;
2. Ambulant lottery vendors shall be prohibited:
- a) To sell gambling tickets after the scheduled time, leading to the commencement of lotteries extraction.
 - b) To announce the game in a manner that is contrary to legal restrictions and public morals insofar as publicity is concerned.

CHAPTER III INCOMPATIBILITIES

SECTION I COMMON INCOMPATIBILITIES

Article 26 Incompatibility

1. As a tourism activity, the effective exercise of gambling provided for in the present statute shall be conditional upon the licensing of the respective shop or precinct by the tutelary entity and shall be bound to the principles and requirements below.
2. No license shall be issued to places for extraction and lottery raffles and other social gambles nor precincts for cock-fight in the following cases:
 - a) In parts of annexes of buildings accommodating public services under the direct or indirect administration of the State;
 - b) Without prior approval by the Fire Service and the General Inspectorate of Gambles, in any case, including inspection to the electrical installation and installations for water and gas;
 - c) Where no sanitary facilities exist, separated by gender, in case of closed precincts;

- d) Whenever they
3. “Kuro Kuro”, “Bola Guling” and other traditional fair games cannot have fixed establishments and may only take place during the period of fairs established in the present statute.

Article 27
Personal incompatibilities

1. Holders of managerial posts within the General Inspectorate for Gambling and the Food and Economic Inspectorate (IAE), including their respective spouses and ascendants or descendants, shall be prevented from retaining shares or quotas of any concessionaire of social gambling or lottery and from receiving salaries or any remuneration of gifts.
2. For purposes of disciplinary procedure, any violation of the provisions of the preceding paragraph shall constitute an aggravating circumstance.

SECTION II
**ACCESS TO PLACES OF COCK FIGHTING AND OF PUBLIC
EXTRACTION OF THE WINNING NUMBERS OF THE LOTERIES**

Article 28
Restriction of access to gambling places

1. Dealers and gambling license holders may charge entrance fees, with such entrance fees not exceeding a maximum amount to be set up annually by the Minister.
2. Access to gambling places shall be reserved, and dealers and gambling license holders shall refuse their access to individuals whose presence is considered to be inconvenient, notably where such individuals appear to be under the influence of alcohol or stupefacients, or to suffer from mental disease, including those who somehow disturb the public order.
3. Without prejudice to the provisions of the preceding paragraph, access to the cock fighting places and to the places of public extraction of the winning numbers shall be barred to individuals finding themselves in the following conditions:

- a) Holders of weapons;
 - b) Members of Defense Forces, Police Forces or paramilitary corporations of any nationality, whenever in uniform, unless they are pursuing suspects caught in *flagrante delicto*;
 - c) Any individual whose access to gambling places has been barred by the Inspectorate General of Gambling.
4. Entering and staying in the rooms and precincts of cock fighting shall be conditional upon holding an identification document.
5. Access to gambling places shall also be conditional upon the observance of the maximum capacity, to be set up by the Inspectorate General of Gambling, following proposal by the concessionaire.

Article 29
Staff in charge of gambling places

Each gambling place shall be managed by a gambling chief who shall have the responsibility, among other duties, to be present during the entire working period and shall be the person in charge, and the focal point, of the IGJ.

Article 30
Activities barred to employees

All employees providing services at gambling places shall be barred from taking money loans or other credits.

CHAPTER IV
SOCIAL CONTRIBUTION AND GAMBLE PRIZES

Article 31
Social contribution

1. Every gambling activity shall be subject to fiscal law applicable to taxation on prizes, services and revenues, without prejudice of the participation of the public entity referred to in article 1.

2. The percentage of social contribution shall be of 15 percent over the total number of social gamble cards sold, after deducting the percentage reserved for payment of each prize, with the latter being subject to the payment of 10% tax on gamble prize.

3. The criteria for sharing and distributing the social contribution shall be regulated by Government decree, in accordance with the principles of the intervention of the State and the Church in meeting the social and spiritual basic needs.

Article 32

Calculation of the prizes and of the social contribution of the social gambles

1. The percentage of the social contribution shall be 15% over the total of cards sold, after deducting the part reserved for payment of each prize, with the latter payment subject to payment of 10% tax on game prize.

2.

3. The amount of social contribution shall be calculated as follows:

a)

4. The amount resulting from the calculation shall be rounded up to the nearest ten cents.

Article 33

Delivery of revenues

1. Lottery dealers shall be trustees of the social contribution monies and shall deposit them into an account to be indicated by IGJ by the 5th day of each month and provide IGJ with the copy of the deposit slip three days after making the deposit.

2. IGJ shall undertake to deliver the monies referred to in the preceding paragraph to the public entity referred to in article 1 by the 10th day of each month.

CHAPTER V INSPECTION

Article 34 Competences

1. Operation and pratica of the games regulated by the present statute, including execution of obligations of dealers, shall be subject to inspection by the State as undertaken by IGJ and other entities authorised by law, pursuant to the respective organic norms.

2. Without prejudice to specific competences granted by law to other entities, the competence of IGJ to inspect and monitor shall cover the review and sanctioning of administrative offenses by dealers including application of preventives measures to prevent access to gambling places, pursuant to the present statute.

3. It shall be incumbent upon the Minister, on proposal of IGJ, to set the deadline for complying with legal and contractual obligations of dealers where such deadline has not been established by law or the contract.

Article 35 Inspection functions

1. For purposes of the present statute and without prejudice to the competences granted by Decree No. 10/2008 of 11 June, the functions of the Inspectorate General of Gambling shall comprise monitoring of:

- a) The implementation of obligations undertaken by the concessionaires;
- b) The functioning of the machines and extraction of winning numbers;
- c) The material and utensils intended for gambling;

- d) The practice of the gambling;
- e) The special accountancy of the gambling;
- f) The other competences granted by law and applicable regulations.

2. Competences relating to tax obligations shall be the responsibility of the Tax Services.

Article 36

Lotteries cards and forms

1. Cards and forms for lottery games and social games in general shall be under the responsibility of IGJ, which shall control the veracity of their quantity and quality.
2. Production, import, export, destruction and sale of game cards and forms shall require authorisation from IGJ.
3. Dealers shall declare in writing that the place of manufacture of the lottery cards and forms is located at a distance superior that a range of 2 thousand kilometers from Dili and that they respect the veracity of the declared quantities.
4. Cards and forms for lottery games and social games in general shall be numbered on a sequential manner, by series, bearing sufficient recognition marks in order to prevent falsification.

CHAPTER VI

ADMINISTRATIVE RESPONSIBILITY AND SANCTIONS

SECTION I

Responsáveis

Article 37

Principle of responsibility

1. For the purposes of this Section, the following shall be considered responsible for any conduct in violation of the present regulation:

- a) Games concessionaires of operators or their substitutes;
- b) Heads of gaming places or their substitutes;
- c) Gaming employees;
- d) Unauthorised lottery street vendors;
- e) Those responsible for irregular access to gaming places;
- f) Those responsible for the accountancy books;
- g) Those originating disturbance in gaming places;
- h) Inspectors proved to commit abuse of the power entrusted to them.

2. In the case of machines of jogos em exploração and other unlawful games, where, due to any circumstance, identification of the owner is proved to be impossible, the owner or operator of the establishment where the machines are found shall be considered responsible for the administrative offences.

Article 38 **Responsibility of the dealerships**

1. Failure by the dealerships to comply with the lawful obligations established in the respective contracts, even where exempt from culpa, shall amount to administrative offence susceptible of fine and rescission of the contract, pursuant to the terms below.

2. The provision of the preceding paragraph shall apply subsidiarily to concessionaires where the offences are committed by employees or agents of the concessionaires.

3. Responsibilities of concessionaires shall not prejudice the criminal or administrative responsibility of the respective employees or agents for the offences committed.

4. The fines shall be paid by the dealerships and, subsidiarily, where they result from facts occurred in the period of the respective management,

by the administrators or directors of such companies, even where the latter have been dissolved.

5. Without prejudice to the provision of the preceding paragraph, there shall be not responsibility for the administrators or directors where they prove that following is not attributed to them:

- a) The offence committed; or
- b) Insufficiency of the company property to pay the fine.

Article 39

Cases of rescission or suspension of concession contract

In addition to administrative fines, the conditions to determine rescission or suspension of concession contracts, or closing of the gaming places, shall be notably the following:

- a) Gaming income evasion;
- b) Inobservance of, or false statements in relation to, the capital stock and the own capital in general;
- c) The non-establishment, or non-payment, of deposits or guarantees the concessionaires are obliged to make;
- d) The cession, abandonment, or deficient operation of the gaming or of essential activities that constitute contractual obligations;
- e) The repeated violation of the legislation on gambling and the fraudulent gambling;
- f) The continued non-execution of the contractual obligations assumed by the concessionaires;
- g) To place the concessionaire in default for debts with the State relating to contributions or taxes or social security.

2. Concessionaires that alter the rules of the gamble or other rules relating to the operation or the lawful practice of the gamble beyond the

established in the criminal law shall be subject to rescission of the contract and closing of their establecimientos.

3. Where a criminal suit is initiated, either or not at the initiative of IGJ, the concession shall be considered to be suspended, unless otherwise decided by the Court.

4. For the purposes of this statute, the decision of the Inspector-General of the Games that applies the fine or accessory sanction shall be susceptible of appeal to the Minister.

SECTION II ADMINISTRATIVE SANCTIONS

Article 40 Violation of rules relating to own capital

Without prejudice to the general regime of administrative offences, the following shall be considered serious administrative offence, punished with fine of U\$20,000 (twenty thousand American dollars) up to U\$100,000 (one hundred thousand American dollars):

- a) The conducts provided for in subparagraphs a), b), and c) of the preceding article;
- b) The permission to exercise social rights by shareholders who have acquired shares without observing the provisions of articles 9, 10 and 21.

Article 41 Barriers to monitoring by the State

Concessionaires preventing or rendering difficult the monitoring action of the State shall be subject to the following:

- a) For inexistence or inexactness of the accountancy books and mandatory forms, the fine shall be from \$5,000 (five thousand American dollars) to \$30,000 (thirty thousand American dollars);

b) For the non immediate exhibition of the books and forms referred to in the preceding subparagraph at the time of the respective request, the fine shall be up to \$5,000 (five thousand American dollars), and there shall be not sanction in case the **bookkeeping** is under the guard of the accountant appointed and this is known to IGJ.

Article 42

Money lending

1. Money lending at gambling places or their annexes shall subject their authors to a minimum fine penalty of \$2,000 (two thousand American dollars) and a maximum fine penalty of \$10,000 (ten thousand American dollars) which shall be tripled in case of re-incidence.
2. Without prejudice to the general regime for administrative infractions, the attempt may attract a fine reduced to a half.

Article 43

Material for unlawful gambling

1. Whoever, without being a concessionaire and without authorisation from the Gaming General-Inspectorate, manufactures, publishes, imports, transports, transactions, exposes or divulges forms, cards or materials and utensils characteristically intended for the professional or lucrative practice of the gambles referred to in this statute or of games of chance ou azar, may attract a fine to be set between \$5,000 (five thousand American dollars) and \$20,000 (twenty thousand American dollars), including seizure of same.
2. The minimum and maximum limits of the fine referred to in the preceding paragraph shall be doubled in case of re-incidence.

Article 44

Lack of announcements and mandatory notices

The lack of affixation of any of the legal and mandatory announcements and notices as identified in article 8 may attract a fine to beset between \$1,000 (one thousand American dollars) and \$5,000 (five thousand American dollars).

Article 45

Disturbing acts

Whoever commits acts that disturb the normal unfolding of the gamble shall be punished with a penalty of fine from \$50 (fifty American dollars) to \$500 (five hundred American dollars) and shall be prohibited to enter gaming places up to a period of one year.

Article 46

Absence of the manager of the gaming place

The absence of the manager of the gaming place as provided for in article 29, or of a substitute in charge, during the functioning period and during the contagem operations of the revenues of the gaming, without a reason previously communicated to the inspection service shall attract a penalty of fine of up to \$500 (five hundred American dollars) per day.

Article 47

Violation of other legal duties

The violation by the concessionaires of norms contained in this statute which are not sanctioned in the preceding articles or in regulations and instructions issued and published, including the inobservance of deadlines set for the fulfillment of legal and contractual obligations shall attract penalties of fine of up to \$1,000 (one thousand American dollars).

SECTION III

REGIME FOR THE PENALTIES OF FINE AND RESPECTIVE ACCESSORY SANCTIONS

Article 48

Granting of new term

1. Without prejudice to the general regime of administrative infractions, whenever the fines provided for in the preceding paragraphs derive from the inobservance of any term, the Minister, after the applicacao daquelas, shall grant a new term, taking into account the circumstances of each case.
2. The prorogation provided for in the preceding paragraph shall be longer than the term initially granted.

Article 49
Accessory sanctions

1. Pursuant to, and in subsidiary application of the general regime of administrative infractions, in addition to the applicable fine, the conducts provided for in the preceding articles may imply an accessory administrative sanction, conexas with the unlawful conduct, of a temporary character.
2. The application of fine and “eventual” accessory sanction shall be made by the Gaming Inspectorate-General, and it shall be incumbent upon the IGJ inspectors to initiate the respective proceedings.
3. The accessory sanction of temporary closure of establecimientos, recintos and salas de jogo shall be subject to a maximum term of three months and may be appealed to the Minister of tutelage.

Article 50
Determination of the measure of the fines

Without prejudice to the general regime of administrative infractions, the determination of the measure of the fine shall depend on the seriousness of the infraction, whether there is re-incidence or not, of the culpa of the perpetrator, and of his or her economic status.

Article 51
Voluntary payment

1. Voluntary payment of the fines corresponding to the infractions provided for in this statute shall be accepted.
2. The fines may be paid voluntarily, before the authority initiating the proceeding, immediately or within the maximum period of 10 working days subsequent to the day of notification or, where a hierarchical appeal has been filed, within the 5 days following the notification of the corresponding decision, in case the latter dismissed the appeal.
3. The voluntary payment shall be 25% of the maximum of the applicable fine, without prejudice to the accessory fines.

Article 52

Distribution of the fine

1. The amount of the fine shall be divided and distributed as follows:
 - a) 30% for the Treasury;
 - b) 70% for the public law entity referred to in article 1, through IGJ.
2. The part of the fine relating to the Treasury shall immediately be converted into effective revenue.
3. The fines shall not be affected by any additional.

Article 53

Subsidiary law for administrative infractions

The rules, terms and conditions provided for in the statute that approves the general regime of administrative infractions shall be applied subsidiarily.

Article 54

Entry into force

This statute shall enter into force on the day immediately after its publication in the Official Gazette.

Approved by the Council of Ministers on 8 October 2008.

The Prime Minister

Kay Rala Xanana Gusmão

The Minister for Tourism, Commerce and Industry

Gil da Costa A. N. Alves

Enacted on 29 December 2008

For publication

The President of the Republic

José Ramos-Horta