

CHAPTER 273

GAMING

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GAMING

*Ordinance No. 65 of 1968*

AN ACT TO MAKE BETTER PROVISION FOR GAMING,  
WAGERING AND LOTTERIES

[1st January, 1971.]

*Short title*

1. This Act may be cited as the Gaming Act.

*Interpretation*

2. In this Act, unless the context otherwise requires—  
“common gaming house” means any place opened, kept or used—

- (a) for playing therein any game of chance or any mixed game of chance and skill—
- (i) in which a bank is kept by one or more of the players exclusive of the other or others; or
  - (ii) in which the chances of the game are not alike favourable to all the players included among the players the banker or other person by whom the game is managed or against whom the players, stake, play or bet; or
  - (iii) in which any commission or percentage is charged in connection with the game, stakes or the winnings; or

(b) for the purpose of an illegal lottery or lotteries;

“gaming” means—

- (a) as regards playing any game in a common gaming house, the playing of any game in any place if such place is kept or used for playing the same, constitutes that place a common gaming house; and
- (b) as regards playing any game in a public place, the playing of any game which is forbidden in a common gaming house and the playing for money or money's worth of any other game, except under, and in accordance with, the permit of a competent authority;

Provided that unless otherwise provided by regulations made under the provisions of this Act, “game” shall not include any game of mere skill nor any race, match or competition, consisting exclusively or mainly in a contest or trial of one or more of the following or any combination of them, namely skill, knowledge, memory, speed, endurance, strength or otherwise or any similar trial, contest or competition whether involving men or other animate matter or both and whether or not inanimate aids are adopted or any game exempted by the Minister, absolutely or conditionally, from the provisions of this Act;

“illegal lottery” means a lottery which is—

- (a) not exempted by or under the provisions of this Act; and
- (b) not a lottery held and drawn outside Fiji which is legal under the law of the country or territory in which it is so held and drawn;

“implements or appliances for gaming” include all articles which are used in, or for the purpose of, gambling or a lottery;

“licensee” means a person duly authorised under the provisions of section 18 to set up, keep and operate a totalisator at race meetings;

“lottery” includes any game, method or device whereby money or money's worth is distributed or allotted in any manner depending on, or to be determined by, chance or lot, or the result of any race or contest and any place in which lottery tickets are sold, procured or distributed, shall be deemed to be kept for the purpose of a lottery;

“lottery ticket” or “ticket” includes any paper, figure, writing, symbol or other article whatsoever, which either expressly or tacitly entitles or purports to entitle the holder or any other person to receive any money or money's worth on the happening of any event or contingency connected with any lottery;

“place” means any house, office, room or building and any place or spot whether open or enclosed and includes a ship, boat or other vessel, whether afloat or not, or any vehicle;

"public place" includes any public way and any building, place or conveyance to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly or as an open court.

(2) A public place shall be deemed to be used for a purpose under the provisions of this Act if it is used for that purpose even on one occasion only:

Provided that a place other than that public place shall not be deemed to be used for gaming unless it is used, or intended to be used, habitually, whether at regular or irregular intervals.

*Club used as gaming house*

3. A place which is used as an ordinary social club to which the public at large have not access shall nevertheless be deemed to be a common gaming house if kept or used either for any of the games mentioned in paragraph (a), or for the purposes mentioned in paragraph (b), of the definition of "common gaming house" in section 2.

*Offences relating to common gaming houses*

4. Any person who—

- (a) being the owner, or occupier, or having the use temporarily, or otherwise, thereof, occupies or uses a place as a common gaming house; or
- (b) permits a place of which he is owner or occupier or of which he has the use temporarily or otherwise to be kept or used by another person as a common gaming house; or
- (c) has the care or management of, or in any manner assists in the management of, a place kept or used as a common gaming house or assists in carrying on an illegal lottery; or
- (d) receives directly or indirectly any money or money's worth for, or in respect of any chance, in any event or contingency connected with an illegal lottery or sells or offers for sale or gives, delivers or collects, any ticket in an illegal lottery; or
- (e) draws, throws, declares or exhibits, expressly or otherwise the winner or winning numbers, ticket, lot, figure, design, symbol or other result of any illegal lottery; or
- (f) writes, prints or publishes or causes to be written, printed or published any ticket or lists of prizes in an illegal lottery or any announcement in relation thereto; or
- (g) announces or publishes, or causes to be announced or published, that any place is opened, kept or used as a common gaming house or in any other manner invites or helps any other person to commit an offence under the provisions of this Act,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred dollars or to both such imprisonment and fine.

*Advancing money for a common gaming house*

5. Any person who advances or furnishes money for the purpose of establishing or conducting the business of a common gaming house or for the

purpose of an illegal lottery or who profits from the establishment or conduct of such business shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred dollars or to both such imprisonment and fine.

*Playing in common gaming house or dealing in illegal lottery tickets*

6.—(1) Any person who—

(a) plays in a common gaming house; or

(b) sells or buys or in any way deals in tickets in an illegal lottery, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding forty dollars.

(2) Any person found in a common gaming house or found to be escaping therefrom on the occasion of its being entered under the provisions of this Act, shall be presumed, until the contrary is proved, to be or to have been playing thereat.

*Gaming in public*

7.—(1) Any person gaming in any public place shall be guilty of an offence and shall be liable on conviction to a fine of forty dollars.

(2) A police officer may arrest without warrant any person found gaming in any public place and may seize all implements or appliances for gaming found in such public place or on the persons of those arrested under the provisions of this section.

(3) All implements or appliances for gaming seized under the provisions of this section may be declared by the court by whom the conviction is made to be forfeited to the Crown and shall be dealt with accordingly.

(4) Where any money or other valuable thing is used in the game of chance or mixed chance and skill in any place, the players shall be presumed, until the contrary is proved, to be, or to have been, gaming.

*Instigating, promoting or intentionally facilitating gaming in public*

8.—(1) Any person who instigates, promotes or intentionally facilitates the commission of an offence under the provisions of section 7 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred dollars or to both such imprisonment and fine.

(2) Any person who—

(a) maintains or controls or assists in maintaining or controlling any building, hut, shed, tent, shelter or other construction whatsoever wherein an offence punishable under the provisions of section 7 is committed; or

(b) brings to, or has in his possession, at or near the place, whether or not an offence punishable under the provisions of section 7 is committed, any implements or appliances for gaming; or

(c) keeps watch in order to warn, or warns, persons committing an offence referred to in section 7 of the risk of detection,

shall be presumed, until the contrary is proved, to have promoted the commission of an offence punishable under section 7.

(3) A person shall not by reason only of the fact that he has committed an offence under the provisions of section 7 be liable to be convicted of an offence under the provisions of this section.

*Buying tickets in illegal lotteries*

9.—(1) Any person who either personally or by an agent buys or deposits any money or money's worth to or with any person concerned with the business of a common gaming house as a stake, or for or in respect of any event or contingency connected with an illegal lottery, or buys a ticket in such a lottery shall be guilty of an offence and shall be liable on conviction to a fine not exceeding forty dollars.

(2) A person in whose possession a lottery ticket referred to in subsection (1) is found shall be presumed, until the contrary is proved, to have bought such ticket.

*Money paid recoverable*

10. Any money or money's worth paid or deposited in respect of any event or contingency referred to in section 9 or for or in respect of the purchase of a ticket in an illegal lottery shall be recoverable as money had and received to or for the use of the person from whom the same was received.

*Presumption against person selling tickets in illegal lottery, etc.*

11. A person selling, offering for sale, giving, delivering or collecting lottery tickets or found in possession of ten or more lottery tickets or counterfoils or duplicates of lottery tickets or of any stakes or wagers in or relating to an illegal lottery shall be presumed, unless the contrary is proved, to be assisting in an illegal lottery then in progress.

*Sales of tickets in illegal lottery void*

12. Every sale or contract for sale of a ticket in an illegal lottery is hereby declared to be void and no action shall be maintainable by any person in respect of any such sale or contract except by the purchaser for the return of the money or other consideration, if any, paid thereon.

*Search warrant against premises*

13.—(1) A magistrate or police officer of or above the rank of Assistant Superintendent on being satisfied upon written information on oath and after any inquiry which he may think necessary, that there is good reason to believe that any place is kept or used as a common gaming house may, by warrant, authorise any person therein named or any police officer with such assistance and by such force as may be necessary, by night or by day, to enter, to go to such place and search the same and all persons found therein, and to seize all implements or appliances for gaming and all money, securities for money and other articles reasonably supposed to have been used, or intended to be used for any game or illegal lottery which may be found on such persons and also to detain all such persons until they, and such places, shall have been searched. If any of the things or circumstances which are made by the provisions of this Act, presumptive evidence of guilt are found in such places or on any person therein, every person found therein shall be taken before a magistrate to be dealt with according to law.

(2) All implements or appliances for gaming, money, securities for money and other articles found in a common gaming house or on any person found therein or escaping therefrom which the magistrate is of opinion were used, or intended to be used, for any game or illegal lottery, shall be declared by him to be forfeited to the Crown and shall be dealt with accordingly.

*Arrest and search*

14.—(1) A magistrate on being satisfied, upon information on oath and after any enquiry which he may think necessary, that there is good reason to believe that any implements or appliances for gambling are likely to be found on any person may, by warrant under his hand, order any police officer to arrest and search such person or may, by warrant under his hand, order any person therein named to arrest such person and to take him forthwith before any magistrate who shall thereupon cause such person to be searched in his presence and if such implement or appliance is found upon such person he shall be dealt with according to law.

(2) Nothing in this connection shall authorise any female to be searched except by a female.

*Entry and search by a magistrate or police officer*

15.—(1) A magistrate or a police officer of or above the rank of Assistant Superintendent may himself do whatever he may authorise a police officer to do whenever such magistrate or police officer of or above the rank of Assistant Superintendent is competent to issue a warrant under the provisions of section 13 and also in any of the following cases:—

- (a) if any person has within the preceding six months been convicted of having kept or used as a common gaming house a place proposed to be entered;
- (b) if the place proposed to be entered is occupied by a social club and he has reason to believe that habitual gambling is carried out there;
- (c) if he has personal knowledge of such facts and circumstances as to be satisfied that there are sufficient grounds for a search under the provisions of such section;
- (d) if he receives the required information orally and either on oath or not on oath under such circumstances that the object of such search would in his opinion be defeated by the delay required in reducing the information to writing:

Provided that, in this last case, the name and address of the person giving such information are known to or ascertained by such magistrate or police officer of or above the rank of Assistant Superintendent before he acts upon such information.

(2) Whoever in giving such oral information, as is referred to in subsection (1), makes a statement which he knows or believes to be false or does not believe to be true, shall be guilty of an offence and liable on conviction to imprisonment to a term not exceeding one year or to a fine not exceeding two hundred dollars or to both such imprisonment and fine.

*Presumption against house and occupier*

16. If any implements or appliances for gaming are found in any place entered under the provisions of this Act or upon any person found therein, or if persons are seen or heard to escape therefrom on the approach or entry of a magistrate or police officer of or above the rank of Assistant Superintendent, or if a police officer, or any person having authority under the provisions of this Act to enter or go to such place, is unlawfully prevented from, or obstructed or delayed in, entering or approaching such place or any part thereof, it shall be presumed, until the contrary is proved, that the place is a common gaming house and that the same is so kept or used by the occupier thereof.

*Destruction of contrivances*

17. Whenever it appears to a magistrate upon the trial of any offence against the provisions of this Act that the place in or in respect of which the offence is alleged to have been committed is a common gaming house and that the same is sited or provided with any of the means or contrivances which appear to him to have been specially erected or constructed for the purpose of facilitating the carrying on of gaming on the premises, he shall order the destruction or removal thereof, and may further order that any article so removed may be forfeited to the Crown.

*Totalisators*

18.—(1) The Commissioner of Police may, subject to such conditions as he may impose, issue to a fit and proper person a licence to set up, keep and operate a totalisator for the purpose of effecting betting transactions at a race meeting.

(2) No person under the age of seventeen years shall effect betting transactions by means of a totalisator.

*Distribution of stake moneys*

19.—(1) The licensee shall distribute or cause to be distributed the whole of the moneys staked by way of a totalisator on any race among the persons winning bets made by means of the totalisator on that race after deducting or causing to be deducted the prescribed percentage.

(2) Out of the percentage deducted under the provisions of subsection (1), the licensee may retain the prescribed portion and shall pay the balance to the Chief Accountant of the Ministry of Finance for payment into the Consolidated Fund.

(3) Within seven days of the concluding day of any race meeting the licensee shall submit to the Chief Accountant of the Ministry of Finance true and correct accounts of all moneys received and expended by him in connection with the operation of the totalisator at such race meeting.

*Offences*

20. Any licensee who—

- (a) wilfully permits any person under the age of seventeen years to effect betting transactions by means of a totalisator; or
- (b) fails to pay to the Chief Accountant of the Ministry of Finance the balance referred to in subsection (2) of section 19; or
- (c) fails to submit to the Chief Accountant of the Ministry of Finance true and correct accounts in accordance with the provisions of subsection (3) of section 19,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars and in respect of an offence against the provisions of paragraph (b) or (c), shall further be liable to pay to the Chief Accountant of the Ministry of Finance the sum required to be paid by him under subsection (2) of section 19.

*Regulations*

21. The Minister may make regulations for giving effect to the provisions of this Act and in particular—

- 
- (a) prohibiting absolutely or conditionally the playing of any game;
  - (b) exempting games or lotteries or any class of games or lotteries conditionally or otherwise from all or any of the provisions of this Act;
  - (c) prohibiting or controlling betting upon any event or contingency or relating to any race, fight, sport, exercise, competition, contest, trial or pursuit;
  - (d) the fees to be paid and the forms to be used for the purposes of this Act;
  - (e) the percentage of the stakes which may be deducted by a licensee and the proportion of the sum so deducted which may be retained by him;
  - (f) the keeping of accounts and the submission of returns by a licensee;
  - (g) the conditions to be observed by licensees;
  - (h) regulating and controlling the advertisement and sale in Fiji of tickets or chances in lotteries held or drawn outside Fiji.

*Controlled by Ministry of the Attorney-General*

CHAPTER 273

GAMING

SECTION 21.—LOTTERIES REGULATIONS

*Regulations 10th June, 1975*

*Made by the Minister*

PART I—PRELIMINARY

*Short title*

1. These Regulations may be cited as the Lotteries Regulations.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—

“accountant” means a chartered accountant or a licensed accountant registered under the provisions of the Fiji Institute of Accountants Act;  
(Cap. 259.)

“appropriate form” means a form approved by the Minister for use in any particular case;

“authority” means a district officer in relation to lotteries held or taking place within the district within which he has jurisdiction and means a Commissioner in relation to lotteries held or taking place in more than one district;

“charitable purpose” has the same meaning as in the Charitable Trusts Act;  
(Cap. 67.)

“permit” means a permit issued under the provisions of these Regulations;

“the public” means persons other than the members and members’ bona fide guests, or staff, of any club, society, firm, company or association promoting the game of chance or lottery.

PART II—EXEMPTIONS

*Exemptions*

3. A game of chance or a lottery is exempt from the provisions of the Act if—  
(a) it is not held or played in a public place; and  
(b) the total value of all prizes in that game of chance or lottery does not exceed \$50.00; and  
(c) no tickets or other means or participation are offered to the public.

*Raffles*

4. A raffle, whether or not held in a public place, is exempt from the provisions of the Act provided that—  
(a) the total value of all prizes, in that raffle does not exceed \$50.00; and  
(b) it is held for a charitable purpose.

*Poke boards*

5. No permit shall be required in respect of the playing of the game of chance generally known as "poke board" where, by pushing out from perforations in a board numbered tickets, prizes in money or money's worth may be won, if such game is played by members or their bona fide guests in a registered club or a mess or canteen established by Her Majesty's Forces or the Commissioner of Police.

## PART III—TICKET LOTTERIES

*Part III to apply only to ticket lotteries*

6. The provisions of this Part shall apply to lotteries which are ticket lotteries not being lotteries covered by Part II or IV.

*Permit required for ticket lotteries*

7.—(1) No ticket lottery shall be held unless the promoter thereof has obtained a permit issued under the provisions of these Regulations and no permit shall be issued to a promoter under the age of 21 years.

(2) A permit may be granted to a promoter by virtue of regulation 38 for a limited number of ticket lotteries the maximum number of which shall be stated in the permit so granted.

(3) A permit granted for more than one ticket lottery shall be for such period not exceeding one year as the promoter may desire but provided always that no promoter shall have two or more permits.

*Expenses of ticket lotteries*

8. Except with the approval of the authority obtained either in advance or immediately upon the promoter becoming aware of the extent of the income and expenditure, not more than ten per cent of the proceeds of a ticket lottery shall be spent on expenses:

Provided that in the case of a ticket lottery which is required under the provisions of paragraph (3) of regulation 10 to have its statement of account audited by an accountant the fees of such accountant may be added to the permitted expenditure or expenses.

*Proceeds to be expended on charitable purposes*

9. After the deduction of expenses in accordance with the provisions of regulation 8 and the payment of prize money, the balance of the moneys raised by the lottery shall be expended on one or more charitable purposes.

*Statement of account and audit*

10.—(1) The promoter of a ticket lottery shall forward to the authority, within such time as shall be specified by the authority in the permit, the following information:—

- (a) a statement of the amount raised by the sale of tickets;
- (b) a statement of the amount expended on expenses;
- (c) the amount of prize money paid;
- (d) a list of prize winners' names and addresses;

- (e) a statement of the amount spent on charitable purposes;
  - (f) a certified bank statement recording all receipts and all payments made in connection with the lottery;
  - (g) a copy of the records kept in accordance with regulations 13 and 18 covering the total number of tickets taking part in the lottery;
  - (h) a list of all unsold tickets.
- (2) In the case of a lottery in respect of which the total prizes exceed one thousand dollars in value and do not exceed three thousand dollars in value the statement of account shall be audited by a person approved by the authority.
- (3) In the case of a lottery in respect of which the total prizes exceed three thousand dollars in value the statement of account shall be audited by an accountant.

*Value of tickets or prizes*

11. The value of the tickets in a ticket lottery and of the prizes in respect of such lottery shall be subject to prior written approval by the authority.

*Tickets*

12.—(1) Every ticket in a ticket lottery shall bear an identity mark, letter or number whereby each ticket may be separately identified from any other ticket and shall have a butt or counterfoil relating to such ticket which shall bear the same identifying mark, letter or number as is borne by that ticket.

(2) At the time of the sale of any ticket, the seller thereof shall enter the name of the buyer or, if a syndicate, the name of the syndicate together with an address of such buyer or the address of such syndicate on the butt or counterfoil relating to the ticket.

(3) Such number of samples of the tickets to be used in the lottery as may be required by the authority shall be deposited by the promoter of the lottery with the authority not more than seven days after the printing of the tickets has been completed and not less than seven days before any ticket is sold.

(4) Each ticket in a ticket lottery shall be marked with the words in bold type "NOT TRANSFERABLE" and may not be transferred by the holder to any other person.

*Record of issue of tickets to be kept*

13. Any person, whether he is the promoter or an intermediary, who supplies another person with tickets in a ticket lottery to sell shall record in duplicate at the time of such supply the full name and address of the person to whom such tickets are supplied and the identifying marks, letters or numbers relating to the tickets and, if the supplier is a person other than the promoter, such supplier shall forward to the promoter a complete copy of the particulars so recorded.

*Age limit on sellers*

14. No lottery ticket shall be sold by any person under the age of sixteen years.

*No tickets to be sent unsolicited through the post*

15. Tickets in a ticket lottery shall not be sent unsolicited through the post.

*Final date for selling tickets*

16. When applying for a permit for a ticket lottery under the provisions of these Regulations, the promoter shall—

- (a) specify the date upon which the draw is to take place and specify such date upon all such tickets issued; or
- (b) specify the date not later than which the draw shall take place which shall be approved by the authority;

Provided that the authority may, upon application by the promoter or otherwise, in his discretion, permit an extension of time for the drawing of the lottery.

*Names of winners to be notified*

17. The promoter of a ticket lottery shall, as soon as possible after the draw, determination or event by which the prize winners have been ascertained and in any event not later than seven days thereafter, publish by advertisement in a newspaper published in Fiji and circulating in the area in which such draw, determination or event has taken place, a list of all prize winners.

*Promoter responsible for lost and unaccounted for tickets*

18. The promoter of a lottery shall keep a register of all persons to whom he has issued tickets for sale and shall be responsible for all lost and unaccounted for tickets and shall lodge the money equivalent thereto into the general fund of the lottery after the draw has occurred unless the reason for the non-inclusion in the draw is explained to the satisfaction of the auditor and to the authority and, where an auditor's certificate is required under the provisions of these Regulations that certificate shall be endorsed accordingly.

*Non-participating tickets*

19.—(1) The promoter shall be responsible for all lost and unaccounted for tickets and shall pay the money equivalent to the selling price thereof into the lottery bank account immediately the draw has taken place.

(2) The authority may after consultation with the auditor, and after receipt of a satisfactory explanation from the promoter order the reimbursement to the promoter of the whole or such part of the amount deposited under paragraph (1) as the authority shall think fit.

(3) Where a certificate of an auditor or accountant is required under this or any other of these Regulations such certificate shall record the payment by a promoter under paragraph (1) and the authority's decision under paragraph (2).

(4) The numbers of any tickets which have not participated in the draw, determination or event by which the prize winners in a lottery are ascertained shall be advertised by the promoter at least once in a newspaper published in Fiji and circulating in the area in which such draw, determination or event has taken place.

(5) Where a ticket does not participate in the draw, determination or event by which the prize winners in a lottery are ascertained by reason of the fact that the promoter was not notified of the sale of such ticket prior to the draw, determination or event, the promoter on being requested within one month thereof by the lawful purchaser of any such ticket shall, not later than one month after such request being made, return the full price of such ticket to the lawful purchaser recording at the same time the purchaser's full name and address.

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PART IV—OTHER LOTTERIES

*Part IV to apply only to lotteries where participation is not by ticket*

20. The provisions of this Part shall apply to lotteries being all lotteries not regulated by Part II or III.

*Permit required for non-ticket lotteries*

21. No lottery shall be held in a place to which the public has access.

*Expenses*

22. In respect of any lottery to which this Part applies, a reasonable sum not exceeding five per cent of the proceeds of such lottery or such greater amount as may be approved in writing by the authority shall be spent on expenses.

*Proceeds to be extended on authorised purposes*

23. After deduction of expenses in accordance with the provisions of regulation 22 and the payment of prize money, the balance of the moneys raised by the lottery shall be expended on charitable purposes.

*Statement of account and returns*

24. On issuing a permit for a lottery to which this Part applies, the authority may require the promoter of a lottery to render such return or returns, including a certified bank statement and such information as the authority may deem appropriate.

*Operators*

25.—(1) No person under the age of twenty-one years shall promote any lottery under this Part.

(2) No games other than those referred to in the permit shall be played.

*Age limit on players*

26. No chance in a lottery shall be sold to a person who is under the age of sixteen years unless the authority grants an exemption from the requirements of this regulation.

*Time limits*

27. No lottery shall, without the prior written permission of the authority, be operated in a public place between the hours of 9 o'clock in the evening and 8 o'clock the next following morning.

*Period of permit*

28.—(1) A permit may be granted for a limited number of lotteries the maximum number of which shall be stated in the permit so granted.

(2) A permit granted under paragraph (1) shall be for such period not exceeding one year as the promoter may desire provided always that no promoter shall have two or more permits concurrent for any period of time.

*Powers of police*

29.—(1) Where a breach of any permit or the conditions under which a lottery is required to operate, occurs in the sight of any police officer, he may order the lottery to stop and the stake money returned.

(2) Where after a warning having been given by any police officer persistent breaches of a permit or of the conditions attached thereto occur, a police officer of the rank of Inspector or above may forthwith cancel the permit or any part thereof and may seize any appliance used in connection with the lottery.

*Restriction on advertisement*

30. Save in the case of bingo, no lottery shall be publicly advertised except where it is incidental to and not the major part of some other function.

## PART V—OVERSEAS LOTTERIES

*Licence required*

31. No person shall carry on business or act as an agent for overseas lotteries unless he has obtained a licence so to do issued under the provisions of these Regulations.

*Conditions of licence*

32. Any licence issued under the provisions of this Part shall be subject, in addition to any condition which the authority may deem appropriate, to the following conditions:—

(a) the agent for overseas lotteries may only transact business on the premises specified in his licence:

Provided that this limitation shall not prevent business being transacted by post or by telephone to or from those premises;

(b) the premises and the books and documents kept in connection with the agency shall be open to inspection during normal office hours by any person authorised in that behalf by the authority.

*Prohibition on advertisement*

33. No agent for overseas lotteries shall—

(a) advertise himself as such an agent or cause or permit such advertisement;

(b) affix or display or cause or permit to be affixed or displayed at any location any notice, advertisement or signboard advertising the nature of his business as an agent or referring to any overseas lottery.

## PART VI—TOTALISATORS

*Applications for totalisator licences*

34.—(1) Every applicant for a totalisator licence shall, at the time of application pay the prescribed application fee and deposit with the authority the prescribed licence fee.

(2) If no licence is issued, the prescribed licence fee shall be refunded and if the totalisator is not operated on the full number of days for which a licence is

issued, the licensee shall be entitled on application to the authority to a proportionate refund.

*Amount to be deducted, etc.*

35.—(1) The percentage which may be deducted by the licensee in accordance with the provisions of subsection (1) of section 19 of the Act shall be fifteen per cent.

(2) The proportion of the percentage so deducted which the licensee shall be entitled to retain shall be two-thirds and the balance shall be paid to the Chief Accountant of the Ministry of Finance for payment into the Consolidated Fund.

PART VII—GENERAL

*Prohibited games*

36.—(1) The possession, purchase or use of any machine which—

- (a) is constructed or adapted for playing a game of chance by means of the machine; and
- (b) has a slot or other aperture for the insertion of money or money's worth in the form of cash or tokens,

is prohibited.

(2) The game known as crown and anchor or any variety of such a game by whatsoever name called is prohibited.

*Lotteries not to be played on Sundays, etc.*

37. No lottery for which a permit is required shall be played or drawn on a Sunday, Christmas Day or Good Friday.

*Permits*

38.—(1) Any person desiring to promote a lottery for which a permit is required under the provisions of these Regulations shall make application therefor not less than seven days before it is proposed to commence the lottery, to the authority who, in his discretion and upon receiving payment of the prescribed fee, may issue a permit subject to such conditions as he may deem appropriate.

(2) A copy of each application made under the provisions of paragraph (1) shall be forwarded by the applicant to the Divisional Police Commander.

(3) No permit shall be granted to any person who is under the age of twenty-one years.

(4) The Minister may by notification in the Gazette grant an exemption from payment of any of the fees prescribed herein.

*Transfer of permit in certain cases*

39. In the event of the death, bankruptcy, illness or other incapacity of the promoter before the completion of a lottery it shall be lawful for any participant or other person to apply to the authority for the transfer to him of the permit granted to the promoter and the authority's decision as to whom such permit shall be transferred shall be final.

*Forms*

40. The forms to be used for the purposes of these Regulations shall be in the appropriate form.

*Fees*

41. The fees to be charged under the provisions of these Regulations shall be the fees set out in the Schedule.

*Police officers may enter premises*

42. Any police officer in uniform shall be permitted by the promoter of any lottery to enter the premises wherein the lottery is being carried out and may be present at any draw and whilst games or lotteries are being carried on or played.

*Offences*

43. Any person who contravenes or fails to observe any of the provisions of these Regulations or any condition imposed upon the grant of a permit or licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

## SCHEDULE

*(Regulation 41)*

## FEES

On application for permit for a lottery .....	\$ 20.00
On application for a licence to carry on business as an agent for overseas lotteries in respect of each separate place at which any such business is carried on, annually .....	500.00
On application for a totalisator licence .....	20.00
Totalisator licence fees for each day on which the totalisator is operated .....	5.00

*Controlled by Ministry of the Attorney-General*