

Island of Guernsey

Ordinance of the States **X**

1975

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Coming into Operation ... 16th May, 1975.

The Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinance, 1975

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The Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinance, 1975

THE STATES, in pursuance of their Resolution of the first day of March, nineteen hundred and seventy-three, and in exercise of the powers conferred upon them by section two of the Gambling (Bailiwick of Guernsey) Law, 1974(a) and of all other powers enabling them in that behalf hereby order:—

Promotion
and conduct
of Channel
Islands
Lottery.

1. (1) Subject to the provisions of this Ordinance, the Committee may, from time to time, promote and conduct, jointly with the Jersey Committee, a public lottery, the draws of which may be held either in the Bailiwick of Guernsey or the Bailiwick of Jersey and which shall be known as the Channel Islands Lottery.

(2) The Committee may, in connection with the promotion and conduct of the Channel Islands Lottery, do all such things and give all such directions as it may think necessary or expedient for ensuring the efficient and proper conduct thereof, and for promoting the sale of tickets in connection therewith.

General
financial
provisions.

2. (1) For the purposes of the Channel Islands Lottery there shall be established a fund called the Channel Islands Lottery (Guernsey) Fund (hereinafter referred to as "the Fund") to be administered by the States Treasurer of the States of Guernsey and into which shall be paid all monies accruing from the sale in the Bailiwick of Guernsey of tickets in, or otherwise accruing from or in connection with, the Channel Islands Lottery and out of which shall be paid—

(a) Ordre en Conseil No. XVI of 1974.

- (a) all prizes claimed in the Bailiwick of Guernsey;
- (b) the expenses incurred by the Committee in connection with the said Lottery;
- (c) the share of the profits payable to the States of Alderney and the Chief Pleas of Sark in accordance with the provisions of subsection (3) of this section.

(2) On the coming into force of this Ordinance—

- (a) all sums standing to the credit of the States of Guernsey Lottery Fund established by section two of the Gambling (Public Lotteries) Ordinance, 1973(b) (hereinafter referred to as “the 1973 Fund”) shall vest in and become assets of the Fund;
- (b) any liabilities which, but for the provisions of this Ordinance, would have been payable out of the 1973 Fund shall be liabilities of the Fund.

(3) The profits accruing from the sale of tickets in the Bailiwick of Guernsey and from any amounts of unclaimed prize money received by the Committee under the provisions of subsection (6) of section eight of this Ordinance shall, after the payment of all prizes claimed in the Bailiwick of Guernsey and the deduction of the expenses incurred by the Committee in connection with the conduct of the Channel Islands Lottery, be divided between the Fund, the States of Alderney and the Chief Pleas of Sark so that the share of such profits payable to the said Fund, the States of Alderney or the Chief Pleas of Sark, as the case may be, shall bear the same propor-

(b) Ordinance No. V of 1973.

tion to the total amount of such profits in any financial year as the number of tickets sold in the Island of Guernsey, the Island of Alderney or the Island of Sark, respectively, bears to the total number of tickets purchased by the Committee from the Jersey Committee for sale in the Bailiwick of Guernsey during that financial year.

(4) Any monies standing to the credit of the Fund which are not required for the payment of prizes or of expenses in connection with the Channel Islands Lottery or the payment to the States of Alderney or the Chief Pleas of Sark of a share in the profits of the said Lottery shall be applied in such manner and for such purposes of public benefit as the States of Guernsey shall, from time to time, by Resolution direct.

(5) The Committee shall, not later than the thirty-first day of March in each year, submit to the States of Guernsey a report on, and accounts in respect of the operation of, the Channel Islands Lottery during the last preceding financial year.

Number
and price
of tickets,
prizes and
place of
draw.

3. In connection with each draw, the Committee shall, jointly with the Jersey Committee, determine the number of tickets to be issued and shall so determine and specify by notice published in La Gazette Officielle and in such other manner as the Committee may think fit—

- (a) the price at which each ticket to be issued in connection with the draw shall be sold;
- (b) where a ticket is divisible into parts, the price at which each such part shall be sold;
- (c) the prizes to be awarded and the manner in which the prizes are to be allocated;

- (d) the time and place appointed for the draw to take place;
- (e) such other matters as the Committee may think necessary or expedient.

4. (1) Subject to the provisions of subsection (2) of Tickets. this section, the tickets to be issued for sale in connection with a draw shall be of such design and colour, and shall be printed on such paper bearing such watermark, as the Committee and the Jersey Committee may from time to time determine.

(2) Any determination under subsection (1) of this section shall not operate so as to permit the issue in respect of a particular draw of tickets differing as to colour, design, paper or watermark from other tickets issued in respect of that draw.

(3) Tickets may be in such form as to be divisible into parts and any such part may be sold separately at a price which bears the same proportion to the price of the whole ticket as the part bears thereto.

(4) Every ticket and, where a ticket is divisible into parts, every part of a ticket shall contain the following particulars, that is to say—

- (a) the time, and place appointed for, and the number of the draw in respect of which the ticket is issued;
- (b) the serial number of the ticket;
- (c) the price at which the ticket or, as the case may be, the part of the ticket is to be sold;
- (d) such other particulars, if any, as the Committee and the Jersey Committee may determine;

and every part of a ticket shall contain an indication of the proportion which the part bears to the whole ticket.

(5) Notwithstanding the foregoing provisions of this section, the Committee shall cause every ticket and, where a ticket is divisible into parts, every part of every ticket purchased by the Committee from the Jersey Committee for sale to agents in the Bailiwick of Guernsey to be marked in such manner as the Committee may, from time to time, prescribe.

Agents for
the sale of
tickets.

5. (1) The Committee, in accordance with the provisions of this section, may appoint persons who have attained the age of twenty years to act as agents for the sale of tickets on such terms and conditions as the Committee may determine and may sell tickets to such persons at such price as the Committee may, from time to time, determine.

(2) An agent, for the purpose of selling tickets allotted him, may appoint persons who have attained the age of twenty years as sub-agents, and may terminate the appointment of any sub-agent.

(3) If an agent contravenes any provision of this Ordinance or any such terms and conditions as aforesaid, the Committee, without prejudice to any proceedings in respect of the contravention, may forthwith revoke the appointment of that agent.

Draws in
the Bailiwick
of Guernsey.

6. (1) Subject to the provisions of this section, the Committee—

(a) shall prescribe the means by which, and the manner in which, draws shall be conducted;

(b) may prescribe all such other matters as, in its opinion, are necessary or expedient for securing the proper conduct of draws;

- (c) (i) shall make such arrangements as may be necessary to ensure that not less than two of its members are present at each draw;
- (ii) shall appoint one of the members to be so present as the presiding officer, who shall preside at such draw.

(2) The Committee shall cause to be provided at each such draw, for the use of the presiding officer, a copy of this Ordinance and of any order for the time being in force made under subsection (1) of this section.

(3) Subject to the limitations of the accommodation available and to the provisions of paragraph (d) of subsection (6) of this section, members of the public shall be admitted to witness every draw.

(4) Every draw shall be conducted in the presence of the presiding officer and of not less than one other member of the Committee and, for the purposes of this section, the Secretary shall be deemed to be a member of the Committee.

(5) If, at the time and place appointed for the holding of a draw—

(a) the presiding officer is not present, but there are present not less than two other members of the Committee, those other members shall choose one of their number to act as presiding officer and, in such a case, the expression "presiding officer" shall include the person so chosen;

(b) there are not present at least two members of the Committee, the draw shall be postponed to such other time as the Committee, or any person authorised in that behalf by the Committee and present at the time and place so appointed, may direct.

(6) The presiding officer—

(a) shall have the control and be responsible for the proper conduct of the draw in accordance with the provisions of this section and in conformity with any requirements prescribed under subsection (1) thereof;

(b) shall, in the event of any breakdown of, or defect in, any mechanism for effecting the drawing of serial numbers of winning tickets and prizes, suspend the drawing of any serial numbers and prizes which, at the time of the occurrence of the breakdown or defect, remain to be drawn until such time as he is satisfied that the breakdown or defect has been remedied;

(c) if, during a draw, any dispute or question arises regarding a winning serial number, or the method of conducting the draw, or otherwise in connection therewith, may suspend the draw and, if he suspends the draw, shall as soon as may be refer the dispute or question to the Committee, and the decision of the Committee thereon shall be final and without appeal;

(d) without prejudice to any proceedings under subsection (9) of this section, shall cause to be removed from the place where the draw is conducted any person who obstructs or impedes the conduct of the draw, or who creates any disturbance at that place;

(e) shall, forthwith on the conclusion of a draw, prepare or cause to be prepared in sufficient number of copies a list of the serial numbers of the winning tickets and of the prizes drawn in respect thereof and shall

sign and otherwise authenticate in such manner as the Committee may require such number of copies (hereinafter referred to as "authenticated copies") as the Committee may require and shall cause—

- (i) one authenticated copy to be posted at or about the place where the draw was conducted;
- (ii) to be delivered to the Committee such number of copies and authenticated copies as the Committee may require;
- (iii) to be delivered to the Jersey Committee such number of copies and authenticated copies as the Committee may require.

(7) The Committee, as soon as may be after copies of a list have been delivered in accordance with the provisions of sub-paragraph (ii) of paragraph (e) of the last preceding subsection, shall cause—

- (a) a copy thereof to be delivered to each paying officer;
- (b) the list to be published in La Gazette Officielle and in such other manner as the Committee thinks fit, together with a notice stating—
 - (i) the places where, and the times during which, payment of prizes may be claimed;
 - (ii) the latest day for claiming such payment.

(8) Where for any reason a draw is postponed or having been suspended cannot be resumed on the day appointed, the Committee shall, as soon as may be after such postponement or suspension, cause

to be published in La Gazette Officielle and in such other manner as it may think fit a notice of the reason and of the time and place appointed for the draw to be conducted or resumed, as the case may be, and shall inform the Jersey Committee accordingly:

Provided that if, for any reason, it is not practicable to cause the notice aforesaid to be published in La Gazette Officielle, it shall be sufficient compliance with the provisions of this subsection if the notice is published in such manner as to afford to members of the public reasonable opportunity to have knowledge of the time and place so appointed.

(9) Any person who obstructs or impedes the conduct of a draw, or who creates any disturbance at or about the place where a draw is being, or is about to be, conducted shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

Draws in
the Bailiwick
of Jersey.

7. (1) Where a draw is held in the Bailiwick of Jersey the Committee, as soon as may be after receiving a copy of the list of the serial numbers of the winning tickets and of the prizes drawn in respect thereof signed by some person duly authorised in that behalf by the Jersey Committee, shall cause—

- (i) a copy thereof to be delivered to each paying officer; and
- (ii) the list to be published in La Gazette Officielle and in such other manner as the Committee thinks fit together with a notice stating the places where, and the times during which, payment of

prizes may be claimed and the latest day for claiming such payment.

(2) Where a draw is to be held in the Bailiwick of Jersey and the Committee is informed by the Jersey Committee that for any reason the draw will not be held or will not be completed on the appointed day, the Committee shall, as soon as may be after receiving such information, cause to be published in La Gazette Officielle and in such other manner as it may think fit a notice of the reason and of the time and place appointed for the draw to be held or resumed, as the case may be:

Provided that if, for any reason, it is not practicable to cause the notice aforesaid to be published in La Gazette Officielle, it shall be sufficient compliance with the provisions of this subsection if the notice is published in such manner as to afford to members of the public reasonable opportunity to have knowledge of the time and place so appointed.

8. (1) Subject to the provisions of this section, the prize to be paid to the holder of— **Payment of prizes.**

- (a) a winning ticket the serial number of which has been drawn shall be the prize drawn in respect of that ticket;
- (b) a winning ticket of which some of the digits of the serial number correspond in manner specified with the digits of a serial number which has been drawn shall be the prize specified in respect of such correspondence;
- (c) a part of a winning ticket shall be an amount which bears the same proportion to the amount of the prize as aforesaid as the part bears to the whole ticket.

(2) Subject to the provisions of this section, the holder of a winning ticket, or of a part of a winning ticket, wishing to claim in the Bailiwick of Guernsey the prize or, as the case may be, the proportion of the prize drawn in respect of the winning ticket shall do so by presenting and delivering up to a paying officer or to an agent the winning ticket or the part thereof, as the case may be.

(3) No payment of a prize or, as the case may be, a proportion of a prize shall be effected in the Bailiwick of Guernsey in any case where the claim therefor is made—

(a) except in the case of a claim made by post, otherwise than during the times stated in a notice published in pursuance of sub-paragraph (b) of subsection (7) of section six of this Ordinance or in pursuance of subsection (1) of section seven thereof, as the case may be;

(b) after the expiration of the period of six months beginning with the day appointed for the conduct of the draw at which the prize was drawn:

Provided that the Committee may after consultation with the Jersey Committee authorise the extension of the said period in respect of a prize claimed in the Bailiwick of Guernsey for a further period of six months.

(4) The prize payable in respect of a winning ticket or of a part of a winning ticket shall be paid to the person presenting and delivering up that ticket and—

(a) where such payment is made by a paying officer, it shall operate as an effective dis-

charge of any and all liability of the States, the Committee and any servant of theirs in respect of the payment of that prize and, for the avoidance of doubt, it is hereby declared that the expression "servant" in this paragraph does not include an agent;

- (b) where such payment is made by an agent, it shall operate as an effective discharge of any and all liability of that agent and any servant of his in respect of the payment of that prize.

(5) Where the person presenting and delivering up to a paying officer a winning ticket or a part of a winning ticket under subsection (2) of this section is an agent, he shall be entitled to receive, in addition to the prize payable in respect of that winning ticket or, as the case may be, of the part of that winning ticket, such commission as may be prescribed and, where an agent as aforesaid presents and delivers up the winning ticket or the part thereof on behalf of some other person, he shall not be required to account to that other person for any commission so paid.

(6) In any case where payment of a prize is not claimed within the period of twelve months commencing on the day of the draw at which the prize was drawn, the amount of the prize not so claimed shall be divided between the Committee and the Jersey Committee in such proportions as may be agreed between those Committees and any sum so accruing to the Committee shall be paid into the Fund.

(7) If, when a ticket or part of a ticket, purporting to be a winning ticket or a part of a winning ticket, is presented for the payment of a prize, any figure, mark, number or word which is material to

the identification of the ticket, or the part of the ticket is, in the opinion of the paying officer or of the agent to whom it is so presented, illegible, or is not clearly legible, or is incomplete, or has been altered, defaced, obliterated or removed, no payment shall be made in respect of that ticket or that part of a ticket, as the case may be, unless and until the person claiming payment in respect thereof produces evidence, to the satisfaction of the Committee, identifying the ticket or the part of a ticket in respect of which the prize is claimed, so however that nothing in this paragraph shall affect the operation of subsection (6) of this section.

(8) Subject to the provisions of this section, the Committee may prescribe all such matters, as in its opinion, are necessary or expedient for securing the proper payment of prizes.

Orders.

9. The Committee may from time to time make orders prescribing anything which, under this Ordinance, may be or is required to be prescribed.

Offences.

10. (1) Any person who—

- (a) makes or prints, or causes to be made or printed, or, with intent to defraud, has in his possession, any document so closely resembling a ticket or a part of a ticket as to be calculated to deceive; or
- (b) knowingly sells, or offers or exposes for sale, or attempts to sell, as a ticket or as a part of a ticket—
 - (i) any document which is not a ticket or a part of a ticket; or
 - (ii) any ticket or part of a ticket relating to a draw in respect of which the serial

numbers of the winning tickets have previously been drawn; or

- (iii) any ticket or part of a ticket which is not marked in accordance with the provisions of subsection (5) of section four of this Ordinance;

shall be guilty of an offence and shall be liable on conviction, in the case of a first offence, to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and, in the case of a second or subsequent offence, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

(2) The provisions of sub-paragraphs (ii) and (iii) of paragraph (b) of the last preceding subsection shall not operate so as to make unlawful the sale by the holder of a winning ticket or of a part thereof of that ticket or that part during the period limited for the claiming of the prize in respect of that ticket or that part thereof.

11. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpretation.

“agent” means a person appointed by the Committee under section five of this Ordinance as an agent for the sale of tickets;

“the Channel Islands Lottery” has the meaning assigned to it by subsection (1) of section one of this Ordinance;

“the Committee” means the States of Guernsey Gambling Control Committee;

“draw” means the drawing of the serial numbers of winning tickets, and of the prizes allocated thereto, in the Channel Islands Lottery and “drawn” shall be construed accordingly;

“financial year” means the period commencing on the first day of January in any year and ending on the thirty-first day of December next following;

“the Fund” has the meaning assigned to it by subsection (1) of section two of this Ordinance;

“the Jersey Committee” means the States of Jersey Gambling Control Committee;

“paying officer” means—

(a) in relation to the Island of Guernsey and the Island of Sark, the Secretary;

(b) in relation to the Island of Alderney, the States Treasurer of the States of Alderney;

“prescribe” means prescribe by order and “prescribed” shall be construed accordingly;

“prize” means a prize in the Channel Islands Lottery;

“the Secretary” means the Secretary of the Committee;

“specify” means specify by notice in La Gazette Officielle and “specified” shall be construed accordingly;

“ticket” means a document evidencing the claim of a person to participate in the chances of the draw in respect of which it is issued;

“winning ticket” means a ticket the serial number of which has been drawn, and includes a ticket the serial number of which corresponds in manner specified with the serial number of a ticket which has been drawn.

(2) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as including a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment, including this Ordinance.

(3) The Interpretation (Guernsey) Law, 1948(c), shall apply to the interpretation of this Ordinance throughout the Bailiwick.

12. This Ordinance may be cited as the Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinance, 1975, and shall come into force on the sixteenth day of May, nineteen hundred and seventy-five.

Citation and commencement.

R. H. VIDELO,
Her Majesty's Greffier.