

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Gambling (Cinema Racing) Ordinance, 1988 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

©States of Guernsey

* Recueil d'Ordonnances Tome XXIV, p. 454; as amended by the Gambling (Fees) (Amendment) Ordinance, 1994 (No. XXXVIII of 1994, Recueil d'Ordonnances Tome XXVI, p. 348); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Gambling (Cinema Racing) Ordinance, 1988

ARRANGEMENT OF SECTIONS

1. Definition of "cinema racing".
2. Permits for cinema racing.
3. Citation.

SCHEDULE Conditions and Requirements to be Imposed for Cinema Racing Events.

(Made on 28th July, 1988.)

The Gambling (Cinema Racing) Ordinance, 1988

THE STATES, in pursuance of their Resolution of the 27th day of April, 1988, hereby order: –

Definition of "cinema racing".

1. (1) "**Cinema racing**" shall be defined as the showing of films of races where in respect of each runner tickets have been on sale prior to the commencement of each race and where the holder of a winning ticket receives a cash prize calculated in accordance with his stake (whether at odds or not).

(2) Bets made on cinema racing shall be lawful and not deemed to be "pool betting" within the meaning of section 13(1) of the Gambling (Guernsey) Law, 1971^a, provided that a lawfully operated Totalisator is used. "**Totalisator**" shall have the same meaning as in section 38(1) of the Gambling (Betting) Ordinance, 1973^b.

Permits for cinema racing.

2. (1) Cinema racing shall be permitted only in accordance with the conditions and requirements imposed by this Ordinance and the Schedule thereto.

(2) Cinema racing may take place only when promoted by or on behalf of a society organised wholly or mainly for one of the following –

- (a) charitable purposes,
- (b) participating in or support of athletic sports, games (including chess, draughts, bridge or whist), or cultural activities,
- (c) other purposes, not for private gain nor in the

^a Ordres en Conseil Vol. XXIII, p. 109.

^b Recueil d'Ordonnances Tome XIX, p. 147.

pursuance of any commercial undertaking.

(3) The States [Committee for Home Affairs] ("**the Committee**") shall be responsible for the granting of permits authorising cinema racing, subject to the conditions and requirements listed in the Schedule to this Ordinance.

(4) A person aggrieved by a decision of the Committee, either to refuse an application for the granting of a permit or to impose conditions or requirements on a permit, shall have the right to appeal to the Royal Court sitting as an Ordinary Court within 30 days' notice of the decision appealed against, on the grounds that the decision of the Committee was *ultra vires* or an unreasonable exercise of its powers.

NOTES

In section 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Citation.

3. This Ordinance may be cited as the Gambling (Cinema Racing) Ordinance, 1988.

NOTE

The Ordinance was made and came into operation on 28th July, 1988.

SCHEDULE Section 2
CONDITIONS AND REQUIREMENTS TO BE IMPOSED FOR CINEMA
RACING EVENTS

1. Each cinema racing event shall be promoted under and in accordance with the conditions of a permit granted by the Committee.
2. Applications for permits shall be in such form as the Committee may prescribe and shall be submitted to the Committee at least twenty-one clear days before the event takes place.
3. Each event shall have a promoter who shall be a member of the society authorised in writing by the governing body of the society.
4. No remuneration shall be paid in respect of the event to the promoter or to any person assisting in the conduct of the event.
5. The proceeds of the event, after deducting reasonable expenses and the winnings shall be applied for the purposes of the society as defined in section 2(2) of this Ordinance.
6. No payment of expenses or winnings in connection with the event shall be made out of moneys of the society not being proceeds of the event.
7. Cinema racing shall take place only as an incident of a social event staged by, or on behalf of a society such as a dinner, dance, or other event of a similar character, but only where the opportunity to participate in cinema racing is not the only inducement to persons to attend the event.
8. Only members of the society or their bona fide guests shall participate in the betting at cinema racing events.
9. No admission charge of any kind shall be made for the betting.
10. There shall be no public advertising of cinema racing events except to members of the society or at the normal meeting places of the society.

11. No person under eighteen years of age shall be permitted to participate in the betting except with the permission and in the presence of a parent or guardian.

12. The permit issued by the Committee shall be displayed in a prominent position at the venue of the event so that it can be clearly seen by persons attending.

13. No more than four applications by a society for a permit shall be granted by the Committee within a period of twelve months.

14. The promoter shall, not later than the end of the second month following the month when the event took place send to the Committee a return in such manner as specified by the Committee and certified by two other members of the society showing –

- (i) the total amount of proceeds raised from the event,
- (ii) the sums appropriated for expenses and for prizes respectively,
- (iii) the purposes to which the proceeds were applied; and the amounts applied for each purpose.

15. The Committee shall preserve such returns for not less than twelve months from date of receipt, during which period they shall be available for inspection by the public at the Committee's offices free of charge.

16. A fee shall be paid by the promoter in respect of each permit granted and the amount of the fee shall be [£40] in respect of each permit granted.

17. The Committee may refuse a permit to a promoter who has been convicted of an offence under the Gambling (Guernsey) Law, 1971, or of an

offence punishable with imprisonment in Guernsey, Jersey or the United Kingdom, or if the society is not or has ceased to be, a society whose purposes fall within section 2(2) of this Ordinance.

18. In granting a permit the Committee may impose such additional conditions as it considers necessary or expedient, including a condition limiting the amount of individual stakes payable at each event.

NOTE

In the Schedule, the figures and symbol in square brackets in paragraph 16 was substituted by the Gambling (Fees) (Amendment) Ordinance, 1994, section 1(1), with effect from 14th December, 1994.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 15(a), Schedule 2, paragraph 5(a), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Gambling Control Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 15(a), Schedule 2, paragraph 5(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.