

Island of  Guernsey

Ordinance of the States **XLVII**

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**The Gambling (Gaming and Lotteries)  
Ordinance, 1971**

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## **The Gambling (Gaming and Lotteries) Ordinance, 1971**

THE STATES, in exercise of the powers conferred upon them by section two of the Gambling (Guernsey) Law, 1971(a), and in pursuance of their Resolution of the thirtieth day of June, nineteen hundred and seventy-one, hereby order:—

### PART I

#### *Gaming*

1. (1) Subject to the provisions of this Ordinance, gaming shall not be unlawful gambling if, but only if, it is conducted in accordance with the following conditions, that is to say—

General provisions as to gaming.

(a) either—

(i) the chances in the game are equally favourable to all the players; or

(ii) the gaming is so conducted that the chances therein are equally favourable to all the players;

(b) no money or money's worth which any of the players puts down as stakes, or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than as payment to a player as winnings;

(c) no other payment in money or money's worth is required for a person to take part in the gaming;

(d) except as provided by subsection (3) of this section no young person is included among the players.

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(a) Ordres en Conseil No. IV of 1971.

(2) If, in any proceedings under this section, evidence is adduced that gaming took place on any premises and that either—

- (a) the game was, or was a variant of, or was of a similar nature to, a game which is capable of being played in accordance with the ordinary rules thereof in such manner that the chances therein are not equally favourable to all the players; or
- (b) a payment in money or money's worth was required in order to obtain access to the premises;

then, the gaming shall be unlawful gambling unless it is proved that the gaming was conducted in accordance with the conditions set out in subsection (1) of this section.

(3) Subject to the provisions of this Ordinance, gaming shall be unlawful gambling where any young person is included among the players, except where both of the following conditions are satisfied, that is to say—

- (a) the gaming takes place in a private dwelling-house or in the presence of a parent or guardian of the young person;
- (b) any young person taking part in the gaming does so with the permission, whether general or special, of his parent or guardian.

(4) If, on any premises, gaming takes place which is, by virtue of any of the foregoing provisions of this section, unlawful gambling, any person concerned in the organisation or management of the gaming shall be deemed to have contravened the provisions of this Ordinance, and any other person who, knowing or having reasonable cause to suspect that unlawful gambling would take place on those

premises, allowed the premises to be used for the purpose of unlawful gambling, or let or otherwise made the premises available to any person by whom the offence in connection with the gaming was committed, shall be deemed to have contravened the provisions of this Ordinance.

(5) For the purposes of subsection (4) of this section any person—

(a) who took part in procuring the assembly of the players shall be deemed to have been concerned in the organisation of the gaming;

(b) who—

(i) operated any instrument or other thing whatsoever used in connection with the gaming; or

(ii) was present at the gaming for the purpose of making bets with respect to the gaming;

shall be deemed to have been concerned in the management of the gaming.

(6) In any proceedings in respect of a contravention of paragraph (d) of subsection (1) of this section in the case of any gaming, it shall be a defence to prove that the person charged neither knew nor had reasonable cause to suspect that any of the players was a young person.

(7) For the purposes of any proceedings under this section, proof that any person was present at any gaming shall be evidence that he was present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for the purpose of taking part in the management of the gaming.

Gaming in  
public  
places.

2. Subject to the provisions of this Ordinance, any person who takes part in gaming in any public place shall be deemed to have contravened the provisions of this Ordinance and shall be liable to a fine not exceeding fifty pounds.

Saving  
for events  
not held  
for private  
gain.

3. (1) Where gaming is carried on at an event promoted for raising money to be applied for purposes other than purposes of private gain, such gaming shall not be unlawful gambling if, but only if, the conditions set out in subsection (2) of this section are complied with and, in relation to that gaming—

(a) the provisions of section one of this Ordinance shall have effect as if for the conditions set out in paragraphs (b) and (c) of subsection (1) thereof there were substituted the conditions set out in subsection (2) of this section;

(b) the provisions of section two of this Ordinance shall not apply.

(2) The conditions to which reference is made in subsection (1) of this section are the following, that is to say—

(a) the whole of the proceeds, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, are applied for purposes other than purposes of private gain;

(b) the amount of the said proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purposes of the games.

(3) Where two or more events are promoted on the same premises by the same persons on the same day, the conditions set out in subsection (2) of this

section shall apply to those events collectively as if they were a single event, but, save as aforesaid, where a series of such events is held, the said conditions shall apply separately to each event in the series, whether or not some or all of the persons taking part in any one of those events are thereby qualified to take part in any other of them.

4. (1) Where on licensed premises, gaming is carried on—

Saving for gaming on licensed premises.

- (a) with the consent of the licensee, in connection with an event to which section three of this Ordinance applies, being an event lawfully held on the licensed premises in accordance with the provisions of that section; or
- (b) in accordance with the provisions of section one of this Ordinance and in compliance with the conditions set out in subsection (2) of this section otherwise than in connection with such an event;

such gaming shall not be unlawful gambling.

(2) The conditions to which reference is made in paragraph (b) of subsection (1) of this section are the following, that is to say—

- (a) the gaming is not promoted, organized or conducted by the licensee or by any servant or agent of his:

Provided that this condition shall not apply in the case of licensed premises in respect of which there is in force a boarding permit granted under the Tourist Law, 1948, as amended (b), where gaming takes place in a room forming part of the licensed pre-

mises and to which access is denied to persons who are not resident on the licensed premises;

- (b) no notice or advertisement of the existence of facilities for gaming on the licensed premises is exhibited, published or distributed except in such manner that it cannot be seen by, or come into the possession of, any person other than a person present in the licensed premises;
- (c) the gaming does not take place in such circumstances as to constitute an inducement to persons to resort to the licensed premises primarily for the purpose of taking part in gaming;
- (d) the gaming does not take place for high stakes;

and if any of the foregoing conditions is broken, every person concerned in the promotion, organization or conduct of the gaming shall be deemed to have contravened the provisions of this Ordinance.

## PART II

### *Lotteries*

Offences in connection with lotteries.

5. (1) Subject to the provisions of this Part of this Ordinance, a person shall not, in connection with any lottery, other than a public lottery within the meaning of the Gambling (Public Lotteries) Ordinance, 1971(c), promoted or proposed to be promoted in the Island or elsewhere—

- (a) print any tickets for use in the lottery; or
- (b) sell or distribute, or offer or advertise for sale or distribution, or have in his posses-

sion for sale or distribution, any tickets or chances in the lottery; or

- (c) print, publish or distribute, or have in his possession for the purpose of publication or distribution, any advertisement of the lottery, or any list, whether complete or not, of prize winners or winning tickets in the lottery, or any such matter descriptive of the drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
- (d) use any premises, or cause or knowingly permit any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
- (e) cause, procure or attempt to procure any person to do any of the acts mentioned in this subsection.

(2) It shall be a defence, in any proceedings under subsection (1) of this section, to prove that the lottery to which the proceedings relate—

- (a) was also a game of chance and that, at the time of the alleged contravention, the person charged believed, and had reasonable grounds for believing, that it was properly conducted in conformity with the provisions of Part I of this Ordinance; or
- (b) was such a lottery as is declared in this Part of this Ordinance not to be unlawful gambling, and that at the time of the alleged contravention the person charged believed, and had reasonable grounds for believing, that the lottery was being pro-

perly conducted in conformity with the provisions of this Part of this Ordinance.

Provisions  
as to  
lotteries  
conducted  
for charit-  
able, sport-  
ing or  
other  
purposes.

6. (1) This section applies to any lottery, other than a small lottery or a public lottery within the meaning of the Gambling (Public Lotteries) Ordinance, 1971, which is promoted in the Island by or on behalf of a society established wholly or mainly for one or more of the following purposes, that is to say—

- (a) charitable purposes;
- (b) participation in or support of athletic sports, games or cultural activities;
- (c) purposes which, not being described in paragraphs (a) or (b) of this subsection, are neither purposes of private gain nor purposes of any commercial undertaking;

and which is promoted for raising money to be applied for purposes of the society:

Provided that this section shall not apply to any lottery in which the price of a ticket or chance exceeds fifty new pence or in which any prize exceeds one thousand pounds in value.

(2) A lottery to which this section applies shall not be unlawful gambling if, but only if, the conditions set out in subsection (3) of this section are complied with and, if any of those conditions is broken, the promoter of the lottery and any other person who is a party to such breach shall be deemed to have contravened the provisions of this Ordinance:

Provided that it shall be a defence for a person charged with a contravention of the provisions of this Ordinance—

(a) in respect of a payment made in contravention of paragraph (h) of the said subsection (3) to prove that—

(i) the proceeds of the lottery fell short of the sum reasonably estimated; and

(ii) the payment was made in respect of the expenses actually incurred or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances;

(b) under paragraph (i) of the said subsection (3) to prove that—

(i) the person in respect of whom the contravention is alleged had attained the age of sixteen years; or

(ii) he believed and had reasonable grounds for believing that the person in respect of whom the contravention is alleged had attained that age.

(3) The conditions to which reference is made in subsection (2) of this section are the following, that is to say—

(a) the lottery is promoted under and in accordance with the conditions of a permit granted by the Committee on the application of the society;

(b) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter;

- (c) no remuneration shall be paid in respect of the lottery to the promoter or to any person assisting in the promotion or conduct of the lottery, save that nothing in this paragraph contained shall prohibit the promoter of a lottery in Class III from remunerating persons who sell tickets in such lottery for their services in selling such tickets;
- (d) the whole proceeds of the lottery, after deducting sums appropriated on account of expenses and the provision of prizes, shall be applied for the purposes of the society, being purposes described in paragraphs (a), (b) or (c) of subsection (1) of this section;
- (e) no notice or advertisement of the lottery shall be exhibited, published or distributed without the prior approval in writing of the Committee except—
  - (i) a notice or advertisement exhibited on premises normally used by the society, or published or distributed only to members of the society;
  - (ii) such notice or advertisement, if any, as is contained in the tickets;
  - (iii) a notice of the numbers of the winning tickets;
  - (iv) a notice of the profits of the lottery and the manner in which such profits have been applied;
- (f) every ticket, and every notice or advertisement of the lottery lawfully exhibited, published or distributed, shall specify—
  - (i) the name of the society;

- (ii) the name and address of the promoter;
- (iii) the date on which the draw, declaration or event by, or by reference to, which the prize winners are ascertained will take place:

Provided that the conditions set out in this paragraph shall not apply to any lottery in which either no ticket or chance is sold to any person other than a member of the society or in which tickets or chances are only sold on the premises where the draw is to be held on the day of such draw;

- (g) the price of every ticket or chance shall be the same and, save in lotteries of the kind described in the Proviso to the last preceding paragraph, the price of the ticket shall be stated on the ticket, and no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be refunded:

Provided that this condition shall not operate so as to make unlawful the allowance of a discount, whether by way of free tickets or chances, or otherwise, in consideration of the purchase of a minimum number of tickets or chances;

- (h) no payment on account of expenses or prizes in connection with the lottery shall be made out of moneys of the society not being proceeds of the lottery;

- (a) no ticket or chance in the lottery shall be sold by or to a person under sixteen years of age;
- (j) no ticket in the lottery shall be sent through the post to a person who is not a member of the society.

Permits to  
promote  
lotteries.

7. (1) An application for a permit to promote a lottery shall be made in writing to the Committee and shall—

- (a) be signed by the promoter;
- (b) specify—
  - (i) the purpose for which the society is established and regulated;
  - (ii) the class of lottery for which the permit is required;
  - (iii) the date on which it is proposed that the sale of tickets in the lottery shall commence;
  - (iv) the date on which it is proposed that the draw, declaration or event by, or by reference to, which the prize winners are ascertained shall take place;
- (c) contain such other particulars as the Committee may require;
- (d) be accompanied by the fee payable under the provisions of section nine of this Ordinance in respect of a permit to promote a lottery of the class to which the application relates;
- (e) be delivered to the Committee not less than two months before the date on which it is proposed that the sale of tickets in the lottery shall commence:

Provided that where an application is made for a permit to promote a lottery in which it is proposed that the sale of tickets shall commence within two months of the date of coming into force of this Ordinance, the application shall be delivered to the Committee not less than two weeks before the date on which it is proposed that the sale of tickets shall commence.

(2) The Committee may refuse an application for a permit if—

- (a) any of the requirements of the last preceding subsection are not complied with in respect of that application; or
- (b) it appears to the Committee that any person has been convicted of an offence under the Law committed in connection with a lottery promoted or proposed to be promoted on behalf of the society; or
- (c) the society is not, or has ceased to be, a society on behalf of which lotteries may be promoted under the provisions of section six of this Ordinance; or
- (d) the promoter has at any time been convicted of an offence involving fraud or dishonesty.

(3) The Committee shall not refuse an application for a permit unless it has given the promoter not less than seven days notice in writing of its intention so to do and of its reasons for so doing, and every such notice shall state that if, within seven days of the receipt of the notice, the promoter informs the Committee in writing that he wishes to do so the Committee will, before refusing the appli-

cation give to the promoter and other representatives of the society an opportunity of being heard against such refusal.

(4) If the Committee, after giving to the promoter and other representatives of the society an opportunity of being heard, decides to refuse the application, it shall, if so required by the promoter, deliver to the promoter within seven days of the receipt of such requirement, particulars in writing of the reasons for such refusal.

(5) The promoter may, on behalf of a society aggrieved by the refusal of an application for a permit, appeal against such refusal within one month of the date thereof to the Royal Court sitting as an Ordinary Court on the ground that, having regard to all the circumstances, the decision of the Committee to refuse the application was unreasonable.

(6) A permit issued under the provisions of this section shall entitle the promoter to promote one lottery of the class specified in such permit.

**Classes of lotteries.**

8. The lotteries to which section six of this Ordinance applies shall be divided into the following classes, that is to say—

- (a) Class I, which includes any such lottery in which the price of a ticket or chance does not exceed ten new pence and in which no prize exceeds one hundred pounds in value;
- (b) Class II, which includes any such lottery, other than a lottery in Class I, in which the price of a ticket or chance does not exceed twenty-five new pence and in which no prize exceeds five hundred pounds in value;

- (c) Class III, which includes any such lottery, other than a lottery in Class I or Class II, in which the price of a ticket or chance does not exceed fifty new pence and in which no prize exceeds one thousand pounds in value.

9. (1) The fee payable in respect of an application Fees. for a permit shall be as follows:—

- (a) for a permit to promote a lottery in Class I, a fee of five pounds;
- (b) for a permit to promote a lottery in Class II, a fee of ten pounds;
- (c) for a permit to promote a lottery in Class III, a fee of twenty pounds.

(2) Where an application is refused by the Committee or where an application is withdrawn by the promoter, the amount of the fee paid in accordance with the provisions of the preceding subsection shall be refunded to the promoter:

Provided that where an application is refused by the Committee, the said fee shall not be so refunded until after the expiration of the period within which, under the provisions of subsection (5) of section seven of this Ordinance, the promoter may appeal from the decision of the Committee to refuse the application and, where the promoter has appealed from such decision, the amount of the said fee shall not be refunded until after the appeal has been abandoned or determined.

10. (1) The promoter of a lottery to which section six of this Ordinance applies shall, not later than the end of the second month next following the month in which the winners of prizes in the lottery are ascertained, send to the Committee a return Returns to be made by promoters.

certified by two other members of the society, being persons of full age appointed in writing so to do by the governing body of the society, showing—

- (a) the whole proceeds of the lottery;
- (b) the sums appropriated out of those proceeds on account of expenses and on account of prizes respectively;
- (c) the particular purposes to which the proceeds of the lottery were applied in pursuance of paragraph (d) of subsection (3) of section six of this Ordinance, and the amount applied for each such purpose;
- (d) the dates between which tickets or chances in the lottery were sold.

(2) The Committee shall preserve a return made under this section for a period of not less than one year and, during that period, shall keep the return deposited at such place as the Committee may appoint, and the return may be inspected at the place so appointed by any member of the public during ordinary office hours, free of charge.

(3) Any person who—

- (a) fails to send a return in accordance with the provisions of subsection (1) of this section; or
- (b) knowingly gives in any such return sent by him any information which is false or misleading; or
- (c) certifies any such return knowing it to contain such information;

shall be deemed to have contravened the provisions of this Ordinance and shall be liable to a fine not exceeding fifty pounds.

11. (1) This section applies to any small lottery that is to say any lottery in which the price of a ticket or chance does not exceed five new pence and in which no prize exceeds ten pounds in value and which is promoted in the Island by a society established wholly or mainly for one or more of the following purposes, that is to say—

Small  
lotteries.

- (a) charitable purposes;
- (b) participation in or support of athletic sports, games or cultural activities;
- (c) purposes which, not being described in paragraph (a) or paragraph (b) of this subsection, are neither purposes of private gain nor purposes of any commercial undertaking;

and is so promoted for raising money to be applied for the purposes of the society.

(2) Any lottery to which this section applies shall not be unlawful gambling, if, but only if, the conditions set out in subsection (3) of this section are complied with and if any of those conditions is broken the promoter of the lottery and any other person who is a party to such breach shall be deemed to have contravened the provisions of this Ordinance:

Provided that it shall be a defence for a person charged with a contravention of the provisions of this Ordinance—

- (a) in respect of a payment made in contravention of paragraph (g) of the said subsection (3) to prove that—
  - (i) the proceeds of the lottery fell short of the sum reasonably estimated; and

- (ii) the payment was made in respect of expenses actually incurred or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances;
- (b) under paragraph (h) of the said subsection (3) to prove that—
  - (i) the person in respect of whom the contravention is alleged had attained the age of sixteen years; or
  - (ii) he believed and had reasonable grounds for believing that the person in respect of whom the contravention is alleged had attained that age.
- (3) The conditions to which reference is made in subsection (2) of this section are the following, that is to say—
  - (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter;
  - (b) no remuneration shall be paid in respect of the lottery to the promoter or any person assisting in the promotion or conduct of the lottery;
  - (c) the whole proceeds of the lottery, after deducting sums appropriated on account of expenses and the provision of prizes, shall be applied for the purposes of the society, being purposes described in paragraphs (a), (b) or (c) of subsection (1) of this section;

- (d) no notice or advertisement of the lottery shall be exhibited, published or distributed without the prior approval in writing of the Committee except—
- (i) a notice or advertisement exhibited on premises normally used by the society, or published or distributed only to members of the society;
  - (ii) such notice or advertisement, if any, as is contained in the tickets;
  - (iii) a notice of the numbers of the winning tickets;
  - (iv) a notice of the profits of the lottery and the manner in which such profits have been applied;
- (e) every ticket, and every notice or advertisement of the lottery lawfully exhibited, published or distributed, shall specify—
- (i) the name of the society;
  - (ii) the name and address of the promoter;
  - (iii) the date on which the draw, declaration or event by, or by reference to, which the prize winners are ascertained will take place:

Provided that the conditions set out in this paragraph shall not apply to any lottery in which either no ticket or chance is sold to any person other than a member of the society or in which tickets or chances are only sold on the premises where the draw is to be held on the day of such draw;

- (f) the price of every ticket or chance shall be the same and, save in lotteries of the kind described in the Proviso to the last preced-

ing paragraph, the price of the ticket shall be stated on the ticket and no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be refunded:

Provided that this condition shall not operate so as to make unlawful the allowance of a discount, whether by way of free tickets or chances, or otherwise, in consideration of the purchase of a minimum number of tickets or chances;

- (g) no payment on account of expenses or prizes in connection with the lottery shall be made out of moneys of the society, not being proceeds of the lottery;
- (h) no ticket or chance in the lottery shall be sold by or to a person under sixteen years of age;
- (i) no ticket in the lottery shall be sent through the post to a person who is not a member of the society.

### PART III

#### *Amusements with prizes*

12. The provision of amusements with prizes in the circumstances mentioned in this Part of this Ordinance shall not be unlawful gambling if, but only if, the conditions set out in sections thirteen or fourteen of this Ordinance as the case may be, are complied with, and if any of those conditions is

General provisions as to amusements with prizes.

broken, every person concerned in the promotion, organisation or conduct of the amusements and, where the breach occurs at an event to which section fourteen of this Ordinance applies, the promoter of the event at which such amusements are provided shall be deemed to have contravened the provisions of this Ordinance unless he proves that such breach occurred without his connivance and that he exercised all due diligence to prevent it.

13. (1) The provisions of this section shall have effect for the purpose of permitting the provision of amusements with prizes at bazaars, dances, dinners, fêtes, sales of work, sporting or athletic events, and other events of a similar character, whether limited to one day or extending over two or more days.

Amuse-  
ments with  
prizes at  
certain non-  
commercial  
events.

(2) Nothing in sections one, two or five of this Ordinance shall apply in relation to amusements with prizes provided as an incident of such an event as aforesaid, but, in relation to any such amusement to which, but for the provisions of this section, any of those sections would apply, the conditions set out in subsection (3) of this section shall be complied with.

(3) The conditions to which reference is made in subsection (2) of this section are the following, that is to say—

- (a) the whole proceeds of the event, including the proceeds of any amusements to which this section applies, after deducting the expenses of the event, including any expenses incurred in connection with any such amusements and the provision of prizes thereat, are devoted to purposes other than purposes of private gain;

- (b) the opportunity to win prizes at amusements to which this section applies, or that opportunity together with facilities offered by virtue of section three of this Ordinance for taking part in gaming, or by virtue of sections six and eleven of this Ordinance for participating in a lottery, is not the only, or the only substantial, inducement to persons to attend the event;
- (c) no prize shall be in cash or shall exceed five pounds in value.

Amusements with prizes at certain shows, fairs, etc.

14. (1) The provisions of this section shall have effect for the purpose of permitting the provision of amusements with prizes at events of the following nature, that is to say—

- (a) agricultural and horticultural shows and other events of a similar character; and
- (b) pleasure fairs consisting wholly or mainly of amusements provided by showmen.

(2) Nothing in sections one, two or five of this Ordinance shall apply to amusements with prizes provided as aforesaid, but, in relation to any such amusements to which, but for the provisions of this section, any of those sections would apply, the conditions set out in subsection (3) of this section shall be complied with.

(3) The conditions to which reference is made in subsection (2) of this section are the following, that is to say—

- (a) the provision of amusements with prizes is made only under and in accordance with the conditions of a permit in writing granted by the Committee on the application of the promoter of the event at which such amusements are to be provided;

- (b) the promoter of the event shall be a member of the society promoting the event authorised in writing by the governing body of the society to act as the promoter;
  - (c) the promoter as aforesaid shall take all such steps as are necessary to prevent the operation at the event at which the amusements with prizes are provided of any fraudulent gaming device or of any gaming device so designed that the chances against winning are not discernable and obvious;
  - (d) the winning of, or the purchase of a chance to win, a prize at any such amusement does not entitle any person, whether subject to a further payment by him or not, to take any further opportunity to win money or money's worth by taking part in any gaming or in any lottery;
  - (e) no prize shall be in cash or shall exceed five pounds in value.
- (4) The grant of the permit mentioned in paragraph (a) of subsection (3) of this section shall be at the absolute discretion of the Committee, whose decision shall be final.
- (5) Any person who, at any such event as is mentioned in subsection (1) of this section, has in his possession or operates any fraudulent gaming device or a gaming device so designed that the odds against winning are not discernable and obvious shall be deemed to have contravened the provisions of this Ordinance.
- (6) A police officer may examine any gaming device, whether such gaming device is being operated or not, at any such event as is mentioned

in subsection (1) of this section, and any person who obstructs a police officer in the exercise of his powers under this paragraph shall be deemed to have contravened the provisions of this Ordinance and shall be liable to a fine not exceeding twenty-five pounds.

Permits for  
amusements  
with prizes  
at shows,  
fairs, etc.

15. (1) An application for a permit to provide amusements with prizes at an event to which section fourteen of this Ordinance applies shall be made in writing to the Committee and shall—

- (a) be signed by the promoter;
- (b) specify—
  - (i) the date or dates and the times at which the amusements are to be provided;
  - (ii) the place, and the nature of the occasion or event at which the amusements are to be provided;
  - (iii) a description of the amusements to be provided;
- (c) contain such other particulars as the Committee may require;

and any such application shall be delivered to the Committee not less than one month before the date upon which it is desired to provide such amusements.

(2) Notwithstanding the provisions of the last preceding subsection, where an application relates to an event which is to be held within one month of the date of coming into force of this Ordinance, the application may be delivered to the Committee less than one month before the date upon which it is desired to provide the amusements.

## PART IV

*General*

16. Nothing in this Ordinance shall have effect so as to make lawful gambling by means of gaming machines. Gaming machines.

17. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

“class” means one of the classes of lotteries set out in section eight of this Ordinance;

“the Committee” means the States Gambling Control Committee;

“game of chance” includes a game of chance and skill combined and a pretended game of chance and skill combined, but does not include any athletic game or sport;

“gaming” means the playing of a game of chance for winnings in money or money’s worth, whether any person playing the game is at risk of losing any money or money’s worth or not;

“gaming machine” means a machine for playing a game of chance, being a game which requires no action by any player other than the actuation or manipulation of the machine;

“the Island” means the Islands of Guernsey, Herm and Jethou;

“the Law” means the Gambling (Guernsey) Law, 1971;

“licensed premises” means premises in respect of which there is for the time being in force a liquor licence, other than a club licence, granted under the Liquor Licensing Ordinance, 1960(d);

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(d) Recueil d'Ordonnances Tome XII, p. 314.

- “licensee” means the holder of a liquor licence in respect of any licensed premises;
- “newspaper” includes any journal, magazine or other periodical publication;
- “player”, in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game stake, play or bet;
- “premises” includes any boat, ship or vessel whatsoever;
- “public place” includes any street, road, roadway, lane, subway, tunnel, bridge, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public, and includes also any public park, garden or sea beach and any unenclosed ground to which the public for the time being has unrestricted access, and includes also the doorways and entrances of premises abutting on any such public place, and includes also any enclosed place to which the public has a restricted right of access, whether on payment or otherwise;
- “small lottery” means a lottery to which section eleven of this Ordinance applies;
- “society” includes a club, institution, organisation or association of persons by whatever name called, and each local or affiliated branch or section of the society shall be regarded as a separate and distinct society;
- “ticket” in relation to a lottery or proposed lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery;

“winnings” includes winnings of any kind and any reference to the payment of winnings shall be construed accordingly; and any other expression shall have the same meaning as in the Law.

(2) Any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as repealed and replaced, amended or extended or applied by any other enactment, including this Ordinance.

(3) For the purposes of this Ordinance, documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside the Island.

(4) In construing sections three, six and thirteen of this Ordinance, proceeds of any event, gaming, lottery or amusement promoted on behalf of a society, being a society established and conducted—

- (a) wholly for purposes other than purposes of any commercial undertaking; or
- (b) wholly or mainly for the purpose of participation in, or support of, athletic games or athletic sports;

which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(5) For the purposes of sections three and thirteen of this Ordinance, where any payment falls to be made by way of hiring, maintenance or other charge in respect of any equipment for holding a lottery or gaming at any event, then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which

that or some other such equipment is used for the purposes of the lottery or gaming, that payment shall be held to be an application of the stakes hazarded or the proceeds of the event, as the case may require, for the purposes of private gain and, accordingly, any reference in either of the said sections to expenses shall not include a reference to any such charge falling to be so determined.

Supple-  
mentary  
provisions  
as to  
interpreta-  
tion.

18. (1) For the purpose of any enactment—

- (a) the expression “bet” shall not include any bet or stake in any gaming lawfully conducted in accordance with the provisions of this Ordinance;
- (b) the making of bets by way of pool betting and participation in a lottery which satisfies the conditions set out in subsection (2) of this section shall not be held to be gaming.

(2) The conditions to which reference is made in paragraph (b) of subsection (1) of this section are the following, that is to say—

- (a) the lottery is a lottery which, by virtue of the provisions of Part II of this Ordinance or of the provisions of the Gambling (Public Lotteries) Ordinance, 1971, is not unlawful gambling;
- (b) each winner of a prize is ascertained by a reference to not more than three determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event.

19. This Ordinance shall have effect in the Islands Extent.  
of Guernsey, Herm and Jethou.

20. This Ordinance may be cited as the Gambling Citation.  
(Gaming and Lotteries) Ordinance, 1971.

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

**Copies may be purchased from  
Her Majesty's Greffier, Royal Court House, Guernsey.**

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