

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Gambling (Gaming and Lotteries) Ordinance, 1991 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XXV, p. 348; as amended by the Gambling (Gaming and Lotteries) (Amendment) Ordinance, 1999 (No. XVIII of 1999, Recueil d'Ordonnances Tome XXVIII, p. 240); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Gambling (Gaming and Lotteries) (Amendment) Ordinance, 2008 (No. XXIII of 2008, Recueil d'Ordonnances Tome XXXIII, p. 118); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

ORDINANCE

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The Gambling (Gaming and Lotteries) Ordinance, 1991

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(Made on 26th September, 1991.)

The Gambling (Gaming and Lotteries) Ordinance, 1991

THE STATES, in exercise of the powers conferred upon them by section 2 of the Gambling (Guernsey) Law, 1971^a, and in pursuance of their Resolution of the 14th March, 1991^b, hereby order: –

PART I GAMING

General provisions as to gaming.

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

- (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,

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

b On Article XI of Billet d'État No. VII of 1991.

- (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) no young person is included among the players.

(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).

(3) Subject to the provisions of this Ordinance, gaming shall be unlawful gambling where any young person is included among the players, except where –

- (a) the gaming takes place in a private dwelling-house or in the presence of a parent or guardian of the young person, and
- (b) any young person taking part in the gaming has the

permission of his parent or guardian.

(4) If, on any premises, gaming takes place which is unlawful gambling under this section, any person concerned in the organisation or management of the gaming, and any other person who, knowing or suspecting 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 guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

(5) For the purposes of subsection (4) 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 subsection (1)(d) 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 guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

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 the conditions set out in subsection (2) are complied with, and, in relation to that gaming –

(a) the provisions of section 1 shall have effect as if for the conditions set out in subsection (1)(b) and (c) there were substituted the conditions set out in subsection (2) below,

(b) the provisions of section 2 shall not apply.

(2) The conditions referred to in subsection (1) are –

(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) 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.

Saving for gaming on licensed premises.

4. (1) Where on licensed premises, gaming is carried on –
- (a) with the consent of the licensee, in connection with an event to which section 3 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 1 and in compliance with the conditions set out in subsection (2) otherwise than in connection with such an event,

such gaming shall not be unlawful gambling.

- (2) The conditions to which reference is made in subsection (1)(b) are –

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- (a) the gaming is not promoted, organised 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^c, where gaming takes place in a room forming part of the licensed premises 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, organisation or conduct of the gaming shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

^c Ordres en Conseil Vol. XIII, p. 329; Vol. XXI, p. 105; Vol. XXVIII, p. 275.

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 the Channel Islands Lottery, 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 possession 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), 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 properly conducted in conformity with the provisions of this Part of this Ordinance.

Provisions as to lotteries conducted for charitable, sporting or other purposes.

6. (1) This section applies to any lottery, other than a lottery incidental to certain events or the Channel Islands Lottery, 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), 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[...].

(2) A lottery to which this section applies shall not be unlawful gambling if, but only if, the conditions set out in subsection (3) are complied with and, if any of those conditions are broken, the promoter of the lottery and any other person who is a party to such breach shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale:

Provided that it shall be a defence for a person charged with a contravention of this Ordinance –

- (a) in respect of a payment made in contravention of subsection (3)(h) 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 subsection (3)(i) to prove that –
 - (i) the person in respect of whom the contravention is alleged had attained the age of 16 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) are

–

- (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 [...] 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 subsection (1),
- (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,

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- (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 or name and telephone number 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 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 monies of the society not being proceeds of the lottery,
- (i) no ticket or chance in the lottery shall be sold by or to a person under 16 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.

NOTES

In section 6,

the words omitted in square brackets in subsection (1) were repealed by the Gambling (Gaming and Lotteries) (Amendment) Ordinance, 2008, section 1(a), with effect from 30th July, 2008;

the words omitted in square brackets in paragraph (c) of subsection (3) were repealed by the Gambling (Gaming and Lotteries) (Amendment)

Ordinance, 2008, section 1(b), with effect from 30th July, 2008.

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) ...
 - (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 appropriate fee payable under the provisions of section 9,
- (e) be delivered to the Committee not less than two months 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 subsection (1) are not complied with, or
 - (b) it appears to the Committee that any person has been convicted at any time of an offence 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 6, or
 - (d) the promoter has at any time been convicted of an offence involving fraud or dishonesty, whether within the Bailiwick or elsewhere.

(3) The Committee shall not refuse an application for a permit unless it has given the promoter not less than 7 days notice in writing of its intention so to do and of its reasons and every such notice shall state that if, within 7 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 application, 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 7

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.

(7) The Committee may impose upon a permit issued under this section such conditions it thinks necessary or expedient.

(8) The promoter may, on behalf of a society aggrieved by the imposition of a condition, appeal against it within one month of the date of imposition to the Royal Court sitting as an Ordinary Court on the ground that having regard to all the circumstances the Committee's decision was unreasonable.

NOTE

In section 7, sub-paragraph (ii) of paragraph (b) of subsection (1) was repealed by the Gambling (Gaming and Lotteries) (Amendment) Ordinance, 2008, section 1(c), with effect from 30th July, 2008.

Classes of lotteries.

8. ...

NOTE

Section 8 was repealed by the Gambling (Gaming and Lotteries)

(Amendment) Ordinance, 2008, section 1(d), with effect from 30th July, 2008.

Fees.

[**9.** (1) The fee payable upon an application for a permit is £50.]

(2) Where the Committee refuses an application or it is withdrawn the fee paid 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 section 7(5), the promoter may appeal from the decision of the Committee to refuse the application and, where the promoter has appealed, the amount of the said fee shall not be refunded until after the appeal has been abandoned or determined.

NOTE

In section 9, subsection (1) was substituted by the Gambling (Gaming and Lotteries) (Amendment) Ordinance, 2008, section 1(e), with effect from 30th July, 2008.

Returns to be made by promoters.

10. (1) The promoter of a lottery to which section 6 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 certified by two other adult members of the society 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 section 6(3)(d), 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), or
 - (b) knowingly gives in any such return any information which is false or misleading, or
 - (c) certifies any such return knowing it to contain such information,

shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

Lotteries incidental to certain events.

11. (1) If the conditions set out in this section are complied with a lottery (a "**lottery incidental to certain events**") –

- (a) shall not be unlawful gambling, and
 - (b) can be promoted without a permit.
- (2) The conditions referred to in subsection (1) are –
- (a) that the lottery is promoted in the Island by a society established wholly or mainly for –
 - (i) charitable purposes,
 - (ii) participating in or support of athletic sports, games or cultural activities,
 - (iii) purposes which, not being described in paragraph (i) or (ii), 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, and
 - (b) that the price of a ticket or chance in the lottery does not exceed [£1] and no prize exceeds [£100] in value,
 - (c) that the lottery is promoted either –
 - (i) as an incident of an event organised by a society consisting of a bazaar, dance, dinner, fête, sale of work, sporting or athletic display or

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- competition, or event of a similar character
(which need not be restricted to one day), or
- (ii) the tickets or chances are sold or issued only to members of the society or to persons resorting to premises or land used by the society,
- (d) that a ticket or chance is sold or issued only on the premises on which the event is being held whilst it is taking place to persons present,
- (e) that at an event the following shall not be the sole or a substantial inducement to persons to attend –
- (i) the facilities afforded for taking part in the lottery, or
 - (ii) those facilities together with facilities for taking part in gaming or cinema racing, or
 - (iii) those facilities together with the opportunity to win prizes at amusements,
- (f) 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,
- (g) 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,

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- (h) 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 described in subsection (2)(a), and
- (i) 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,
- (j) the price of every ticket or chance shall be the same 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,

(k) no payment on account of expenses or prizes in connection with the lottery shall be made out of monies of the society, not being proceeds of the lottery,

(l) no ticket or chance in the lottery shall be sold by or to a person under 16 years of age,

(3) Subject to subsection (4) if any of the conditions set out in this section are not complied with the promoter of the lottery and any other person who is a party to the non-compliance shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

(4) It shall be a defence for a person against whom a contravention of this section is alleged to prove –

(a) in respect of a payment made in contravention of subsection (2)(k) that –

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

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

- (b) in respect of subsection 2(1) that –
 - (i) the person in respect of whom the contravention is alleged had attained the age of 16, or
 - (ii) he believed and had reasonable grounds for believing that the person in respect of whom the contravention is alleged had attained the age of 16.

NOTE

In section 11, the figures and symbols in the first and second pairs of square brackets in paragraph (b) of subsection (2) were substituted by the Gambling (Gaming and Lotteries) (Amendment) Ordinance, 1999, respectively section 1(h)(i) and section 1(h)(ii), with effect from 29th September, 1999.

PART III

AMUSEMENTS WITH PRIZES

General provisions as to 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 the conditions set out in sections 13 or 14 are complied with, and if any of those conditions is broken, every person concerned in the promotion, organisation or conduct of the amusements and, where the breach occurs at an event to which section 14 applies, the promoter of the event at which such amusements are provided shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale unless he proves that such breach occurred without his connivance and that he exercised all due diligence to prevent it.

Amusements with prizes at certain non-commercial events.

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 2 or more days.

(2) Nothing in sections 1, 2 or 5 shall apply in relation to amusements with prizes under this section 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) shall be complied with.

(3) The conditions to which reference is made in subsection (2) are

–

- (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 3 for taking part in gaming, or by virtue of sections 6 and 11 for participating in a lottery, is not the sole, or the only substantial, inducement to persons to attend the event,
- (c) no prize shall be in cash or shall exceed £40 in value.

Amusements with prizes at certain shows, fairs, etc.

14. (1) The provisions of this section shall have effect for the purposes

of permitting the provision of amusements with prizes at events of the following nature –

- (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 1, 2 or 5 shall apply to amusements with prizes under this section, 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) shall be complied with.

(3) The conditions to which reference is made in subsection (2) are

–

- (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 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 shall take all necessary steps to prevent the operation at the event of –
 - (i) any fraudulent gaming device, or

- (ii) (unless subsection (4) applies) 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 £40 in value.

(4) The requirement in subsection (3)(c)(ii) shall not apply to an event within the meaning of subsection (1)(a) (agricultural and horticultural shows and other events of a similar character) where the provision of amusements have been organised by a society established wholly or principally for –

- (i) charitable purposes,
- (ii) participation in or support of athletic sports, games or cultural activities,
- (iii) purposes which, not being described in paragraphs (i) or (ii), are neither purposes of private gain nor purposes of any commercial undertaking:

Provided that all the proceeds of any amusements with prizes at such an event, after deducting reasonable expenses incurred for their provision and in connection with the

provision of prizes, are directed to the appropriate purpose listed at (i), (ii) or (iii) above.

(5) A permit issued under subsection (1)(a) in respect of a society as defined in subsection (4) may allow the provision of amusements with prizes at a single event for more than one day.

(6) A permit issued otherwise than under subsection (5), shall allow the provision of amusements with prizes at a single event for one day only and such provision thereafter shall require an additional permit for each day or part of a day.

(7) The grant of a permit under this section shall be at the absolute discretion of the Committee, whose decision shall be final.

(8) Any person who at an event within the meaning of this section has in his possession or operates –

- (i) any fraudulent gaming device, or
- (ii) (unless subsection (4) applies), any gaming device so designed that the chances against winning are not discernable and obvious,

shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

(9) An officer of police may examine any gaming device, whether being operated or not, at any event within the meaning of this section and any person who obstructs an officer of police in the execution of this power shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 on the uniform scale.

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

15. (1) An application for a permit to provide amusements with prizes in accordance with section 14 shall –

- (a) be in writing to the Committee and signed by the promoter,
- (b) specify –
 - (i) the date or dates at which the amusements are to be provided,
 - (ii) the venue and the nature of the event at which the amusements are to be provided,
 - (iii) the nature of the amusements to be provided,
- (c) contain such other particulars as the Committee may require,
- (d) be delivered to the Committee at least one month before the date upon which it is proposed to provide such amusements,
- (e) be accompanied by a fee of £40.

(2) Where the Committee refuses an application or it is withdrawn the fee paid shall be refunded to the promoter.

PART IV

GENERAL

False statements.

16. A person who for the purpose of obtaining a permit under this Ordinance, whether for himself or another –

- (a) makes a declaration or statement or gives any information, or
- (b) produces or makes use of any document or produces any evidence,

knowing or believing the same to be false, misleading or deceptive in a material particular shall be guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.

Gaming machines.

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

Interpretation.

18. (1) In this Ordinance, unless the context otherwise requires –

"the Channel Islands Lottery" has the meaning assigned to it by section 1 of the Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinances, 1975 to 1990^d,

"cinema racing" has the meaning assigned to it by section 1(1) of the

^d Recueil d'Ordonnances Tome XX, p. 52; Tome XXI, p. 75; Tome XXIII, p. 470; No. II of 1990.

Gambling (Cinema Racing) Ordinance, 1988^e,

[...]

"the Committee" means the States [Committee for Home Affairs],

"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, 1984^f,

"licensee" means the holder of a liquor licence in respect of any

^e No. XXVIII of 1988.

^f Recueil d'Ordonnances Tome XXIII, pp. 87, 263, 332; No. I of 1989; No. XXXII of 1990; No. LI of 1990.

licensed premises,

"lottery incidental to a certain event" means a lottery to which section 11 applies,

"newspaper" includes any journal, magazine, broadsheet or other periodical publication,

"officer of police" means a member of the salaried police force of the Island of Guernsey, and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,

"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,

"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 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 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 this Ordinance to expenses shall not include a reference to any such charge falling to be so determined.

NOTES

In section 18,

the words omitted in the first pair of square brackets in subsection (1) were repealed by the Gambling (Gaming and Lotteries) (Amendment) Ordinance, 2008, section 1(f), with effect from 30th July, 2008;

the words in square brackets in the definition of the expression "the Committee" in subsection (1) 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

In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Liquor Licensing Ordinance, 1984 has since been repealed by the Liquor Licensing Ordinance, 1993, section 113, with effect from 29th September, 1993. The Liquor Licensing Ordinance, 1993 has since been repealed by the Liquor Licensing Ordinance, 2006, section 102(a), with effect from 1st June, 2006, subject to the provisions of section 94 and section 95 of the 2006 Ordinance.

Supplementary provisions as to interpretation.

19. (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) shall not be held to be gaming.
- (2) The conditions referred to in subsection 1(b) are –
- (a) the lottery is lawful within the terms of Part II of this Ordinance or the Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinances, 1975 to 1990,
 - (b) each winner of a prize is ascertained by a reference to not more than three determining factors, each being either the result of a draw or other determination or the outcome of an event.

Repeal.

20. The Gambling (Gaming and Lotteries) Ordinances, 1971 to 1987^g are repealed.

Savings.

^g Recueil d'Ordonnances Tome XVII, p. 185; Tome XX, p. 67; Tome XXI, p. 428; No. XLI of 1987.

21. (1) Nothing done by or in relation to the Committee under or by virtue of the Gambling (Gaming and Lotteries) Ordinances, 1971 to 1987 before the commencement of this Ordinance shall be invalidated by such commencement.

(2) Anything in the process of being done by or in relation to the Committee under or by virtue of the said Ordinances at the commencement of this Ordinance may be continued by or in relation to the Committee.

Extent.

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

Citation.

23. This Ordinance may be cited as the Gambling (Gaming and Lotteries) Ordinance, 1991.

NOTE

The Ordinance was made and came into operation on 26th September, 1991.

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 6h 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.