

Island of  Guernsey

Ordinance of the States **XXX**

**1971**

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**The Gambling (Public Lotteries)  
Ordinance, 1971**

ARRANGEMENT OF SECTIONS

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## The Gambling (Public 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 twenty-fifth day of June, nineteen hundred and seventy, hereby order:—

Power to  
promote  
and conduct  
public  
lotteries.

1. (1) Subject to the provisions of this Ordinance, the Committee may from time to time promote and conduct public lotteries which may be of either of the following categories that is to say—

- (a) ordinary lotteries, which shall consist in the drawing of prizes for tickets purchased in respect of those lotteries, and
- (b) snowball lotteries, which shall consist in the drawing of prizes for tickets in respect of which a draw has been made for the purposes of an ordinary lottery,

so however that not more than twenty-four public lotteries shall be so promoted or conducted in any one financial year.

(2) Participation in a public lottery shall not be unlawful gambling.

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

General  
financial  
provisions.

2. (1) For the purposes of public lotteries, there shall be established a fund called the States of Guernsey Lottery Fund (hereinafter referred to as

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

“ the fund ”) to be administered by the Treasurer of the States and into which shall be paid all monies accruing from the sale of tickets in, or otherwise accruing from or in connection with, public lotteries and out of which shall be paid the prizes in, and the expenses of promoting and conducting, and otherwise in connection with, public lotteries.

(2) Any monies standing to the credit of the fund which are not required for the payment of prizes in, or the expenses of promoting or conducting, or otherwise in connection with public lotteries shall be applied in such manner and for such purposes of public benefit as the States shall from time to time by Resolution direct.

(3) The Committee shall, not later than the thirty-first day of March in each year, submit to the States a report on, and accounts in respect of, the public lotteries promoted and conducted during the last preceding financial year.

3. (1) Where, in pursuance of section one of this Ordinance, the Committee promotes a public lottery, the Committee shall prescribe all such matters as are, in its opinion, necessary or expedient for the proper conduct thereof and, without prejudice to the generality of the foregoing, the Committee shall prescribe—

Conduct of  
public  
lotteries.

- (a) in respect of each ordinary lottery—
  - (i) the number of tickets to be issued in connection therewith;
  - (ii) the price at which each ticket shall be sold;
  - (iii) the number of winning tickets, the manner in which such tickets shall be determined and the prize which shall be allocated to each such ticket; and

- (b) in respect of each snowball lottery—
- (i) that the holders of tickets sold in respect of such preceding ordinary lotteries as shall be prescribed shall be entitled to participate;
  - (ii) the number of winning tickets, the manner in which such tickets shall be determined and the minimum prize allocated to each such ticket:

Provided that the aggregate value of all prizes allocated under this subsection shall not exceed seventy per centum of the aggregate value of the tickets to be issued in the public lotteries in respect of which they are awarded.

(2) For the purposes of sub-paragraph (iii) of paragraph (a) and of sub-paragraph (ii) of paragraph (b) of subsection (1) of this section, there may be two categories of prizes to be awarded, that is to say—

- (a) prizes to be awarded in respect of tickets the serial numbers of which are drawn, and
- (b) prizes to be awarded in respect of tickets the serial numbers of which are not drawn but which correspond in such manner as may be prescribed to the serial numbers of tickets drawn, or any of them.

(3) The Committee shall, in connection with each public lottery, publish in the Gazette Officielle and in such other manner, if any, as it may think fit, a notice stating—

- (a) the matters prescribed in pursuance of subsection (1) of this section;
- (b) the time and place appointed for the draw in respect of the public lottery to take place;

- (c) the place where, and the times during which, payment of prizes won in the public lottery may be claimed;
- (d) the latest date by which such prizes may be claimed;
- (e) such other matters as the Committee may think necessary or expedient in connection with the public lottery.

4. (1) Subject to the provisions of subsection (2) Tickets. of this section, the tickets to be issued shall be of such design and colour, and shall be printed on such paper bearing such watermark, if any, as shall from time to time be determined by the Committee.

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

(3) Every ticket shall contain the following particulars, that is to say—

- (a) the time, number and place of the draw of the ordinary lottery in respect of which the ticket is issued;
- (b) the serial number of the ticket;
- (c) the price at which the ticket is to be sold;
- (d) the number and value of the prizes in the ordinary lottery in respect of which the ticket is issued and, where such ticket is also issued in respect of a snowball lottery, the number and minimum value of the prizes in such snowball lottery;
- (e) the total number of tickets issued in the ordinary lottery in respect of which such ticket is issued;

and such other particulars, if any, as the Committee may determine;

(4) Where a ticket is issued in respect of an ordinary lottery and a snowball lottery, the ticket may be made in such form as to be divisible into two parts and in any such case—

(i) one part shall be so marked as to indicate that such part shall be used in claiming any prize drawn in respect of the ticket in such ordinary lottery;

(ii) the other part shall be so marked as to indicate that such part shall be used in claiming any prize drawn in respect of the ticket in such snowball lottery;

and, solely for the purposes of claiming and paying a prize, the part of a ticket used in claiming a prize as aforesaid shall be deemed to be a ticket.

Agents for  
the sale of  
tickets.

5. (1) The Committee, in accordance with the provisions of this section, may appoint persons, not being minors, to act as agents for the sale of tickets.

(2) Subject to the following provisions of this section, an appointment under subsection (1) thereof shall remain in force for such period, not being a period exceeding six months beginning with the day on which it takes effect, as the Committee, in its absolute discretion, may determine in respect of each such appointment, and thereafter, may be renewed in like manner for successive periods each not exceeding six months.

(3) Every appointment under subsection (1) of this section shall be made subject to the following conditions, and the acceptance by any person of such appointment shall be deemed to include the acceptance by him of those conditions, that is to say—

- (a) an agent, if so required by the Committee, shall on appointment, give security to the satisfaction of the Committee in such sum, not exceeding a sum to be ascertained by multiplying by two pounds the number of tickets allotted to him under paragraph (b) of this subsection, as may be acceptable to the Committee:

Provided that if, at any time thereafter, the number of tickets allotted to the agent is increased above the number by reference to which the amount of his security was ascertained as aforesaid, he shall, if so required by the Committee, give additional security in respect of the additional tickets in such sum, not exceeding a sum to be ascertained by multiplying by two pounds the number of additional tickets so allotted to him, as may be acceptable to the Committee;

- (b) the number of tickets to be allotted to an agent in respect of each public lottery shall be such number as shall have been agreed by him in writing with the Committee so however that the Committee may, in its discretion, on the application of an agent, allot additional tickets to that agent;
- (c) an agent shall pay, at such respective times as the Committee may require, for each ticket allotted to him under paragraph (b) of this subsection the price prescribed for the ticket under sub-paragraph (ii) of paragraph (a) of subsection (1) of section three of this Ordinance, less such discount as may be prescribed;
- (d) an agent, before selling, or offering or exposing for sale, any ticket shall mark, or cause

to be marked, clearly and legibly, on the back of the ticket his name and address, and shall not sell, or cause or allow to be sold, any ticket which is not so marked;

- (e) subject to the provisions of subsection (2) of section nine of this Ordinance, an agent shall not sell any ticket at a price exceeding the price prescribed for the ticket under sub-paragraph (ii) of paragraph (a) of subsection (1) of section three of this Ordinance;
- (f) an agent shall not sell a ticket to a young person;
- (g) if the Committee so prescribe, where an agent to whom tickets in a public lottery are sold in accordance with paragraph (c) of this subsection delivers up, not later than noon on the day specified in the notice published in pursuance of subsection (3) of section three of this Ordinance for the holding of the draw in connection with the ordinary lottery in respect of which the tickets are sold to such person, at such place, as the Committee shall appoint for the purpose any such tickets remaining unsold by him, he shall be entitled to receive from the Committee in respect of tickets so delivered up by him a refund of the amount so paid by him for such tickets so however that an agent shall not be entitled to receive any refund as aforesaid in respect of any number of tickets so delivered up by him in excess of fifteen per centum of the number of tickets so sold to him;
- (h) such other conditions as may be prescribed.

(4) Where, under paragraph (g) of subsection (3) of this section, an agent delivers up any tickets remaining unsold by him to the person appointed in that behalf in pursuance of that paragraph, that person shall, forthwith on the delivering up to him of such tickets, cause them to be cancelled in such manner as the Committee may direct.

(5) If an agent contravenes any provision of this Ordinance, the Committee, without prejudice to any proceedings in respect of the contravention, may forthwith revoke the appointment of that agent.

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

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

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

(c) (i) shall make such arrangements as may be necessary to ensure that not less than two of its members are present at each draw;

(ii) shall appoint one of the members to be so present as the presiding officer, who shall preside at such draw.

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

(3) Subject to the limitations of the accommodation available and to the provisions of paragraph (g)

of subsection (6) of this section, members of the public shall be admitted to witness every draw.

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

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

- (a) the presiding officer is not present, but there are present not less than two other members of the Committee, those other members shall choose one of their number to act as presiding officer and, in such a case, the expression “presiding officer” shall be deemed to include the person so chosen;
- (b) there are not present at least two members of the Committee, the draw shall be postponed to such other time as the Committee, or any person authorised in that behalf by the Committee and present at the time and place so appointed, may direct.

(6) The presiding officer—

- (a) shall have the control and be responsible for the proper conduct of the draw in accordance with the provisions of this section and in conformity with any requirements prescribed under subsection (1) thereof;
- (b) shall declare, or cause to be declared, forthwith on the drawing thereof, the serial number of each winning ticket and the prize in respect thereof;
- (c) shall, in the event of the same serial number being drawn more than once in respect of a major prize in the same draw, declare

the second and any subsequent such drawing of that serial number to be null and void;

- (d) shall, in the event of any breakdown of, or defect in, any mechanism for effecting the drawing of serial numbers of winning tickets and prizes, suspend the drawing of any serial numbers and prizes which, at the time of the occurrence of the breakdown or defect, remain to be drawn until such time as he is satisfied that the breakdown or defect has been remedied;
- (e) if, during a draw, any dispute or question arises regarding a winning serial number, or the method of conducting the draw, or otherwise in connection therewith, may suspend the draw and, if he suspends the draw, shall as soon as may be refer the dispute or question to the Committee, and the decision of the Committee thereon shall be final and without appeal;
- (f) shall, forthwith on the conclusion of the draw, prepare or cause to be prepared, in sufficient number of copies, a list of the serial numbers of the winning tickets and of the prizes drawn in respect thereof and shall sign each such copy and shall cause each such copy to be signed by one other member of the Committee present at the draw, and shall cause—
  - (i) one such copy to be posted at or about the place where the draw was conducted;
  - (ii) to be delivered to the Committee such number of such copies as the Committee may require;

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

(7) The Committee, as soon as may be after copies of a list have been delivered in pursuance of sub-paragraph (ii) of paragraph (f) of subsection (6) of this section, shall cause—

- (a) a copy thereof to be delivered to the Treasurer of the States;
- (b) the list to be published in the Gazette Officielle and in such other manner, if any, as it thinks fit, together with a notice stating—
- (i) the place where, and the times during which, payment of prizes may be claimed;
- (ii) the latest day for claiming such payment.

(8) Where—

- (a) under paragraph (b) of subsection (5) of this section, a draw is postponed; or
- (b) under paragraph (d) or (e) of subsection (6) of this section, a draw is suspended;

and cannot, for any reason, be conducted or resumed, as the case may be, on the day on which it was so postponed or suspended, the Committee shall, as soon as may be after such postponement or suspension, cause to be published in the Gazette Officielle, and in such other manner, if any, as it may think fit, a notice of the postponement or suspension and of the time and place appointed for the draw so postponed or suspended to be conducted or resumed, as the case may be:

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

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

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

(a) a winning ticket the serial number of which has been drawn shall in an ordinary lottery be the prize drawn in respect of that ticket and in a snowball lottery the prize prescribed in respect of that ticket;

(b) a winning ticket the serial number of which, not having been drawn, corresponds in manner prescribed with the serial number of a ticket which has been drawn shall be the prize prescribed in respect of such correspondence.

(2) Subject to the provisions of this section, the holder of a winning ticket shall claim the prize drawn in respect of that ticket by presenting and delivering up such ticket to the Secretary.

(3) No payment of a prize shall be effected in any case where the claim therefor is made—

(a) except in the case of a claim made by post, otherwise than during the times stated in

the notice published in pursuance of paragraph (b) of subsection (7) of section six of this Ordinance;

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

(4) The prize payable in respect of a winning ticket shall be paid to the person presenting and delivering up to the Secretary the winning ticket, and such payment shall operate as an effective discharge of any and all liability of the States, the Committee and any servant of theirs in respect of the payment of that prize, and, for the avoidance of doubt, it is hereby declared that the expression "servant" in this paragraph does not, and shall not be deemed to, include a person appointed as an agent.

(5) Where the person presenting and delivering up a winning ticket under subsection (2) of this section is an agent he shall be entitled to receive, in addition to the prize payable in respect of that winning ticket, a commission of one-half of one per centum of the amount of the prize so payable, and, where an agent so presents and delivers up the winning ticket on behalf of some other person, he shall not be required to account to that other person for the commission so paid.

(6) In any case where payment of a prize is not claimed within the period limited for the making of such claims by paragraph (b) of subsection (3) of this section, the amount of such prize shall, forthwith on the expiration of that period, be forfeited to the fund.

(7) If, when a ticket purporting to be a winning ticket is presented for the payment of a prize, any

figure, mark, number or word which is material to the identification of the ticket is, in the opinion of the Secretary, illegible, or is not clearly legible, or is incomplete, or has been altered, defaced, obliterated or removed, he shall not make any payment in respect of that ticket unless and until the person claiming payment in respect thereof satisfies the Committee that such ticket is the winning ticket in respect of which payment of the prize is claimed so however that nothing in this subsection shall affect the operation of subsection (6) of this section.

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

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

9. (1) A person shall not— Offences.
- (a) make or print or cause to be made or printed; or, with intent to defraud, have in his possession, any document so closely resembling a ticket as to be calculated to deceive; or
  - (b) with intent to defraud, have in his possession any ticket, whether cancelled or not, delivered up in pursuance of paragraph (g) of subsection (3) of section five of this Ordinance; or
  - (c) knowingly sell or offer or expose for sale, or attempt to sell, as a ticket—
    - (i) any document which is not a ticket; or
    - (ii) any ticket delivered up as aforesaid, whether cancelled or not; or

- (iii) any ticket relating to a public lottery in respect of which the serial numbers of the winning tickets have previously been drawn and in respect of which no further draw is to be held.

(2) The provisions of sub-paragraph (iii) of paragraph (c) of subsection (1) of this section shall not operate so as to make unlawful the sale by the holder of a winning ticket of that ticket during the period limited for the claiming of the prize in respect of that ticket and, in relation to such a sale, the provisions of paragraph (e) of subsection (3) of section five of this Ordinance shall not apply.

**Interpreta-  
tion.**

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

“agent” means a person appointed by the Committee in pursuance of section five of this Ordinance;

“the Committee” means the States Gambling Control Committee;

“draw” means the drawing of the serial numbers whereby the winning tickets in a public lottery are determined and, in the case of an ordinary lottery, the drawing of the prizes allocated thereto, and “drawn” shall be construed accordingly;

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

“the fund” has the meaning assigned to it by section two of this Ordinance;

- “major prize” means a prize awarded in respect of a ticket the serial number of which is drawn;
- “ordinary lottery” has the meaning assigned to it by paragraph (a) of subsection (1) of section one of this Ordinance;
- “prescribe” means prescribe by order and “prescribed” shall be construed accordingly;
- “prize” means a prize in a public lottery;
- “public lottery” means a lottery promoted and conducted in pursuance of section one of this Ordinance;
- “the Secretary” means the Secretary of the Committee;
- “snowball lottery” has the meaning assigned to it by paragraph (b) of subsection (1) of section one of this Ordinance;
- “ticket” means any document evidencing the claim of a person to participate in the chances of the public lottery or lotteries in respect of which it is issued;
- “winning ticket” means a ticket the serial number of which has been drawn and includes a ticket the serial number of which, not having been drawn, corresponds in a manner prescribed with the serial number of a ticket which has been drawn;

and any other expression shall have the same meaning as in the Gambling (Guernsey) Law, 1971.

(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.

Extent.        11. This Ordinance shall have effect in the Islands  
of Guernsey, Herm and Jethou.

Citation.      12. This Ordinance may be cited as the Gambling  
(Public Lotteries) Ordinance, 1971.

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