

# Island of Guernsey

## Ordinance of the States **V** 1973

Made ... .. 31st January, 1973.  
Came into Operation ... 31st January, 1973.

### **The Gambling (Public Lotteries) Ordinance, 1973**

#### ARRANGEMENT OF SECTIONS

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## **The Gambling (Public Lotteries) Ordinance, 1973**

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 fourteenth day of December, nineteen hundred and seventy-two, 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.

(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 "the fund") to be administered by the States Treasurer and into which shall be paid all monies

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

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) On the coming into force of this Ordinance—

- (a) all sums standing to the credit of the States of Guernsey Lottery Fund established by section two of the Gambling (Public Lotteries) Ordinance, 1971(b) (hereinafter referred to as “the 1971 Fund”), shall vest in and become assets of the fund;
- (b) any liabilities which, but for the provisions of this Ordinance, would have been payable out of the 1971 Fund shall be liabilities of the fund.

(3) 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.

(4) 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. Where, in pursuance of section one of this Ordinance, the Committee promotes a public lottery, the Committee shall specify by notice published in La Gazette Officielle and in such other manner (if any) as it thinks fit—

Conduct of  
public  
lotteries.

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(b) No. XXX of 1971.

- (a) in respect of each ordinary lottery—
- (i) the price at which each ticket shall be sold;
  - (ii) the values of the prizes to be awarded and the manner in which the prizes are to be allocated;
  - (iii) the time and place appointed for the draw;
  - (iv) such other matters as the Committee may think necessary or expedient.
- (b) in respect of each snowball lottery—
- (i) that the holders of tickets sold in respect of such preceding ordinary lotteries as shall be specified shall be entitled to participate;
  - (ii) the minimum values of the prizes to be awarded and the manner in which the prizes are to be allocated;
  - (iii) the time and place appointed for the draw;
  - (iv) such other matters as the Committee may think necessary or expedient.

**Tickets.**

4. (1) Subject to the provisions of subsection (2) 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 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) 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.

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, on such terms and conditions as the Committee may determine. Agents for  
the sale  
of tickets.

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

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

- (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 shall be deemed to be a member of the Committee.

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

- (a) the presiding officer is not present, but there are present not less than two other members of the Committee, those other members shall choose one of their number

to act as presiding officer and, in such a case, the expression "presiding officer" shall 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 States Treasurer;

- (b) the list to be published in La 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 La 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 La Gazette Officielle, it shall be sufficient compliance with the provisions of this subsection if the notice is published in such manner as to afford to members of the public reasonable opportunity to have knowledge of the time and place so appointed.

(9) Any person who obstructs or impedes the conduct of a draw, or who creates any disturbance at or about the place where a draw is being or is about to be conducted shall be liable on conviction

to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

Payment of prizes.

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

- (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 specified in respect of that ticket;
- (b) a winning ticket of which some of the digits of the serial number correspond in manner specified with the digits of a serial number which has been drawn shall be the prize specified in respect of such correspondence.

(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:

Provided that, where the prize in respect of the winning ticket is a sum equal to or less than such amount as may be prescribed by the Committee, the holder of the winning ticket shall claim the prize by presenting and delivering up the winning ticket to an agent.

(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 such ticket to the Secretary or, where the prize does not exceed the amount prescribed under the proviso to subsection (2) of this section, to an agent, 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 subsection does not, and shall not be deemed to, include a person appointed as an agent except in a case where the prize does not exceed the amount for the time being prescribed under the said proviso.

(5) Where the person presenting and delivering up a winning ticket to the Secretary 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, such commission as may be prescribed, 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, or, where the prize does not exceed the amount prescribed under the proviso to subsection (2) of this section, in the opinion of an agent, illegible, or is not clearly legible, or is incomplete, or has been altered, defaced, obliterated or removed, no payment shall be made in respect of that ticket 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.

Orders.

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

Offences.

9. (1) A person shall not—

- (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) 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 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 ticket no further draw is to be held.

(2) The provisions of sub-paragraph (ii) of paragraph (b) of subsection (1) of this section shall not operate so as to make unlawful the sale of a winning ticket by the holder thereof during the period limited for the claiming of the prize in respect of that ticket.

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:—

Interpretation.

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

“the Committee” means the States Gambling Control Committee;

“consolation prize” means a prize in a snowball lottery, other than the snowball prize;

“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, other than a consolation prize, awarded in respect of a ticket the serial number of which is drawn;

“minor” means a person who has not attained the age of twenty years;

- “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 and, in subsections (2), (4) and (5) of section seven of this Ordinance, includes any person appointed by the Committee to perform the functions of the Secretary for the purposes of those subsections;
- “snowball lottery” has the meaning assigned to it by paragraph (b) of subsection (1) of section one of this Ordinance;
- “snowball prize” means the prize of the highest value in a snowball lottery;
- “specify” means specify by notice in La Gazette Officielle and “specified” shall be construed accordingly;
- “ticket” means any document issued under the provisions of this Ordinance and 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 manner specified 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) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as including a reference to that enactment as amended, repealed and replaced, extended or applied by any other enactment, including this Ordinance.

11. The Gambling (Public Lotteries) Ordinance, 1971, is hereby repealed but without prejudice to the payment of prizes in respect of the public lotteries held thereunder. Repeal of Ordinance of 1971.

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

13. This Ordinance may be cited as the Gambling (Public Lotteries) Ordinance, 1973. Citation.

R. H. VIDELO,

Her Majesty's Greffier.